SENATE—*Thursday, May 5, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Heavenly Father, on this National Day of Prayer, we lift up the promise of our Lord to His followers, that "he who receiveth you receiveth me, and he that receiveth me receiveth him that sent me."—Matthew 10:40.

Inasmuch as Congress, from its beginning days, has received those who have come to petition Thee for the opening of each day's session, and knowing Thee to be the faithful Lord to Thy Word, who You are, we reverently ask that the reception of Thy servants here would in fact welcome Thee. Let Thy glory fill this place; may Thy presence bless the Senators and their families, the staff and their families, and all who serve in the Senate.

We acknowledge that this place is not a sanctuary, synagogue or mosque but a public sphere, belonging to all the people of this land. As one Member of Congress has said, "We have built no Temple but the Capitol; we consult no common oracle but the Constitution."—Rufus Choate, 1833.

Thus we recognize the right for prayers of every religion to be offered here. We make this prayer in the name of Jesus Christ because He taught us to pray, and He has given such unworthy vessels as we are the right to approach Thy throne with confidence. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the order of yesterday, the leadership time is reserved.

MORNING BUSINESS

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

Also, under the order, the Senator from Colorado [Mr. CAMPBELL] is recognized at this time for up to 20 minutes.

The Senator from Colorado.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL and Mr. REID pertaining to the introduction of S. 2078 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Senator from Colorado had 20 minutes reserved. I ask unanimous consent that the time he has remaining, I be allowed to have with my 10 minutes.

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

HEALTH CARE REFORM

Mr. REID. Mr. President, I have been wearing eye glasses now for about a year. I went to my ophthalmologist, a man I have known in Las Vegas for many years, to get my new glasses. As we were waiting for his staff to come, we were sitting in his office visiting, he said to me, "Harry, you have to do something about this health care situation." He said, "I am a doctor. But I am also a small businessman." He said, "I have 27 employees. One of my employees recently got cancer. And I cannot get the policy rewritten. No one is willing to give me a policy. The company that I have will not rewrite it, and I am having great difficulty getting insurance for my 27 employees."

This, Mr. President, is a story that is told and retold throughout all of business in America. People who want to provide insurance for their employees cannot provide the insurance for their employees. People will not write it, or, if they do, it is too expensive.

At a news conference this past Tuesday, the Small Business Coalition hosted a news conference to announce their support of the Clinton health care bill. This coalition represents 340,000 small businesses with more than 3.1 million employees. That is a lot of people. That is a lot of businesses.

Clearly, small businesses are interested in health care reform. There is no group of individuals in America that should be more concerned about health care. Why? Because you see, Mr. President, small businesses pay an average of 35 percent more for the same coverage that big businesses have—for the same coverage. But in addition to paying 35 percent more for the same coverage, their rates are skyrocketing. Premiums continue to increase at a rate 50 percent more than big business health insurance premiums.

In Nevada, another constituent of mine, a woman by the name of Rose Dominguez runs a travel agency. It is a small one. But it is a good business. It is called Discovery Travel. This woman, trying to maintain a small business, trying to maintain happy employees, has had a very difficult time. She has had obstacle after obstacle thrown into her path trying to provide her employees with health care insurance. She has a healthy work force. Her premiums have increased at a rate of 30 percent over the past 2 years. The only other option available to Rose Dominguez was a policy with such high deductibles that it created a great disincentive for her and her employees to want to participate.

Most small businesses want to insure their employees. Added to the high premium burden, small businesses are faced with occupational redlining by insurance companies and preexisting-condition exclusions.

A small nonprofit agency in Nevada was denied coverage for preexisting conditions of some of its employees. This agency is called the Nevada Association of Latin Americans. It has been in business in Nevada for at least 15 years—maybe longer than that, but 15 years that I know of. They have 23 employees. They are almost all low-wage employees, about $4.50 an hour, minimum wage. But the reason people are willing to work there and stay there for periods of time is because this little association supplied health insurance for its employees.

You may ask why—why are they having trouble? Because two of NALA's employees were pregnant and one developed diabetes. They were denied insurance from an HMO insurance carrier. The insurance company sent them a letter stating:

> Unfortunately, we are not able to offer our services to this group at the present time due to health conditions which currently exist.

Two pregnancies, and one diabetes are not unusual occurrences in the lives of employees.

I ask unanimous consent, Mr. President, that this letter from the FHP Health Care Benefits Section to the Nevada Association of Latin Americans be made a part of the RECORD.

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

FHP HEALTH CARE,
Las Vegas, NV, September 29, 1993.

Re Nevada Association of Latin Americans.

SCOTT CARSON,
Southwest Benefits,
Las Vegas, NV.

DEAR SCOTT: Thank you for considering FHP for your above mentioned client. Unfor-

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

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tunately, we are not able to offer our services to this group at the present time due to health conditions which currently exist.

If you have any questions regarding this matter, please feel free to contact me.

We at FHP appreciate your patronage, and strive to provide you with Quality service.

Sincerely,

SALLY NEITZ,
Account Executive.

Mr. REID. I also ask unanimous consent that another letter, directed to the First Lady, from the Nevada Association of Latin Americans be printed in the RECORD.

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

NEVADA ASSOCIATION OF
LATIN AMERICANS, INC.,
Las Vegas, NV, October 1, 1993.

HILLARY RODHAM CLINTON,
White House, Office of the First Lady, Washington, DC.

DEAR FIRST LADY: Thank you for the enormous work you are doing for the Health Care Reform. I know you received over 700,000 letters and my letter won't add anything new to the fund of knowledge you already have.

However, I want to share with you our experiences here with Insurance companies. As you are testifying on Capitol Hill, we are being rejected by an HMO Insurance Carrier because one of our staff members has diabetes and two are pregnant. We are a small non-profit, social service agency, with a staff of twenty-three, which serves primarily the economically disadvantaged Hispanics of Southern Nevada. Our agency has been in existence for 25 years. The only benefit our staff receives is Group Health Insurance. Most of our staff start at $4.50 an hour. We are not insurable as a group because of the pre-existing conditions of three staff members.

Please do whatever is in your power to fight for us. We need the SECURITY of Universal Coverage which the President spoke about at the Joint Congressional Session. As far as we are concerned, Health Care Reform is not a political issue—it is our life and the life of poor people we serve. Please do not allow the Congress to delay the passage of the Health Care Reform Bill. We cannot wait without health insurance.

I wish you all the success in this endeavor.

Sincerely,

AVI L. ALMEIDA, Ph.D., LASW,
President and Chief Executive Officer.

Mr. REID. Mr. President, this letter is self-explanatory. It basically says: "What are we to do? We cannot pay higher wages. Now we cannot supply insurance to our employees, and we are in big trouble."

Mr. President, all small businesses in America are in big trouble, and their employees are even in bigger trouble, because they have no health insurance.

This small nonprofit company, acting in good faith, was denied health insurance coverage, as I indicated, one of the only benefits the agency could extend to its employees.

Mr. President, the President's health care proposal will create an even playing field for businesses like my friend's, who owns the travel agency, and like my friend the ophthalmologist. And it is also important that nonprofit companies also be assured that they are included in the small business package, and that they, like the National Association of Latin Americans, can supply insurance to their employees. The Clinton plan will allow small businesses to pool together and have the same purchasing power that is afforded to big business today. It will eliminate insurance practices that discriminate against small businesses. It is discrimination when small businesses' prices are 35 percent more than big businesses', and the premiums are going up 50 percent more.

We must be aware that small businesses cannot pay the skyrocketing premium increases, and they cannot have employees that are all injury free, disease free. We must have health insurance that allows people with preexisting conditions to have insurance. We cannot have occupational redlining, which is really what we have. The President's health care bill, the Health Security Act, will assist low-wage small businesses to purchase coverage with discounts.

Mr. President, small businesses and their employees will be guaranteed a comprehensive set of benefits similar to those currently offered in Fortune 500 companies and will be afforded a wide choice of health care plans. The proposal will also help to reduce the incredible administrative burden faced by small businesses. Not only do we have small business insurance premiums that are an average of 35 percent higher than for big business, as indicated with Discovery Travel, but premiums are going up 50 percent higher.

In addition, Mr. President, it is estimated that 40 cents of every dollar small business has spent on health care is eaten up in administrative costs. Clearly, the President's bill is, as the Wall Street Journal wrote: "An unexpected windfall" for small businesses.

I hope my colleagues will join with me and others in continuing to push for strong health care reform. We must provide all Americans, especially small businesses, with guaranteed coverage and ensure that they have an even playing field, and that they can compete with big businesses. If we do nothing, health care spending is going to skyrocket. This year, Mr. President, health care costs will increase $100 billion. Next year the cost of health care in America will be a trillion dollars. If we continually do nothing, health care spending will reach $1.6 trillion in 5 years, by the year 2000. This is a gamble our country cannot afford to make. We must act now for positive change.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

THE GIFT BAN BILL

Mr. MURKOWSKI. Mr. President, I rise today in support of the McConnell substitute amendment, which is the pending amendment. I would like to speak specifically in opposition to the provisions of the committee bill that would prohibit Members of Congress from receiving private reimbursements for travel, food, and lodging, in connection with charitable events.

Mr. President, in August of this year, my wife Nancy and I plan to host a charity event in my State of Alaska to raise money for a breast cancer detection center that we have been supporting for a long time. The event is called "Waterfall '94." The "Waterfall '94 Committee" is a nonprofit organization which is sponsoring the first annual "Fishing for Charity" tournament. The committee's name comes from the location of the event near Ketchikan, AK, in the southeastern part of our State. The charity tournament will run for 3 days. Members of the Senate and leaders of the business community have been invited to attend and support this very worthwhile cause, as well as providing them with an opportunity to visit our State.

The beneficiary of this event will be the Breast Cancer Detection Center of Alaska. That is a nonprofit organization located in Fairbanks. The center was established in 1974, with my wife, who is one of the founding directors, to provide free examinations and mammograms to all the women of Alaska. To date, women from more than 80 towns and villages have been able to visit the center for breast cancer screening. I understand that over 15,000 women have been examined, and, undoubtedly, lives have been saved.

While the center has provided these thousands of examinations and mammograms over the years to women who would otherwise not be able to afford these services, the vastness of our State continues to prevent some women in many of the remote areas from accessing these services. We are hopeful that the proceeds from the event will allow the center to continue to fulfill its mission of providing screening for mammograms, outreach and educational services to the women of Alaska.

Mr. President, it is our hope that this will become an annual event. The funds generated help purchase the new mammogram unit, which is now being installed, and will assist the center in obtaining a mobile unit that would be available for placement in a C–130. The National Guard could fly into these bush areas that have no road connection to provide this service to women in isolated communities.

Many companies and organizations have generously offered to provide donations to the Waterfall '94 event to help pay for the travel, food, and lodging, and we would anticipate that

Members of this body, Senators and one family member, would attend the event. Simply stated, without this generous support, the event would not take place.

If Members of the Senate are prohibited from participating in events such as this, the chance to raise money for breast cancer will be lost. I suggest to those opponents of this type of charity event, that they should suggest some alternative, so we may continue to raise money for worthwhile causes.

Of course, full disclosure of such events is already required. The Ethics Committee has an important role in monitoring Senators' participation and sponsorship of such charity tournaments. Clearly, these events take place in the light of full disclosure. Of course, the real winners of such events are the charities they support, like the Breast Cancer Detection Center in Fairbanks.

We have seen the success of the Senator's Ski Cup in Park City, UT, for the children's hospital, which is sponsored by former Senator Jake Garn. Many of us will recall when Senator Garn went up in space and came back, his daughter was severely ill. He gave one of his kidneys to his daughter at that hospital. The charity event has been going on ever since.

I think that the Children's Hospital in Salt Lake City receives approximately $250,000 each year from the Senator's Ski Cup. There have been stories that appeared on "Inside Edition" and others being critical of this type of event. Yet, some of those who criticize these events have participated. I think it is fair to say that the record will show that the junior Senator from New Jersey has participated for at least 3 years. I think it is rather coincidental that we see such criticism coinciding with our own individual election years, but I will not dwell on that.

I think it is fair to recognize we were elected to represent Americans and to use our best judgment. We are accountable to those we serve. We must conduct ourselves in an appropriate manner, not simply ban activities which we are capable—and the American people are capable—of deciding right from wrong.

Finally, Mr. President, I note that currently there are 182,000 women who are diagnosed with breast cancer each year and 46,000 die from that disease. Breast cancer is the second largest cause of death in my State of Alaska. One in 8 women will develop breast cancer in her lifetime. It is the leading cause of death of women between the ages of 35 and 54. The risk of developing breast cancer increases dramatically with age. For women 70 to 74 years old, the risk of breast cancer is 1 in 235. Mammography is one of the most reliable methods of early detection of breast cancer. Mammography has been proven to reduce mortality for women with breast cancer.

I encourage my colleagues to recognize the significance of these statistics and how charitable events, such as the Senator's Ski Cup and Waterfall '94, contribute to reversing these numbers and saving lives.

I thank the Chair for the time, and I thank my colleagues.

RECOGNITION OF SENATOR DASCHLE

The PRESIDENT pro tempore. Under the order, the Senator from South Dakota [Mr. DASCHLE], is recognized for not to exceed 10 minutes.

Mr. DASCHLE. I thank the President and I, too, wish him a good morning.

FACES OF THE HEALTH CRISIS: SMALL BUSINESS

Mr. DASCHLE. Mr. President, small businesses in America embody much of what makes our country strong—the spirit of individualism and entrepreneurialism; commitment to one's workers; service to one's community; and the strongly held belief that the "little guy" can still get ahead in America.

At the same time, small businesses highlight what makes our country's health care system so weak—the fear that one illness will wipe out everything a small business owner has worked for; the vulnerability of employees and small business owners to the whims of an insurer who at a moment's notice can drop the firm's coverage; the fact that a small business person, as much as he cares about his workers, simply does not have the market muscle of his corporate counterparts to bargain for affordable coverage.

Unfortunately, what is wrong with our health care system is threatening what is right about our small businesses.

Health care problems are discouraging some entrepreneurs today from taking risks and starting new businesses, just as they are scaring workers away from small firms that do not provide insurance.

Indeed, skyrocketing health care costs are one of the top reasons today that small businesses fail. At the same time, 1 out of 3 workers fears leaving his or her current job because of concern about losing health coverage.

Nowhere else is fear of losing health insurance permitted to trap citizens in jobs they no longer want, or to prevent them from establishing small businesses of their own.

No other nation condemns families to lifetime poverty when their children fall ill.

Only in America is fear of illness still allowed to stalk millions of hard working, tax paying citizens.

Frankly, too many aspects of our health care system are simply un-American today.

REFORM CAN HELP SMALL BUSINESSES

While many opponents of health reform cling to the status quo and view change as a threat to small business, reform is actually one of the most important steps we can take to ensure that small businesses thrive today.

Providing them with affordable, stable coverage and the same health care options as corporations is not only good for workers, it is good for the businesses.

Healthy workers, free of fear of bankruptcy from illness or injury, are productive workers. They are workers who will stay with a business. They are workers who do not make employment decisions based on who does or does not offer insurance coverage.

They include young, healthy job seekers, formerly on welfare, who are free to work without the fear of losing health coverage.

Health reform can also end the cost shifting that jacks up rates for those small businesses that do offer insurance; because they who pay for insurance are now mandated to pay for those who do not.

Really, Mr. President, this is the most inefficient and unfair mandate of them all.

In fact, what I call the "status quo mandate" would not get one vote if I were to offer this provision on the floor of the Senate today. Yet, the status quo is what opponents of reform say they would rather accept, requiring those who pay to pay for those who do not pay.

DOUG THOMPSON: SD SMALL BUSINESSMAN

Over the past year I have heard from hundreds of business owners in South Dakota and across the Nation who are suffering under the current system and support comprehensive reform.

They understand the importance of sharing with their workers the responsibility for coverage. And they agree that such a requirement, along with reforms that control the rate their premiums rise and put them on equal footing with corporations, will benefit them and their bottom lines.

One such small businessman is Doug Thompson, who owns and operates a meat packing plant in Alcester, SD.

Doug employs 40 South Dakotans, but he simply cannot afford to purchase insurance coverage for them, because his small company does not have the market power to negotiate reasonable rates. He finds this deeply troubling, on both a personal level and as a business, "bottom-line" issue.

He is concerned that many of his employees simply cannot afford insurance on their own. He shares their frustration and fears because he knows them personally—as friends as well as employees.

But he also knows that his inability to provide coverage has a negative impact on his business. He speaks with frustration about the number of young,

unskilled workers he takes on, only to lose them, once they are trained, to larger firms that do offer insurance.

He also notes that workers who are injured off-the-job sometimes claim their condition is a workplace injury so that their medical expenses can be covered under workers compensation.

He does not want his workers to be forced to "game" the system so that they can receive basic medical care. They should have coverage 24 hours a day, not merely the 8 hours they spend working.

For all of these reasons, Doug Thompson strongly supports universal coverage through a requirement that all employers share in the responsibility of financing their workers' insurance. He is ready and willing to take on the responsibility, as long as he knows his premiums will be affordable and his competitors face the same requirement.

There are thousands of small businessmen like Doug. They are willing to participate, and understand the dire consequences of inaction.

CONCLUSION

Opponents of reform are vocal. We hear them daily. And many of them are powerful. Some small businesses have joined in the opposition. But many have come forth to join in support of meaningful health reform through shared responsibility.

Thousands of small businesses know that the current system penalizes them; it puts them on uneven footing with their competitors.

They know that the system is unsustainable, and they are looking to Congress and the President for leadership. They want some help, They want rules that level the playing field, that encourage personal responsibility, and that provides them with health security.

We must ensure that small businesses, the backbone of our economy and the engine of its growth, can thrive without the burden of worrying about their own or their employees' coverage.

We owe that much to all of the Americans who have taken enough risks in their decisions to start small businesses. They do not need to gamble with their own or their workers' health.

Health security is fundamental to economic security which is only achieved through shared responsibility of employees and employers who invest in it.

I yield the floor.

RECOGNITION OF SENATOR GRASSLEY

The PRESIDENT pro tempore. Under the order of yesterday, the Senator from Iowa [Mr. GRASSLEY], is recognized for not to exceed 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

THE KNOX CASE AND THE RACIAL JUSTICE ACT

Mr. GRASSLEY. Mr. President, I remember last fall, in November, this body voted 100 to 0 for a sense-of-the-Senate resolution that Senator ROTH and I put forth. That resolution told the Justice Department that when we passed the Child Pornography Act in 1984, what we said in that act is what we meant. And we disapproved of the way the new solicitor general was enforcing that act that caused a convicted child pornographer's case to be remanded back to the circuit court of appeals.

Mr. President, last week, the United States Court of Appeals for the Third Circuit heard oral argument for the second time in 3 years in the case of Knox versus United States.

The case concerns the conviction of a Pennsylvania man for possession of videos of scantily clad young girls. These videos contained repeated close-ups of the girls' genital areas. Knox argued that the Child Protection Act of 1984 prohibits child pornography only where the child is completely nude.

Forty Members of the Senate and 194 Members of the House, following on the 100-to-0 vote of this body, joined in an amicus brief arguing that Congress never intended to limit the reach of the statute exclusively to nude portrayals. This Justice Department, however, has departed from a very consistent interpretation of the statute. It argued that the child must either be nude or his or her genitals must be discernible through the clothing.

All of us who filed that amicus brief—nearly 250 Members of this Congress—disagree and, of course, this body, on that 100-to-0 vote, disagrees. And the court asked the attorney for the Justice Department during these arguments many questions about why the Department changed its view between 7 years of consistent enforcement of that 1984 act and last year, when the solicitor general decided to take a new position to the Supreme Court.

So why did the Department change its view, the circuit judges wanted to know, and adopt a view obviously not supported by the statutory language.

Additionally, the Justice Department attorney admitted that the test she advocated would lead, ironically, to greater protection of boys who were being exploited by child pornographers than girls. Such a view obviously makes no sense, and might even be considered discriminatory. The Justice Department should have known better than to argue that Congress enacted a standard that would produce such nonsensical results.

I am pleased to tell my colleagues that the arguments of the attorney who represented the amicus Members of Congress—Edward Warren of Kirkland & Ellis—were well received. Mr. Warren relied on the statutory language and legislative history to show that Congress intended to prohibit materials such as the ones at issue in the Knox case. We in this body did not intend to prohibit only hard core child pornography, leaving producers with the ability to exploit children in any other way without fear of penalty.

Absent our participation in the case—meaning, if there had not been an amicus brief by over 200 Members of Congress—no party would have made these arguments to the Court last week. I thank my colleagues that joined the brief. I expect that in the near future, the Court will issue a decision upholding the conviction and rejecting the Justice Department's ill-considered interpretation of the statute.

THE RACIAL JUSTICE ACT

Mr. GRASSLEY. Mr. President, conferees will soon meet to reconcile differences between House- and Senate-passed versions of the crime bill. I am deeply troubled by a provision in the House bill that should not be included in the conference report: the Racial Justice Act.

The Racial Justice Act is neither about race nor justice. Instead, it is designed to turn the death penalty into a legal fiction. If enacted into law, the Racial Justice Act will prevent the death penalty from ever being imposed again, whether the case is State or Federal.

Under the Racial Justice Act, the death penalty would become a numbers game. If any statistics can be manipulated to show that race was a significant factor in the imposition of the death penalty, an inference will be created that race formed the basis for the sentence. This is a truly shocking departure from current law. Today, racial bias that can be shown to have affected an individual sentence is unconstitutional. But under the Racial Justice Act, the individual no longer matters. What matters is the treatment of groups through selectively chosen statistics regarding actions of prosecutors, varying juries, differently drawn jurisdictions, and reliance on the particular crimes used as the sample. The inference could never be rebutted because of the effect of time on evidence and memories, the inability to question jurors, and the nature of the statistics offered.

Over the decades, the death penalty has been narrowed both by the type of crime and the nature of the offender for which it may be imposed. Jury discretion is narrowly channeled in order to insure that the individuals sentenced to death truly merit the death penalty, and also as a means of avoiding racial discrimination.

Today, each death sentence is rigorously reviewed for adherence to con-

stitutional norms, sometimes even to the point of excess. At least those reviews are based on the facts of the case and the culpability of the offender. Under the Racial Justice Act, however, Mr. President, it seems not to matter that the person sentenced to die has committed horrible acts that merit the most severe punishment.

Our legal system believes that punishment is warranted because individuals choose to act the way they do. Individual responsibility forms the basis for imposing all punishment, including the death penalty. I strongly urge all conferees to reject the Racial Justice Act, which not only makes individual issues of guilt irrelevant, but would have the effect of ending the imposition of the death penalty nationwide.

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

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL COUNTERINTELLIGENCE REFORM ACT—S. 2063

Mr. GORTON. Mr. President, on Tuesday, May 3, 1994, I introduced legislation to improve the coordination of national counterintelligence policy of the United States.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 2063

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 Counterintelligence Reform Act".

SEC. 2. AMENDMENT OF THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL COUNTERINTELLIGENCE PROGRAM

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) BOARD.—The term 'Board' means the National Counterintelligence Review Board established in section 804.

"(2) CENTER.—The term 'Center' means the National Counterintelligence Center established in section 803.

"(3) COUNTERINTELLIGENCE.—The term 'counterintelligence' means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments, foreign organizations, or foreign persons, or international terrorist activities.

"SEC. 802. PURPOSE.

"The purpose of this title is to establish a national policy and program framework to ensure an integrated and coordinated effort to counteract espionage against the United States.

"SEC. 803. NATIONAL COUNTERINTELLIGENCE CENTER.

"(a) ESTABLISHMENT.—There is established the National Counterintelligence Center.

"(b) COMPOSITION.—(1) The Center shall be headed by a Director and Deputy Director and shall be comprised of staff from—

"(A) the Central Intelligence Agency;

"(B) the Federal Bureau of Investigation; and

"(C) the Department of Defense.

"(2) The head of each agency described in paragraph (1) shall make available such resources, including, by detail or otherwise, such personnel, as may be necessary to meet the needs of the Center.

"(c) ROTATION OF DIRECTOR AND DEPUTY DIRECTOR.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation shall enter into an arrangement for the rotation, on a periodic basis, of the Director and Deputy Director positions of the Center between officials of the Central Intelligence Agency and of the Bureau.

"(d) FUNCTIONS.—The Center shall—

"(1) administer a focused and coordinated national program to analyze and counteract foreign intelligence efforts against the United States (which may be known as the 'National Counterintelligence Program');

"(2) develop a government-wide foreign counterintelligence policy under the direction and review of the National Counterintelligence Review Board and approve the allocation of resources to deal with the foreign intelligence threat;

"(3) prepare and maintain an integrated and coordinated listing by country and subject of counterintelligence threats directed against the United States; and

"(4) provide staff and other support services to the National Counterintelligence Review Board.

"(e) IMPLEMENTATION.—In carrying out the functions described in subsection (d), the Center shall consider foreign intelligence threats against the United States domestically as well as against United States installations, personnel, and information abroad.

"SEC. 804. NATIONAL COUNTERINTELLIGENCE REVIEW BOARD.

"(a) ESTABLISHMENT.—There is established an interagency review board to be known as the National Counterintelligence Review Board. The board shall report to the President through the National Security Council.

"(b) COMPOSITION.—The Board shall consist of 4 members, as follows:

"(1) The Attorney General, who shall serve as Chair.

"(2) The Secretary of Defense.

"(3) The Director of Central Intelligence.

"(4) The Director of the Federal Bureau of Investigation.

"(c) FUNCTIONS.—The Board shall—

"(1) review and approve United States counterintelligence policies developed and recommended by the Center;

"(2) review and approve United States counterintelligence programs administered by the Center;

"(3) serve as a forum for the resolution of interagency disputes arising from decisions made by the Center with respect to the criminal prosecution, exploitation for intelligence purposes, or other disposition of counterintelligence cases; and

"(4) review and approve the national counterintelligence threat list described in section 803(d)(3).

"SEC. 805. RULE OF CONSTRUCTION.

"Nothing in this title alters or affects the responsibility of any department, agency, or other entity of the United States to continue its counterintelligence activities to protect information, equipment, operations, and personnel.".

THE PRESIDENTIAL INAUGURATION OF NELSON MANDELA

Ms. MIKULSKI. Mr. President, I rise today to celebrate President Clinton's appointment of two leading citizens of Baltimore, Congressman KWEISI MFUME and Mayor Kurt Schmoke, to represent the United States at the inauguration of Nelson Mandela as the new President of South Africa. It is truly an honor for Congressman MFUME and Mayor Schmoke to be selected to witness this incredible event, the culmination of years of struggle by the people of South Africa and their supporters around the world.

President Clinton could not have done better than select these two men to represent the people of Baltimore, of Maryland, and of the entire Nation. Their record of accomplishment is long and distinguished, and they have strongly supported the struggle to free South Africa from the chains of apartheid. These men are truly two of "Baltimore's Best," and as a resident of Baltimore myself, I am doubly proud.

Mr. President, we live in extraordinary times. We have witnessed the collapse of communism, the end of the cold war, the tearing down of the Berlin Wall, and the rise of democracy and free enterprise around the world. Now we are witnessing the rebirth of South Africa, the end of the evil apartheid system, and the triumph of one of the world's great leaders, Nelson Mandela. The long-awaited rebirth of South Africa, brought about through a relatively peaceful transition, may be the most extraordinary event of all.

As I watched the struggle for freedom in South Africa, I was reminded of a similar struggle in Poland. I will always remember the great day when Lech Walesa, the architect of Poland's freedom, became President of a Poland free from Soviet domination and communism. What a great day that was for the Polish people and for freedom-loving people everywhere.

I experienced that same feeling of euphoria and deep emotion as I watched ordinary South African citizens waiting patiently in long lines, some waiting overnight in the open, to vote in a free election for the first time in their lives. It was a great triumph for the human spirit, and an amazing tribute to Nelson Mandela and the other South African leaders, who with skill and patient negotiation, brought about this election.

Soon we will see Nelson Mandela, this great, good man, assume his well-

deserved role as the first freely elected President of South Africa. Throughout the long, hard years of his imprisonment and struggle for a free South Africa, he never became bitter or lost his commitment to a nonviolent transition. His patience and firm leadership have finally been rewarded. Our prayers and best wishes go out to him as he begins to create a government of all the people, by all the people, and for all the people.

I also want to congratulate Mr. DeKlerk and Chief Buthelezi for their wisdom and grace in pursuing a peaceful transition of power in South Africa. At a time when it is so tempting to attempt to settle conflicts at gunpoint, the leaders of South Africa chose to settle their differences at the bargaining table. They will be remembered as heroes as well as founding fathers in the history of South Africa.

Mr. President, Congressman MFUME and Mayor Schmoke will hear witness to one of the pivotal events of the 20th century. It is more than fitting that two such distinguished champions of civil rights in the United States, should be present at the inauguration of Nelson Mandela.

The rest of us will look on in wonder, and some day we will tell our grandchildren with pride that we watched the birth of a brave new nation, of a free South Africa.

Congratulations to you, Mr. Mandela, and to all of the South African people. You have reminded us in the most eloquent way that freedom and the right to vote are priceless and should never be taken for granted.

PROJECT LEARNING TREE: ENVIRONMENTAL EDUCATION FOR OUR FUTURE

Mr. DORGAN. Mr. President, I rise today to tell the Senate that today, May 5, 1994, is an exciting day for the youth of the United States, Mexico, and Canada.

In my home State of North Dakota, at the International Peace Garden on the border with Canada, hundreds of schoolchildren from both sides of the border are coming together to learn more about our environment. They'll be joined by teachers, policymakers, and leaders in the fields of business and natural resources. A member of the Canadian Parliament will speak. North Dakota State Forester Kotchman will be there. And I understand that Smokey the Bear might even show up. This is all in the cause of educating kids to build a safer and cleaner environment. Similar events are happening at our border with Mexico and here in Washington today.

These events are part of the launching of an important new environmental education curriculum—Project Learning Tree. Developed by the American Forest Foundation and the Western Regional Environmental Education Council, Project Learning Tree is an environmental education curriculum used by 20 million students and 400,000 teachers here in the United States and around the world. By placing our natural surroundings in their proper international perspective, the Project Learning Tree curriculum fosters respect for the environment and encourages cooperation among young people across our continent.

Students from all 50 States, Canada and Mexico are participating in these events by sending environmental exchange boxes to border sites for inclusion in permanent exhibits displaying representative items from students' communities. I understand that young people from 12 of North Dakota's schools cannot wait to find out what's inside these boxes.

These events are important because the future of our environment depends on educating today's youngsters about how important the environment is. Project Learning Tree is a new and exciting way to teach students about our fragile and diverse environment. This Project crosses the physical and cultural borders that often divide neighbors from each other. It will lead to new international respect and understanding. And it will teach tomorrow's citizen leaders about our natural resources today—at the International Peace Garden.

While North Dakota is honored to host this event, people across North America and around the world will benefit from it. We need citizens who act more responsibly towards our environment and who make it their duty to preserve the natural beauty of their communities. Project Learning Tree is the future of environmental education. I hope that our three great nations will embrace it.

TRIBUTE TO PRESIDENT RICHARD NIXON

Mr. COCHRAN. Mr. President, our Nation lost one of its most talented, interesting, controversial, and successful Presidents ever when President Richard Nixon died on April 22.

As a new Member of the U.S. House of Representatives in 1947, he quickly established himself as a very bright and hard-working Congressman. And after only 2 years as a U.S. Senator, in 1952, he was selected by Dwight D. Eisenhower as his Vice Presidential running mate.

His faithful and impressive service to President Eisenhower, and to the country, as Vice President earned him the Republican Presidential nomination in 1960. The loss of that election and the campaign for Governor of California 2 years later would have been enough to make most of us abandon any further political ambitions, but he persevered.

That perseverance served Richard Nixon well on other occasions and enabled him to overcome serious setbacks and defeats during his career.

In his book, "In the Arena," he said: "* * * you should never be discouraged by failure. Failure can be sad. But the greatest sadness is not to try and fail, but to fail to try at all."

My first meeting with President Nixon was during his campaign for President in 1968. I had been invited to Indianapolis, IN, with my friend, Raymond Brown, to attend the national organizational meeting of Citizens for Nixon-Agnew.

He was enthusiastic, confident, and articulate as he talked with us about the campaign and the issues. I was impressed by his good humor and his obvious pleasure at seeing such a good crowd of supporters from around the country. Although his Democrat opponent, Hubert Humphrey, was supposed to be the "Happy Warrior," he couldn't have been any happier than Richard Nixon was that night in Indianapolis.

After I was elected to Congress in 1972, I came to know President Nixon better. Although frustrations with the war in Vietnam were troubling him, he was providing strong leadership as President of the United States.

His reelection that year was decisive and reflected widespread support for his efforts to bring the war to an end and maintain prosperity at home.

One of the most enduring memories of my first year in Congress was welcoming the POW's home from Vietnam. President Nixon's success in concluding that war and bringing all the men home is also a cherished memory for many American families today.

Although Watergate was a blemish on his record, his many accomplishments and contributions to world peace made his Presidency very successful.

President Nixon ws tenacious; he had a unique and insightful approach to politics and world affairs; and he carefully balanced the importance of American interests with the need to promote peace and freedom in the world.

I hope the members of his family will be sustained by the love and affection of their many friends and by the assurance of the deeply felt appreciation and respect which so many of us have for the life and leadership of President Richard Nixon.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Wednesday, May 4, the Federal debt stood at $4,572,994,578,427.95 meaning that on a per capita basis, every man, woman and child in America owes $17,540.47 as his or her share of that debt.

CONGRATULATIONS TO LARRY WANG

Mr. DASCHLE. Mr. President, I would like to take this opportunity to

extend my heartfelt congratulations to a close friend of many years, Larry Yu-Yang Wang. Larry recently left the Coordination Council for North American Affairs office in Washington, where he served as the director of public affairs, for an extremely important position as the chief of protocol for the Ministry of Foreign Affairs in the Government of the Republic of China.

During the 10 years in which Larry worked diligently and effectively as a public affairs official at the CCNAA, he helped to bridge many gaps and to establish numerous relationships between Members of this body and various groups working in Taiwan, including the Government of the Republic of China. Taiwan, though a small island, is America's 6th largest trading partner, and the 14th largest trading nation in the world. Larry facilitated and promoted trade between Taiwan and my own State of South Dakota. Taiwan buying missions visited South Dakota and bought our corn and wheat, helping both our own farmers as well as Taiwanese consumers and businesses. In turn, Larry helped arrange meetings between South Dakotan and Taiwanese businesses during a trade mission to Taiwan. Larry also helped me to promote the South Dakota beef industry.

As a result of Larry's hard work in Washington, the Government chose him for a new position as chief of protocol for the Ministry of Foreign Affairs of the Republic of China. This is both a great honor and an exciting occasion for Larry. Recently, he returned to Taipei to begin his new task in the Ministry of Foreign Affairs. I am sure many would agree with me when I say that we will miss his dedication and hard work very much. I would like to take this chance to thank him for all the time and energy he devoted to his work in the CCNAA.

Mr. President, as a friend, I would like to offer Larry my most sincere congratulations. I know that I speak for many of my colleagues, who count Larry as a friend, in wishing him, his wife Linda, and his two daughters the very best as they return home to the Republic of China.

JUST SOLUTIONS

Mr. BUMPERS. Mr. President, I rise today to pay tribute to my page, Rachel Mays, of Little Rock, AR, whose essay placed second in the 1994 Law Day Essay Competition.

This contest, sponsored by the D.C. Courts, awarded plaques and U.S. savings bonds to the deserving winners. I would like to share with my colleagues the text of Rachel's winning essay.

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

"JUST SOLUTIONS"

(By Rachel Mays)

The government of the United States is set upon a system of checks and balances. It was designed this way to ensure that all three branches would balance in their share of power. Of the three branches of the government, the judicial branch is the only branch with the power to interpret the Constitution and apply it to situations in our courts today. Some people consider the courts infallible and would not change anything about them. Others consider the judicial system to be full of flaws and in desperate need of repair. Because I have grown up living with the law and the justice system, I have been able to see both the good parts and the bad.

Both of my parents are involved in the legal profession. My father is a trial lawyer and my mother is a chancery court judge. It is through their professions that I have seen both sides of the judicial system. In my father's many dealings with the courts I have seen that they are often overbooked. Trials are never completed in the time allotted, causing a huge carryover. Because of this inefficiency innocent people are forced to spend countless nights in jail. The courts also handle criminal cases unfairly. Often people who are not guilty are forced to say they committed the crime. Often lawyers convince their clients that the punishment would be less severe if they plead guilty. It is wrong that people who are innocent are charged as guilty because of fear the jury will not believe their case, so why bother. Lawyers should try and be more sensitive to what they are doing instead of trying to move cases as quickly as possible. A last improvement that should be made to the justice system concerns punishment of the guilty. Too often criminals are released with only a slap on the wrist. Jail sentences are almost never served to completion. Dangerous criminals are returned to the street before they have served enough time to be rehabilitated. The court needs to enforce the sentence placed upon someone. If a person is sentenced to life in prison for murder, he or she should spend his or her life in prison. No parole, no time off for good behavior, no suspended sentences.

There are also many aspects of the judicial system that are in perfect working order. It is through my mother, a judge in the court of the family, that I see the good side of the judicial system. It is through the courts that people are allowed to become husband and wife. My mother has performed numerous weddings. It is through the judicial system that childless couples are able to adopt babies on their own. I have seen all the pictures of proud, new parents with their adopted babies. The final, and most important, positive aspect of America's judicial system is that it is the balance of society. It not only balances the legislative and executive branches of the government, but it also balances our ideas and beliefs in society. The courts are where we turn when we have done wrong or have been wronged against. They are the balance of good and evil. They determine what is good and bad.

Through my parents' careers in law, I have seen the ups and downs of the judicial system. I understand the viewpoint that the courts often fail the American people. Trials take too long and waste taxpayers' money. The innocent are often found guilty and vice versa. Criminals are set free too soon because of judicial error. I also understand the viewpoint that the courts are invaluable to the American people. Without them we would not have the marriages and adoptions that bring joy to our lives. Most importantly we would have no standard for what is right and wrong. There would be chaos without a system to punish those who have done wrong. The Founding Fathers knew what they were doing. After escaping a despotic government, they wanted to ensure that the laws of their new country would be applied fairly. It is all a balancing act. The judicial system weighs good and bad. Justice is the balanced result.

DEATH OF WILLIAM HOROWITZ

Mr. LIEBERMAN. Mr. President, I rise today to honor the memory of a man who was a mentor for me early in my career: William Horowitz, who passed away last week at the age of 86.

I first met Bill Horowitz during my freshman year at Yale. I went into his General Industrial Bank in New Haven to open up my very first bank account. What might have been just a routine encounter became a lifelong friendship, thanks to his wonderful, outgoing nature. Bill became a strong supporter of all my campaigns for public office, and he also was godfather for my son, Matthew.

Besides a long and successful career in banking, Bill Horowitz was a civic leader and public servant. He chaired the State of Connecticut's Board of Education, and held a number of positions in connection with Yale, including membership on the Yale Corp., trustee of the Peabody Museum, acting master of Yale's Branford College and president of the National Friends of Yale Hillel Foundation.

Bill served as first president of Junior Achievement in New Haven, and was on the board of trustees of Connecticut's four State colleges. In recognition of Bill Horowitz' leadership, the William and Miriam Horowitz Lectureship in Judaic Studies was established at Yale in 1984.

My prayers go out to Bill's wife, Miriam Botwinik Horowitz, his children, Judith Katz and Daniel Horowitz, his sister, Rose Marks, and his many children and grandchildren, all of whom will miss Bill's generous and loving spirit. I will miss him, too, and will always remember his wise counsel and friendship. May he rest in peace.

NICOLA PAVIA, SEPTEMBER 7, 1911–APRIL 7, 1994

Mr. KOHL. Mr. President, I rise today to pay tribute to an exemplary citizen from Racine, WI, the late Nicola Pavia. Mr. Pavia passed away April 7 of this year, but the people of Racine will forever remember his hard-working, charitable spirit.

The son of Italian immigrants, Mr. Pavia worked hard for his living and for his community. In 1942, he went to work at the Wisconsin Telephone Co., taking night classes in clock and watch repair to improve his skills. When he retired in 1976, Mr. Pavia continued to work diligently for the good of his community. He repaired recording devices for the blind as part of the Tele-

phone Pioneers of America's "Talking Books for the Blind Program." He volunteered for the Red Cross and Saint Luke's Hospital in Racine, driving individuals to health care facilities throughout Wisconsin. He also donated his services for a YMCA camp, Camp Tamarack in Wisconsin, and the First Baptist Church of Racine.

The people of Wisconsin will always remember Mr. Pavia's charity by the hundreds of birdhouses he made for the people he knew. The skilled carpenter even took the liberty of putting a few on the grounds of the Racine Zoo. These symbols of his selflessness will survive him for generations.

Mr. Pavia cared deeply about everyone, from his wife, Mary, his children, eight grandchildren, and five great grandchildren to all the people he helped through his kind acts. He was truly a great citizen of Wisconsin and the United States of America. We will miss him dearly.

USDA REORGANIZATION

Mr. DOLE. Mr. President, on April 13, the Senate overwhelmingly passed legislation which would reorganize the U.S. Department of Agriculture. These efforts date back to the early eighties, when President Reagan organized the President's private sector survey on cost control, the so-called Grace Commission, to evaluate ways to streamline Government agencies and programs. While some of those recommendations were adopted, most were left untouched.

Later, under President Bush, Secretary of Agriculture Ed Madigan continued in the spirit of the Grace Commission by developing a plan which significantly reorganized the U.S. Department of Agriculture. After many years of hard work by both Republicans and Democrats, we have before us a bill which streamlines the USDA. I commend Secretary Espy for continuing the legacy left by his Republican predecessors.

This legislation is a compromise between many competing interests. I believe all of us agree that USDA, and for that matter other Federal agencies, should be reorganized. The issue at hand is how to best go about it.

Mr. President, Secretary Espy said last year that the consolidation should start at the top. While many of us agreed with his approach, it obviously will not be an easy task. Federal jobs—whether in Washington or at the local level—seem to be viewed by many as permanent unless they are in somebody else's county or State.

My chief concern with reorganization has been that local service to the farmer be maintained. While there were attempts to take away local control, in the end we developed a plan that allows farmers to control their area offices through a farmer-elected county committee structure.

I am hopeful the administration will be willing to go even further and offer some fresh proposals that get at the real problem—the laws passed by Congress and the regulations promulgated by USDA agencies. We simply cannot continue feeding an ever-growing bureaucracy by creating new programs and expanding those that already exist. The farmer is at the other end bearing the brunt of all of this well-intentioned yet costly and time-consuming paperwork

Last year I wrote Vice President GORE asking that as we move though the debate on reinventing government, we take a serious look at reducing paperwork to the farmers, ranchers, and small business men and women. I pointed out the Agricultural Program Reporting and Recordkeeping Improvement Act, which was included in the 1990 farm bill. The act instructed USDA to develop a method for decreasing paperwork for farmers and ranchers. I further encouraged the Vice President to consider adopting a goal of reducing these paperwork requirements by 50 percent within 2 years.

I understand USDA is now working toward these goals through such programs as Info Share and I commend Secretary Espy for his efforts in this area. I urge the Department to continue to work toward the end goal that we set in 1990.

I hope the USDA reorganization bill is the first of many agency reorganization bills that come before the Senate. The people have made it clear that they want a smaller, less intrusive, more efficient Government and this bill responds to those demands.

SENATE JUDICIARY COMMITTEE ACTION ON SATELLITE COMPULSORY LICENSE EXTENSION ACT OF 1994

Mr. LEAHY. Mr. President, today, May 5, 1994, the Congress took another important step toward extending the Satellite Home Viewer Act. Today, the Senate Judiciary Committee met and approved S. 1485 by voice vote and without objection. This bill will extend the statutory compulsory copyright license for satellite home viewing for another 5 years.

On March 3 of this year, I came to the Senate floor to announce my cosponsorship of this legislation to reassure the thousands of families in Vermont and millions of households nationwide that their home satellite dishes would not go dark at the end of this year. Since that time a number of Senators have joined with us as cosponsors or supporters of this necessary legislation.

On March 24, the Senate Subcommittee on Patents, Copyrights and Trademarks voted unanimously to report the bill to the full committee. The Judiciary Committee's action today mirrors that of the subcommittee and favorably reports the bill to the full Senate.

I will continue to seek expedited consideration of this important matter and look forward to prompt and favorable action by the Senate. I want to reassure my fellow Vermonters who rely on satellite transmissions that we will protect them by prompt extension of the copyright licenses necessary to satellite home viewing. With so little time left in this session we cannot allow this legislation to be sidetracked on issues better left to comprehensive copyright law review and reform or items of only narrow special interest.

I commend the leadership on this issue shown by the chairman of the subcommittee and the ranking member, the distinguished senior Senators from Arizona and Utah. I want to complete our action on behalf of the thousands of viewers in mountainous and rural regions of Vermont who would have no TV without satellite reception.

Areas served by satellite technology are not limited to the mountains of Vermont and our expansive Western States. We all have rural or remote areas in our home States. We all have constituents whose television reception is dependent on satellite technology, who cannot receive network broadcast signals and for whom cable is not a viable alternative. Indeed, as I have noted before, for purposes of this bill, we are, in a sense, all Senators from rural States who should be concerned about remote areas and interested in giving our constituents the opportunity to participate in the widest possible array of news, sports, entertainment, educational, and informational programming available through satellite technology.

RETIREMENT OF VICE ADM. STEPHEN F. LOFTUS

Mr. INOUYE. Mr. President, on May 1, of this year, our Navy, the Congress, and the Nation lost the services of a dedicated officer, public servant, and naval aviator. On this day, Vice Adm. Stephen F. Loftus will retire from the Navy where he is serving as the Deputy Chief of Naval Operations—Logistics—after 37 years of faithful service to our country.

Vice Admiral Loftus was designated a naval flight officer in 1957, and has performed in a consistently outstanding manner under the most challenging circumstances. His early assignments included a variety of staff, operational, and combat duties, which led to his command of Patrol Squadron 45 in 1976.

Vice Admiral Loftus has served in numerous Washington tours on the staff of the Chief of Naval Operations and as the executive assistant and naval aide to the Assistant Secretary of the Navy for Financial Management. In 1981, Vice Admiral Loftus assumed command of U.S. Naval Air Station

Bermuda/Commander Task Group 24.3. Returning again to Washington he served as the Assistant Director of Budget and Reports in the Office of the Comptroller of the Navy.

Following his promotion to flag rank in 1984, Vice Admiral Loftus served as Deputy Commander/Comptroller of the Naval Sea Systems Command, and as inspector general.

In August 1986, Vice Admiral Loftus assumed command as Commander, Fleet Air Mediterranean, with additional duty as Commander, Maritime Air Forces Mediterranean. In 1987 he returned to Washington as Director of Office of Budget and Reports for the Department of the Navy. In 1989, he was assigned as the Director, Office of Program and Appraisal, Office of the Secretary of the Navy.

During these 37 years, Vice Admiral Loftus has received numerous personal awards and decorations which include the Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, Meritorious Service Medal, Air Medal (three strike/flight awards), the Navy Achievement Medal, Vietnam Service Medal (with four bronze stars), the Vietnam Cross for Gallantry with Palm as well as various campaign and unit awards.

The Department of the Navy, the Congress, and the American people have been defended and well served by this dedicated naval officer for over 37 years. Vice Adm. Stephen Loftus will long be remembered for his leadership, service, and dedication. He will be missed, and we wish Steve and his lovely wife, Martha, our very best as they begin a new chapter in their life together.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order of yesterday, morning business is closed.

CONGRESSIONAL GIFTS REFORM ACT

The PRESIDENT pro tempore. The Senate will now resume consideration of S. 1935, the gift ban bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans, and to place limits on and require disclosure by lobbyists of certain expenditures.

The Senate resumed consideration of the bill.

Pending:

McConnell amendment No. 1674, in the nature of a substitute.

Mr. BUMPERS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I intend to support the McConnell-Johnston-Inouye substitute. I have given the Wellstone and Levin proposals very serious consideration.

The PRESIDENT pro tempore. Would the Senator allow the Chair to interrupt?

There is a time agreement in effect, and the pending question is amendment No. 1674 offered by the Senator from Kentucky [Mr. MCCONNELL], on which there is up to 3½ hours for debate, with a vote to occur in relation thereto at 1:30 p.m. today.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Is the bill open to debate right now under the time limit set?

The PRESIDENT pro tempore. The bill is open to debate just now.

Mr. BUMPERS. Will the debate continue until 1 p.m. this afternoon?

The PRESIDENT pro tempore. Until 1:30, but the time is on the amendment by Mr. MCCONNELL.

Mr. BUMPERS. The time has expired on that?

The PRESIDENT pro tempore. The time limit is 3½ hours.

Mr. BUMPERS. Who controls the remaining time, Mr. President?

The PRESIDENT pro tempore. The offeror of the amendment, Mr. MCCONNELL, and the manager of the bill, Mr. LEVIN, controls the time in opposition.

Mr. BUMPERS. How much time does Mr. MCCONNELL control at this point?

The PRESIDENT pro tempore. One-half of the 3½ hours.

Mr. BUMPERS. Does Senator JOHNSTON control any time?

The PRESIDENT pro tempore. He does not.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. Will the Senator ask that the time not be charged against either side?

Mr. BUMPERS. With the time not to be charged to either side.

The PRESIDENT pro tempore. The Senator makes that request. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for not to exceed 5 minutes, with the time charged to the offeror of the amendment, the Senator from Kentucky [Mr. MCCONNELL].

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

Mr. BUMPERS. Mr. President, as I was about to say a moment ago, I intend to support the McConnell-Johnston-Inouye amendment. It is a rather tough decision from a political point, and I had not made up my mind until I heard the Senator from Kentucky make his presentation yesterday afternoon, which I thought was excellent.

The two or three things he said that resonated with me were: First, I feel that both the Wellstone and Levin amendments are impossibly complex. Second, they lay a minefield, which will almost certainly entrap some innocent Senators. And, third, as I say, I think it trivializes the Senate to be engaged in a debate, for example, as the Senator from Kentucky said, about whether you can have a donut with coffee, or is the donut really a bagel. The Ethics Committee, in my opinion, because of the tremendous number of unanswered questions about these amendments would probably have to hire about 10 more people, as the Senator from Kentucky said, and would become a clearinghouse for almost supercilious and silly questions.

Any Senator that is not prepared to read the headlines in tomorrow's paper, should the McConnell-Johnston amendment be adopted, that says "Senate Refuses to Give up Free Meals," should not vote for the McConnell amendment. I know precisely how it is going to be reported. I have been in the Senate for 19½ years now, and I did not just fall off a turnip truck. I know exactly how the press all over the United States will treat this.

But, Mr. President, what is "personal hospitality"—it is not defined. Then consider that a lobbyist can walk into your office and hand you a $5,000 check from a PAC and you say, "Thank you very much, this is a big boost to my campaign," and then he says, "How about taking you to lunch?" And you say, "That's fine, I'll be glad to go to lunch with you, but I'll buy my own lunch." It is OK to take $5,000, but not a lunch or dinner, the cost of which might exceed $20. Even so, he is going to charge off his lunch, and you cannot. There is nothing wrong with that. I am just making a couple of points here.

The catfish farmers of my State, who take great pride in the tremendous advances they have made toward providing better nutritious meals in this country through catfish aquaculture, come to the Senate every year at the invitation of Senator PRYOR and myself. We invite the staff and Senators to come and have a free catfish lunch.

This year, about 40 Senators took advantage of our hospitality. That catfish lunch probably cost the Arkansas Catfish Farmers Association a whopping sum of $5 per person for those who ate there. It is a great time. It is a great time to socialize. It is a great time for Arkansas, which has had its share of hits recently, to say to the United States Senate: "Here is a prod-

uct that we produce in great abundance in our State. It's a wonderful product." Not one single Senator is ever asked to do anything for the catfish industry. It is just a happy occasion. That will come to an end.

Senator PRYOR sponsors a golf tournament in Texarkana, AR. The $100,000 raised, going to a very fine charitable organization there in which 1,400 to 1,800 volunteers participate because they love that program so much. No longer. It is a principal source of funding for a program that does a lot for children in Texarkana, AR. Senator PRYOR will not be able to do that anymore.

If the Chamber of Commerce comes to town and they host a dinner, I do not know whether I would be permitted to go or not. Possibly I could. But if their paid lobbyists were there and the National Chamber of Commerce was picking up the tab, I would probably be in violation.

I went to an embassy for dinner recently.

Mr. President, is my time about to expire? I ask unanimous consent that I be permitted to proceed for an additional 5 minutes.

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

Mr. BUMPERS. I assume that the Ambassador invited me because they get foreign aid from the United States. Nobody mentioned it. But that dinner would be permissible under the Wellstone-Levin proposals, and I assure you those situations can be much more heavy-handed than dinner with a lobbyist. Go to any embassy in town—and I have never been to an embassy where a really opulent dinner, the finest wines, the finest everything was not served and that is permitted under the Levin and Wellstone proposals.

So, Mr. President, I could go on. The Senator from Kentucky covered the whole gamut yesterday of how this does, indeed, trivialize the Senate. If you want to abolish all gifts, I could not care less. But this does nothing for the Senate. A lot of people in America will find themselves rather contemptuous of this feeble effort. But more people in the press and probably across the country will say, "I wonder what those guys have been into that they have to devise a bill like this."

I hate to say this because it sounds a little self-serving, but my secretary keeps the Rules Committee and the Ethics Committee on auto dial now. And I suspect that most Senators here could make the same statement. Everybody is afraid to breathe. And I can only imagine what it would be like if either of these amendments become law.

Somebody said to me the other day, "Nobody has come up to me and said, 'Senator, we are really proud of you all for cutting your office budget by about 25 percent.'"

You do not do that because you expect adulation and praise of your constituents. You do it because you really need to do it. If you are interested in getting the deficit under control, it is no problem to vote for something like that. But when you pass an amendment such as this, or something closely akin to it, impossible to comply with, you are just laying a mine field. And sheer inadvertence could cost a Senator a fine of $200,000.

All I am saying is I hope Senators will think very long and hard about whether they vote for this. I do not have a dog in the fight. If a majority of the Members of the Senate decide to pass either one of these amendments, I will do my very best to comply.

I will tell you one thing about it that I do like. It will save me from going to those interminable, insufferably dull black tie dinners downtown. So far as I know, the Democratic National Committee and the Republican National Committee may not be able to have their annual fundraisers downtown in the future. In the past, that has been their principal source of money. And in the future, when somebody from some industry in Arkansas—if it is a lobbyist—says, "I would like to take you and Betty to such and such a dinner and I have paid $3,000 for the tickets," I can say, "No, we are going to stay home and watch Discovery and A&E tonight," which everybody knows is a lot more enjoyable, and I will have a perfect excuse.

And all the people of this country, like the people in Texarkana, who depend on the David Pryor Golf Tournament for funding, tell them the cause is noble but we are really sorry about this.

I did not intend to even speak on this because it is not the sort of thing I feel comfortable even talking about, but there comes a time when the people of the Senate ought to stand up and say enough is enough.

If you want to abolish all gifts, you will run into some clumsy affairs, too, but that is better than these amendments.

And I have never been on a trip abroad when the chairman of the delegation did not take a lot of gifts, not worth much, just gestures to hand to our host. And yet when people from foreign countries walk in my office and hand me something that is made in their country of a value of $10 or $15 or whatever it is, you would feel guilty saying, "I am going to have to check the value of that before I can accept it." You would not do that. You might send it back but you would not reject it. I do not think anybody would gratuitously insult somebody in their office when they were trying to hand them just a token of their appreciation.

Well, I will not belabor the point any further, Mr. President, but I intend to vote for the McConnell-Johnston proposal, and I applaud them for trying to deal with what is admittedly something of a difficult problem, but I think their amendment deals with the problem 10 times more sensibly. Senator LEVIN and Senator WELLSTONE know that they are two people for whom I have great respect. I just happen to have a very strong disagreement with them on this.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, about a year ago this body went on record overwhelmingly—I think it was a vote of 98 to 1—as follows:

> It is the sense of the Senate that as soon as possible during this year's session the Senate should limit the acceptance of gifts, meals and travel by Members and staff in a manner substantially similar to the restrictions applicable to executive branch officials.

Every one of us but one voted to adopt rules that are substantially similar to the restrictions applicable to executive branch officials. Those rules applicable to those officials, Cabinet officers, staff, all are covered by basically a $20 rule for gifts.

The reason they were established is that the President decided that we can no longer do business as usual in Washington; that when lobbyists take us out to dinner, when lobbyists give us tickets to the Redskins games, and when we go on these so-called charitable golf outings, which we see all the time on television, where people, Members of Congress, go a couple days playing golf or tennis, half the money maybe ends up going to charity and the other half ends up going to pay for recreation for Members of Congress, that undermines confidence in Congress and in the Government.

Ninety-eight of us said almost exactly a year ago that we want to do something about that. And a little longer than a year ago the President said that we have to do something about that and adopted executive branch rules.

Now, we basically have three options, which is whether we want to do business as usual, whether we want to continue the situation where you have those kinds of outings that are paid for by corporate sponsors and where lobbyists attend—they are all over the place lobbying people who come there from Congress to have a couple days' recreation, that is the so-called charitable trips—or whether we want to change this system. And if we want to change it, we have a couple of options. One was just mentioned by my dear friend from Arkansas—abolish all gifts. We could do that.

But I think everybody realizes that you are going to eliminate certain

things which by common sense and most of our constituents would agree are acceptable: Gifts from your family, gifts from close personal friends that you have known all your life, going to widely attended events, gifts of small amounts of food. Those kind of things are in the executive branch rule—gifts from back home products. My friend from Arkansas talked about a lunch. Here, indeed, in the committee-passed bill, there is a committee-passed substitute. There is a provision that allows you to accept products from back home and to distribute those to your colleagues.

I think it is a sensible exception. The Governmental Affairs Committee thought it was a sensible exception; to have an exception for products that you get from back home, and that you distribute to your colleagues. Do we want to try to carve out those kind of exceptions? I think we do because I think they are reasonable, they are acceptable, they are understandable, and I think the public supports them.

So there are a number of exceptions. But sure, every time you start designing exceptions, then the people are going to be able to say how do you define this and how do you define that? We do what we think is a reasonable job inside the bill of making the kind of distinctions and exceptions which are important so that we can function here in a reasonable way.

I had a lot of problems with the bill that was originally introduced by Senators LAUTENBERG, WELLSTONE, and FEINGOLD. This substitute which was adopted by the Governmental Affairs Committee is very different from the original bill. I went through some of those differences yesterday. Let me tell you where the Governmental Affairs Committee ended up.

The committee-passed substitute, which is tough, rational, and we think straightforward, does the following: As far as gifts from lobbyists are concerned, these are the people who are required to register as paid lobbyists under the bill which passed this Senate. Members and staff would be prohibited from accepting gifts from registered lobbyists with an exception for gifts from relatives and close personal friends.

What about everybody else other than lobbyists? This is a general statement of the Governmental Affairs bill, which is the substitute before us. Here is what it provides. Members and staff would be permitted to accept gifts of up to $20 from any source other than a registered lobbyist. Gifts in excess of $20 could be accepted from relatives or close personal friends, and in the form of meals and entertainment, and in a Member's home State, subject to higher limits to be established by the Rules Committee, and widely attended events which the Member believes to be part of his or her duty. That is a general description of the kind of gifts which are acceptable.

Travel: Members and staff would be permitted to accept reimbursement for travel expenses from anybody other than a registered lobbyist if the travel is related to official business, and is not substantially recreational in nature. If a Member of Congress believes that the travel is related to official business, is not substantially recreational in nature, that travel can be paid for by anyone other than a registered lobbyist.

So if you are invited by an association to come out and make a speech to that association, that travel can be paid for, providing it is not a recreational trip, providing its purpose in the judgment of the Member is related to official business.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. LEVIN. I am happy to.

Mr. JOHNSTON. The actual wording is not that the trip is not substantially recreational, but that the activities as part of the trip are not substantially recreational, which I think is a significant difference because you can have a serious trip that has substantial recreational activities connected with it, and it would be prohibited, which is simply to point out the difficulty of trying to define these things without setting a lot of traps for Senators.

Mr. LEVIN. Mr. President, what surprises me about the point here is that it is the same point that the Senator from Louisiana made last night; is that in his substitute the same language appears. In his amendment, the Johnston amendment, you have the same exception. On page 6, line 19, exceptions provided in subparagraph (e), the event or activities of which are substantially recreational, shall not be considered to be directly related to the official duties of a Member, officer, or employee.

Mr. JOHNSTON. A charity is permitted.

Mr. LEVIN. That is not the point the Senator made last night. It is not the point the Senator is making this morning. What the Senator is describing is when I describe something which is substantially recreational as not being considered to be directly related to the official duties of a Member, the Senator said last night, "Well, my gosh. What happens if you go 4 hours here in the morning to seminars, what happens if you go 3 hours to play golf in the afternoon, and what happens if you have dinner with a lobbyist in the evening?" The words in the Senator's amendment to this committee bill are exactly the same. They are precisely the same.

I agree that the Senator has a different rule when it comes to the charitable trips. I agree with that. But we are not talking about that. The Senator last night spent a great deal of time on noncharitable travel pointing out, How can you possibly define what is substantially recreational? What does that mean? The Senator said, if you go 3 hours in the morning to the seminars and so forth, how do you then make that distinction as to whether or not it is substantially recreational? To which I must respond that is what the amendment provides, his amendment. The Senator from Louisiana, and the Senator from Kentucky have the same language.

You talk about problems of definition. Sure there are problems of definition. There is risk any time you try to come up with something which is common sense and reasonable. The easiest thing in the world is just have a flatout ban on all gifts. That is understandable. It does not make any sense but it is understandable; that you cannot take a gift from your wife if she happens to be a registered lobbyist or your best friend back home cannot have you over to dinner next door if that person is on a board which has used a lobbyist in the last 6 months. That is easy to understand. You cannot go to your friend's house for dinner. Does that make sense? Is that the way we want to live? I do not think so.

So the committee substitute provides some commonsense exceptions. You can take products from back home. The catfish lunch which we all enjoy from our dear, dear friends from Arkansas, we not only love going out to have lunch with them, we love them. That should not have to stop, and it does not stop under the committee substitute. Those back-home products can be distributed by Members to their colleagues and the staff.

But in terms of definition, my gosh, if we look at the amendment of the Senator from Louisiana, that amendment has the same definitional problem when it comes to trips other than the charitable trips. But to the ordinary trips, where you are going to make a speech somewhere, and then there is recreation involved in it or you are going to a seminar somewhere and there is recreation in the afternoon, the Senator's amendment, which is the pending amendment, has the same definition as we do in our bill. The same definition that he attacks is present in his own amendment.

Mr. President, I failed to yield myself time. I want to know how much time have I used.

The PRESIDING OFFICER. The Senator has used approximately 12 minutes.

Mr. LEVIN. I yield myself an additional 5 minutes, Mr. President.

Mr. President, as I started to say just about a year ago tomorrow, we voted 98 to 1 to support a resolution to amend the Senate gift rules to make them "substantially similar to restrictions applicable to executive branch officials." That is what this committee-passed bill attempts to do. The execu-

tive branch has a $20 gift limit. The committee-passed bill has a $20 gift limit. The rule is exception for personal friendship and relations. The committee-passed bill has exceptions for personal friendship and family relations. The executive branch rules have an exception for small amounts of food; minimal amounts including, yes, coffee and doughnuts as examples of what is just minimal amounts of food.

That was taken from an executive branch rule which has been in effect longer than a year. It has not created any problems. Does that trivialize us or give us some guidance as to what is going to be acceptable or not? What is an exception to a general rule and what is not? If we do not want to change the rules, if we want to keep the system where lobbyists can give us the tickets, and they can be out on those charitable golf outings and so forth, if we do not want to change that, if we want to continue to see the shows on Prime Time and 60 Minutes and so forth, then we should do nothing. But 98 to 1 said we want to do this differently; 98 of us said a year ago that we want to adopt strict gift rules, and we want some exception. We want some commonsense exceptions, and we have tried to follow those in the committee-passed bill. Yes. We have an exception for broadly attended events just like the executive branch has an exception for broadly attended events.

It was the opinion of the committee that the original bill that was introduced by Senators LAUTENBERG, and others, was unworkable and went too far. The original bill for instance would have made it practically impossible for you to go to a dinner at your neighbor's house. You could not go to a barbecue next door without finding out, first, whether the person sponsoring that barbecue back home in your neighborhood was on some board which had used a lobbyist in the last 6 months. In fact, could that person be on more than one board? The person might be on 2 or 3 boards; on the Cancer Society board. He might be on the board of a bank. You would have to check all the boards that neighbor was on. And then all of the entities that had used a lobbyist in the last 6 months would have to notify you that they would disclose the fact that you went to that barbecue in your neighborhood. That was unworkable. There were no distinctions that were adequate, that were necessary, in order that we could live a reasonable, reasonably sensible life. And so the committee passed a substitute, which has the executive branch-type limits in it, as this body voted 98–1 that it wanted to do last year. And it is that substitute which is before this body, and which the Johnston amendment, in turn, would be a substitute for.

Mr. President, I think we have to change the rules—not just the punishment, but change the rules. The substitute purports to have stiffer punishment and, in some cases, that may be appropriate. But that is not really the issue. The issue is whether we are going to toughen the rules on gifts. The committee substitute does it in a way which is reasonable, we think, and straightforward. We could have adopted a very general standard, as the current rule provides, by the way. We talked about definitional problems. The current gifts rule provides that the Ethics Committee can waive the rules in unusual cases. And so there is now, as my good friend from Arkansas says, a hotline going to the Ethics Committee right now, and he is right. Right now the Ethics Committee is bombarded with questions as to what is an unusual case.

We could have written a bill which says there is a $20 gift rule, except in unusual cases. And then everybody would bombard the Ethics Committee to figure out if it is an unusual case to go to a friend's home, who is a close personal friend. Is personal friendship an unusual case? You talk about bombarding the Ethics Committee. The easy thing to do is just write in that you can get waivers in unusual cases. We chose not to do that and to do what this Senate said a year ago by 98 votes; it said to adopt executive branch rules and exceptions. That is what the committee substitute purported to do.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, just a couple of brief observations, and then there are a couple of speakers on this side who would like to be heard.

I listened to at least part of the comments of my friend from Michigan this morning, suggesting that the Senate and executive branch would have the same standards. I gather that the Senator from Michigan has changed his opinion, because I have previously heard him say that he did not think the Senate and executive branch should have the same rules. If I make a mistake here, I will be happy to say that. I thought I heard him say in earlier discussions—maybe not on the floor—that this same rule would not be workable as applied to the Senate. Nevertheless, I gather that is his position now.

I think it is important to remember, Mr. President, what this issue is about. Plain and simply, as vice chairman of the Ethics Committee, I can say it is a certainty, an absolute certainty, as surely as the sun will rise tomorrow, that if the Levin-Wellstone proposal passes, at least one Senator's reputation will be permanently destroyed, and his career ended over something as trivial as a $25 gift, within 6 months of passage of this bill. Let me repeat that. It is a virtual certainty, I can tell you as vice chairman of the Ethics Committee, that if the Wellstone-Levin proposal passes, someone in this body will lose his or her reputation and career within 6 months over something as trivial as a $25 gift.

That is what this amendment is about. That is the issue before us here today. We will keep coming back to that over the next 3 hours, and I hope everybody will think that through as they decide how to vote on this proposal. At least one Member of this body will have his or her career ruined within 6 months if this proposal passes. The Senator from Arkansas said that he had his telephone on automatic dial to the Ethics Committee now, and he was asking what would he have to do under Wellstone-Levin. The answer: A full-time lawyer in everybody's office, and a tripling of the size of the current Ethics Committee staff to deal with the gift issue.

That is what we are dealing with here, Mr. President, the trivialization and demeaning of the Senate, the ruining of reputations over nothing. That is what this is about. That is what we will be voting on at 1:30. We have several speakers here.

I yield 5 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment Senators JOHNSTON and MCCONNELL for their leadership, because this is not an easy issue to lead on. It is one that has a lot of people feeling uncomfortable and uncertain on what we should be doing.

I look at their proposal and substitute and I see that they are trying to tighten up on existing law. I think that is a step in the right direction.

I might mention that we have done a lot in the area of reform. There is a lot of talk about congressional self flagellation, but we have made significant improvements in a lot of areas. I have been involved in some of those fights. We have tightened down, for example, the amount of franked mail. We mail today probably about 25 or 30 percent the amount of mail that was going out per Senator and per Congressman just 6 or 7 years ago. We did it because we made some reforms and said we have to disclose mail costs on an individual basis. We are required to disclose mailings on a frequent basis, and that helps get congressional mailing costs down.

Many of us have been working to try and make sure that Congress lives under the laws like everybody else in America, like the private sector has to do. Hopefully, we will have success in finally making that happen. We have made some progress in that area, and legislation was recently introduced by Senator GRASSLEY, Senator LIEBERMAN, myself, and others, to take further steps in that direction. I compliment those Senators for that effort.

We have made steps in eliminating perks that the public perceived as unacceptable. Well, the Senators had a free gym. Now they get to pay $40 or $50 a month for that privilege to have a gym. Some people complained about the price charged for haircuts. We do not have cheap haircuts anymore. I guess that is what some perceive as progress. Now we are charged $50 a month for a doctor whether you use the doctor or not. Frankly, I discontinued this. I did not think it was worth paying $50 a month for a doctor here in the Capitol, in addition to the private insurance purchased by Members, whether a Member sees the doctor or not. I do not think that is a good deal.

I think the proposal of my friend and colleague, the Senator from Michigan, goes too far. I am not an expert, and I compliment my friend from Kentucky, Senator MCCONNELL, and Senator JOHNSTON, and other people, who looked at this proposal in greater depth than I have. I see things in it that I think are going too far, for example, banning the direction of honorariums to different charities. I happen to think that is a good idea. What is wrong if you are making a speech or being a participant on a panel and everyone on that panel is getting honoraria? What is wrong with directing your honoraria to a charity? I think that happens to be a good idea.

Mr. JOHNSTON. Mr. President, will the Senator yield at this time?

Mr. NICKLES. I am happy to yield.

Mr. JOHNSTON. Did the Senator know that in the last 2 years the Senate gave $1.3 million to charity on these direct fees?

Mr. NICKLES. I was not aware of that. I appreciate the information from the Senator from Louisiana. All I know is what I have done, and I have done it in several cases I think to good charities. I know from the Senator's evidence or his statement of fact that a lot of people are doing it. I happen to think that is very positive. I do not think it should be banned. I do not think there is any influence peddling in the process. In fact, the money does not go to the Senator's bank account. You ask someone to send the charity the check. Maybe you get credit for it or not. I do not think charity giving of honoraria should be banned.

I will confess. I am going to make a confession. I play golf, which is a terrible crime, I understand. And I participate in charity golf tournaments. I played in one recently that was raising money for Christian Fellowship. I think it is a great charity, a great cause to help a lot of people. I participated in other golf tournaments that raised money for good charities. People usually just invite you. They say, "We would like you to come." Yes, they invite politicians, athletes, media people and other people that they think might have the draw. But they are encouraging people to come to contribute to the American Cancer Society, the Heart Institute, you name it, lots of charities.

As I understand this proposal, those charity events will be banned if a lobbyist participates, and who in the world knows whether or not lobbyists participate. You get an invitation would you cohost, would you join, would you attend a function, and you do not know if lobbyists are sponsoring it or not. All you know is that they are good causes. You want to help. They want to use you as a drawing card, or whatever. And those will be banned.

My friend from Arkansas, Senator PRYOR, who I think very highly of, has a charity golf tournament in Texarkana in August when the temperature is about 100 degrees. I have not made it yet. I tell him every year that I am going to try to make the tournament because he raises money for charities in Arkansas.

I happen to think that is a good cause. If I can join him in helping that cause, I am happy to do it. That would be banned, as I understand.

I keep looking at these other things. For example, I had a group of constituents that were in last Monday. I had a group of constituents that came in from Shawnee, OK, this week and they come in about once a year. The group is made up of the city leaders, the chamber of commerce, and other businesses. They want to talk about economic development and what can we do for the community, and so on. They ask me to go to lunch. I could not work it in my schedule, but they did take a staff member to lunch. That is banned.

The Oklahoma Grocers come up every year, and I have had lunch with them. Again, is this some big lobbying group? I guess they are registered as a lobbyist. I do not know. I guess they are. But the Oklahoma Grocers come in and we might go out and have lunch. I do not consider that a criminal activity. Yet it would be banned.

Again, I am afraid that the Levin proposal that we have before us goes too far. I might mention it seems to be very inconsistent, as I see it that you cannot have lunch. But if you charge $1,000 a ticket the lobbyist can come and you can have lunch. Or you cannot have dinner. But if you charge $1,000 a ticket or $500 a ticket you can have dinner. I do not think that makes sense.

I think that the proposal that the Senators from Kentucky and Louisiana have come up with has penalties for people who abuse the system, and people who are abusing the system should be punished. But I do not think that frankly we should be punishing someone for going out to lunch with their constituents.

I might mention, too, the fact that we are trying to make Congress live under the laws like everybody else. I came from the private sector. I know the Presiding Officer came from the private sector. And we took customers out to lunch. I did not see anything corrupt or illegal in that activity. Yes, you happened to be together at meal time, and so you would have a meal together. And there is nothing corrupt in that. To imply that is the case I think is a mistake.

Mr. MCCONNELL. On the point the Senator raises of having lunch with the Oklahoma Grocers, the Senator from Oklahoma under the Wellstone-Levin proposal could have his career and reputation shattered over having lunch with the Oklahoma Grocers.

So the example my friend from Oklahoma has raised here illustrates the point that I intend to repeat off and on for the next 3 hours, which is that someone in this body within 6 months of passage of Levin-Wellstone is going to have his or her career and reputation destroyed over something like having lunch with the Oklahoma Grocers.

I commend my friend from Oklahoma.

Mr. NICKLES. I appreciate the statement of my friend from Kentucky, and I have said what I have to say, Mr. President. I think we do need to use some common sense on this issue.

I am afraid that the Levin proposal that we have without the substitute goes too far. I compliment Senator JOHNSTON and Senator MCCONNELL because I think they do have a good proposal that does tighten up abuse and restricts the amount of gifts without hurting charities.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. If the Senator will yield 10 minutes that will be fine.

Mr. LEVIN. I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, I think I will let Senator LEVIN, the Senator from Michigan, respond to some of what has been said on the floor because this is, after all, the Levin amendment. This comes out of Governmental Affairs Committee. It is sort of the age-old debate tactic, I guess, to sort of attack strawmen.

Some of what Senators have been saying about what they would not be able to do is simply not consistent with what Senator LEVIN introduced. This comes out of the Governmental Affairs Committee.

Some of us wanted to push for more. Senator LEVIN has fashioned a compromise and, as Senator LEVIN has said, and I think colleagues need to understand this—I mean not that long ago the Senate went on record by some 98 votes essentially supporting exactly what the Senator from Michigan has brought to the floor today.

I do not want to focus on the initiative that Senator LEVIN has presented to us but rather I want to focus on the substitute amendment, and I just simply want to say to colleagues, since the Senator from Kentucky talked about demeaning the process or something like that, that I believe that what Senator LEVIN has presented here is reasonable and important. But I think this substitute amendment that has been introduced by the Senator from Kentucky and Senator from Louisiana is just simply an effort to derail any reform effort.

Under this amendment, lobbyists and other special interests can pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants, period. Let me repeat that. My colleagues say that they fear that people around the country will wonder what we are up to. Why do not we let go of some of this? We do not need it. The only reason people wonder what we are up to is if in fact Senators support this amendment which so clearly derails any kind of really good reform. Under this amendment lobbyists and other special interests can pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants.

That is what we are going to be voting on. If Senators have concerns about what the Senator from Michigan has presented here, they can introduce amendments.

But that is not what we are talking about. We are talking about an amendment that Senators have to vote on up or down. This is the McConnell-Johnston amendment which would allow lobbyists and other special interests to pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants.

And what people say is, "Boy, nobody does that for us. Why do they need it?"

Why do we hold on to this? You want to change the public perception, or you wonder why people are so concerned, then you certainly do not want to vote for this amendment. This amendment would allow lobbyists and other special interests to continue to distribute to Members and staff free tickets to football, baseball, and other sporting events and Broadway shows and other entertainment events.

And people in Louisiana, and Kentucky and Texas and Minnesota and Michigan and Maine say, "People don't come up to us and give us these kinds of free tickets to all these sporting events. Why do they feel like they need it?"

It is just that simple. If we are worried about the perception, why do we not let this go? We do not need it. Why do we not pass this Levin reform effort that the Senator from Michigan has spoken about, that the Senator from Maine has spoken about? Why are we even considering the substitute amendment, which so clearly weakens all of this? It just is not going to pass the credibility test.

Among other things, this amendment would give Members and staff an unlimited number of gifts, if under $75 per gift. Overall, there is a $150 limit, but if it is under $75 someone can give you that over and over and over and over again and it does not count toward the $150 limit. Now, if my colleagues think this passes the credibility test with people in the country, they are wrong.

This is not a reform effort. There are huge loopholes here. And I cannot for the life of me understand why we do not let go of this.

My colleagues say we should be debating more important issues; this is not even important; let us get on with our work. If it is not so important, what is this opposition to what the Senator from Michigan has presented to us, which is such a reasonable compromise? Why the substitute amendment, which guts the reform effort, which allows lobbyists and other special interests to pay for unlimited and undisclosed meals for Members and staff in most expensive restaurants—we do not need that—which allows them to continue to distribute to Members and staff free tickets to baseball and football games and other entertainment—we not need that—which allows people to give unlimited gifts, if under $75?

This is not a reform amendment. It is not credible.

Let us deal with that perception out in the country. Let us pass a good reform effort, and let us do something that will make us proud. That is what Senator LEVIN has presented.

So I certainly hope that colleagues will vote no on the McConnell-Johnston amendment. It is not a reform. It guts what the Senator from Michigan has presented. And I think we will not be doing ourselves well with the public, or in terms of what we can do as men and women who care about this institution, to vote for such an amendment.

Finally, I go back to the beginning. We voted, 98 of us voted, for a sense-of-the-Senate resolution for exactly what Senator LEVIN has presented today. Talk about trying to dance at two weddings at the same time. It is fine to go on record when it is a sense-of-the-Senate resolution, then we will not really have to do anything. Now the Senator from Michigan presents a credible reform effort, coming right out of the Governmental Affairs Committee, and we have the substitute amendment which essentially rips it apart. Colleagues, if they are serious about reform and respond to the concerns of people in our country, will vote no on the McConnell-Johnston amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield to the Senator from Texas 10 minutes, or whatever time she may desire.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 10 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to talk about something that really has not been talked about by very many people in this debate. Unfortunately, it is because not very many people in this body have had the experience that I have.

I am very glad that not many people in this body have ever known the horrors of malicious prosecution. When I came back from an ordeal that was the worst of life's experiences, people said, "Make a personal privilege speech. Talk about it." I said, "No, there is no need to talk about it. It is behind me. There is nothing good that can come from it." So I really did not say much.

But I am standing here today because the underlying bill, if it passes without the McConnell-Johnston substitute, will allow what happened to me to happen to others—in fact, it will encourage it. I do not want that to happen to a Democrat or a Republican ever again in this country.

I can honestly say that I have been through the worst that our political system has to offer, and I stood, and I took it. I stood strong for several reasons, because when you are attacked you do it for several reasons. You do it for your personal integrity, first. But you also do it for a bigger cause. The bigger cause is so that other potentially malicious district attorneys around this country will not think that they can change the results of an election by harassing someone in public service.

I do not want to encourage the misuse of prosecutorial powers again in Texas or anywhere in this country. And that is what this bill will do if the substitute is not adopted.

I can tell you it was the worst experience of my life and I can tell you I do not want any of my colleagues—not one—to ever, ever go through what I did.

If the Levin-Wellstone amendment had been in effect, I could not have stood for the principle or for my personal integrity because I could not have afforded to defend myself.

The bill effectively prohibits legal defense funds. By limiting all gifts to $20, it would render legal defense funds impossible. That means that unless you are personally wealthy, unless you can afford hundreds of thousands of dollars of legal fees—which is what it takes if you are in the big leagues—political enemies, who happen to be prosecutors or aligned with malicious prosecutors, will know that you are an easy prey.

One of the tactics of a corrupt district attorney might be to convict

someone. But it also might be to drag a person through the mud just to bring a series of charges, and then offer a plea bargain: If you will not run for office again, I will drop the charges.

It takes a lot of stamina and a lot of strength to stand firm when you know that you are innocent. But it also takes financial resources that most regular people cannot afford. Most people in public life cannot afford to run for an election and then have a prosecution with their personal funds, and it could run into millions of dollars.

Mr. President, this is my legal defense report that I just filed. It has the names of over 6,000 Americans from all 50 States —people mostly that I did not know, that knew what was happening to me was wrong and they wanted to help me get through it.

The average contribution was $116. Without the support of my many friends and the wonderful public-spirited strangers, the district attorney in Texas would have known that he probably could, indeed, would have changed the results of my election; that he could have wiped out the will of the people by using the legal system and hundreds of thousands of taxpayer dollars to persecute a person who could not possibly defend herself because she lacked the personal resources to fight the system.

The district attorney in my case spent months using the resources of his office. He hired pollsters. He hired jury selection experts. He convened mock trials. With a $20 gift limitation, I could not have stayed in that hardball game. There is no way.

But because I did have the supporters and people all over this country who did not like what they saw, they stood with me, and I was able to stand and bring integrity back into the political system in my State.

If we pass the amendment today, instead of the substitute, you are going to ask for prosecutors all over this country to be emboldened to use their offices for political purposes because they are going to know that Members of Congress are basically defenseless. If this passes, rather than the McConnell-Johnston substitute, you could change the nature of our political system right here today. You will inject criminal prosecution into politics as sure as we are standing here. And if a person stands against the establishment, as I did, the price they may have to pay is that they will wake up every morning, wondering: Could I be bankrupted because I stood against the establishment in my State and defended myself against trumped-up charges that threatened 20 years or more in prison? Is that what you want?

Do you think that is what Americans want? Do you think Americans want the debacle of seeing criminal prosecutions creep into our political system? I think the American people are sick of the dirty politics. They want to talk about health care. They want to talk about crime. They want to talk about what is affecting them in mandates and regulations and taxes. They do not want politics to get so dirty that we are talking about whether somebody used a telephone to call a supporter and is now facing a prison term for doing it.

This bill has a lot in it that I do not think my distinguished colleagues, Mr. LEVIN and Mr. WELLSTONE, really meant. Their motives are worthy, but I could not let us vote on this bill without giving my colleagues the benefit of a viewpoint that not very many people in this body have and not very many people could speak to. And I hope that remains the case. But if we pass this bill without the McConnell-Johnston substitute, I shudder to think what you-all, my colleagues from all over the country, may face.

The McConnell-Johnston substitute is reform. It is real reform because it puts teeth in our ethics laws, but it will not keep Members of Congress from being able to defend themselves against charges like every other American has the right to do.

Mr. MCCONNELL. Will the Senator yield?

Mrs. HUTCHISON. I will certainly yield to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, regarding applicability of the Levin substitute to legal expense trust funds. Senate Resolution 508 provides for the establishment of and contributions to legal expense trust funds by Senators—notwithstanding the provisions of the Senate gift rule.

Therefore, the sponsor of the substitute is at least partially correct in concluding that the legal expense trust fund resolution overrides the limits contained in the gift rule. But the substitute also contains an amendment to the gift rule which I intended to override the legal expense trust fund resolution.

Since the Ethics Committee is charged with regulating and overseeing legal expense trust funds, it will have to determine the total effect which this new gift language will have on legal expense trust funds.

There can be no doubting the breadth and reach of the Levin substitute. And at least in one instance, the Levin substitute prohibits certain contributions to legal expense trust funds that previously were allowed under the resolution.

What the committee will have to ask itself is whether the true effect of the substitute is to override Senate Resolution 508, not only as it applies to lobbyists—because of an explicit provision in the bill—but also as it applies to everyone else, because of its extremely broad reach and its exhaustive and specific list of exemptions.

The answer to this question, as with so many others raised by this language is: we don't know. And if you happen to choose the wrong answer, your career is over.

I am sure the Senator from Michigan will say he altered the Wellstone proposal so the Justice Department no longer would be supervising the gift rule. But I think it is not much of an alteration in the sense that the horror that would come down on Senators would just come from a different direction.

Let me just give the Senator from Texas a hypothetical under the Levin proposal, somewhat changed from Wellstone in the sense that the Justice Department does not supervise it but the Ethics Committee does. Probably what would happen is that reporters would stake out the Monocle. And if a Senator is fortunate as to have a $25 lunch, or maybe his wife or his children, with constituents—snap a picture of it, send it to the Ethics Committee, and you are off to the races with a potentially career-ending offense.

So it would be just another version of the same thing the Senator from Texas was subjected to. So I commend her for personalizing this issue so Senators may get a sense of what lies ahead.

I said before the Senator from Texas came over here, and I want to repeat throughout the morning, that as vice chairman of the Ethics Committee I can say without fear of contradiction that within 6 months of passage of the Levin-Wellstone proposal, some Senator will have his or her reputation and career permanently damaged.

Mrs. HUTCHISON. Mr. President, I would like to respond to my distinguished colleague from Kentucky because he has brought up one set of circumstances. But my situation is not covered by the Levin-Wellstone bill. My situation would continue because I was elected to the U.S. Senate and faced this harassment by a district attorney in Texas, who had the power to do it at the time.

So I was under Senate rules, and I put myself voluntarily under the Senate rules. I was not really totally clear but I went to the Ethics Committee and I said, "Really, where am I?"

And they said "We think you should comply with Senate rules.

I said, "Great. I just want to do what is right."

So I did.

But under the Levin-Wellstone bill, I could not have raised the money to defend myself. So this district attorney could have nullified the election with his malicious prosecution because he would have known that I could not have the ability to defend myself. And there I would have been.

I must say that other distinguished colleagues will be in that position. We see our President right now being charged with something that allegedly happened when he was Governor of Arkansas. Do you think it would be fair

for him not to be able to have the resources to hire an attorney and defend himself? I do not think you think so.

I think every person should have the right, as every American does, the right to be able to have the resources—particularly when you are being prosecuted because you are in public service. And this bill would keep us defenseless in many instances, and make us the prey of malicious prosecutors. I will tell you it is going to change the nature of politics in this country if it is allowed to stand.

Several Senators addressed the Chair.

Mr. MCCONNELL. I just want to take a moment to thank the Senator from Texas for her very important contribution to this discussion.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

First, as far as the comment of the Senator from Kentucky that in fact the committee bill, the substitute before us, has changed the Lautenberg-Wellstone bill so there is no prosecution by the Justice Department under the committee substitute, it is in the hands of the Ethics Committee not in the hands of the Justice Department—the Senator from Kentucky said he was sure I was going to stand up and say that. In order to correct any impression to the contrary that the Senator from Texas may have created, he is exactly right, I am standing up to say exactly that. There is no criminal prosecution under this substitute that the committee has adopted. It is an Ethics Committee enforcement, as our current rules are, unlike the Lautenberg-Wellstone bill originally which had Justice Department enforcement. The committee bill drops that and instead lodges it into the hands of the Ethics Committee which I do not think is going to unfairly pursue any Senator. I have enough confidence in the Ethics Committee to think they are fair indeed.

But the main point of my friend from Texas, it seems to me, has to do with the question of legal expense funds and that is what I really want to comment on. The committee substitute, unlike the original bill that Senators LAUTENBERG and WELLSTONE introduced, permits contributions to a legal defense fund from anybody except registered lobbyists.

I doubt very much that there are many registered lobbyists on the 6,000 list of the Senator from Texas. But I just want to make it clear, when the Senator said that it would be impossible to have a legal defense fund——

(Mr. CAMPBELL assumed the chair.)

Mrs. HUTCHISON. Will the Senator yield?

Mr. LEVIN. If I can complete the statement. The Senate Governmental Affairs Committee substitute specifically says that the only payment or the only contribution to a legal defense fund which is established for the benefit of a Member that is prohibited is the contribution or other payment by a lobbyist or foreign agent.

That is a very different provision from what existed in the original bill. It is just like other gifts. In this bill, in the committee substitute, there are certain things you cannot accept from a lobbyist. Other people have a much broader range as to what they can give to you. In the committee bill, in the substitute which was adopted by the Governmental Affairs Committee, which is before this body, there is a distinction made between what a registered lobbyist can give to you and what the rest of the world can give to you. That is because the public senses and feels that there is too close a connection between us and paid lobbyists when they take us out to dinners, or when they give us tickets to the Redskins games, or whatever.

So we make the distinction in the bill between registered lobbyists, a very narrow, defined group that must register, and everybody else. That is a distinction which applies to a whole host of gifts. That same distinction is applied relative to legal expense funds. Registered lobbyists cannot make that contribution to the legal expense fund that the Senator from Texas referred to, but everybody else in the world can contribute to the Senator's legal defense fund.

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

The PRESIDING OFFICER. Who yields time? Does the Senator from Michigan yield time for a question?

Mr. LEVIN. I will be happy to answer a question.

Mrs. HUTCHISON. Mr. President, I would like to just ask Senator LEVIN if there is not a $20 limitation on all gifts from all the other people. I would not argue at all about lobbyists not contributing to a legal defense fund. That would be fine. But when you are talking about a $20 limitation, and especially if you have a long and extended prosecution, you cannot raise the money in $20 increments that are needed to go against the vast resources of a Government entity; is that correct?

Mr. LEVIN. The Senator is not correct. The contribution that the Senator referred to is to a legal defense fund. That is not covered by the $20 rule unless there is a contribution by a registered lobbyist, as I have read. It is permitted for others to make a contribution to the Senator's legal defense fund. That is what I am trying to describe to the Senator. You can receive a $50 or $100 or $200 contribution; the legal defense fund can receive that contribution from anyone else other than a registered lobbyist.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, on the issue that the Senator from Texas raises, I think it is not at all clear to me that the Senator from Michigan is correct in interpreting his own substitute.

There is one reference to legal expense trust funds in the Levin substitute. It appears on page 36, lines 21 to 24. The provision states explicitly that a contribution by a lobbyist or foreign agent to a legal expense trust fund of a Senator shall be considered a gift under the Senate rules and, therefore, banned completely. Now, that is the lobbyist and foreign agent part.

What does the Levin substitute say about gifts from everybody else, which is the question the Senator from Texas raised? It appears to me in looking at this, and my staff in looking at this, that everybody else is limited to $20 from any person. A gift under the Levin substitute is "any item of monetary value." All the exceptions to this very broad rule are listed in subparagraphs (d) and (e), beginning on page 37 of the substitute.

Nowhere among these some three dozen exceptions are we able to find contributions to legal expense trust funds from persons other than lobbyists.

Clearly, I must tell you, unless we missed something here, the way the Ethics Committee would have to interpret and apply this language is that there is an explicit ban outright of any legal expense trust funds contribution from a lobbyist, but just as clearly, a contribution to a legal expense trust fund is an item of monetary value. With regard to individuals who are not lobbyists, it appears as if their contribution would be limited to $20.

Somebody has to interpret this. I assume the Ethics Committee will have to interpret it. If the Senator from Texas and I are correct here and the Senator from Michigan is wrong—I do not know for sure—if he is right and we are wrong, effectively, unless you are rich, you are out of business, which is what I believe the Senator from Texas was stating.

Mrs. HUTCHISON. Will the Senator yield?

Mr. MCCONNELL. I yield to the Senator.

Mrs. HUTCHISON. Yes, I appreciate the Senator from Kentucky having the bill right before him because that was exactly my interpretation. When I looked at it, there were no exceptions for legal defense funds to the $20 limitation. As I said, I certainly can approve of and think it is fine to limit lobbyists from contributions. But nevertheless, I could not find in the bill any exception for other people, except the $20 limitation which renders impossible a building of a fund that would go against an entire Government entity

by a public official of normal circumstances.

Mr. McCONNELL. I will say to my friend from Texas, in addition to the very important point we are discussing here, which somebody will have to decide at some point is correct, the Senator from Michigan did say what I knew he would say, which is also correct, that under the Levin modification of Wellstone, Justice is no longer prosecuting. But how the Ethics Committee could ignore the plain meaning after we have wrestled with all the exceptions of a Senator having lunch with a group of constituents down at the Monocle, I think the point is clear that reputations are going to be destroyed over the most trivial examples of perfectly normal intercourse between ourselves and our constituents.

Nobody has experienced the dire consequences of the trivialization of the law more than the Senator from Texas. I think her testimony is extremely important as we wrestle with trying to do the right thing in dealing with the gift issue. I want to thank her for her very important contribution to this debate.

Mr. LEVIN. Mr. President, I yield myself 5 minutes because the Senator is raising an important issue that is worth pursuing. Under the current gift rules, which makes no exception for legal defense funds, a contribution to the Senator's legal defense fund would have been a violation if it were more than $250. That is under the current gift rules. Did the Senator from Texas receive a gift in the legal defense fund of more than $250?

Mr. McCONNELL. It is my understanding there is an exception.

Mr. LEVIN. My understanding is the current gift rules do not make exception for legal defense funds.

Mr. McCONNELL. We will take a look at it.

Mr. LEVIN. We can check that out. But let me also assure the Senator that the reason it does not is because the legal defense fund is a different entity. Under the current gift rule and under the committee substitute, it is a different entity. If it is not a different entity, then the current gift rule would prevent a gift to a legal defense fund of more than $250.

So I want to assure the Senator from Texas that the legal defense fund issue that she has raised is not an issue, for two reasons: Under the current rules and under the rule as the committee substitute provides, it is not a gift to a Member; it is a different entity.

That is No. 1. And to make sure that is abundantly clear, the bill specifically provides that a contribution and other payment by a lobbyist or foreign agent to a legal defense fund established for the benefit of a Member is from the lobbyist. That is the one that is prohibited, not from anyone other than a lobbyist.

But the principal answer is that not only have we clarified that in order for a contribution to a legal defense to be covered, it would have to come from a lobbyist. Other persons' contributions are not covered by the committee substitute. But the current rule provides that you cannot make certain gifts to Members, gifts over $250. That does not cover legal defense funds under the current rule because they are different entities and the exact same thing is true about the committee substitute. It is not a gift to a Member, because it is a gift to a different entity, a legal defense fund. That is not a gift to the member. However, we explicitly prohibit paid lobbyists from making gifts to legal defense funds, explicitly carve out that exception. And I do not know that anyone would have any great objection to that.

Several Senators addressed the Chair.

Mr. COHEN. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. The Senator from Texas wanted to make a further observation.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. McCONNELL. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

I would just like to say to the distinguished Senator from Michigan, I do not think it is clear. I think the exceptions have been made under present law, but by having one reference to lobbyists being banned from these types of contributions and not addressing it on the other side I think makes it unclear. And I would ask the Senator from Michigan if he would be able to clarify it. I could not possibly support this bill when it is as unclear as I think it is now. It is very confusing, and the stakes are much too high to take a chance.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. McCONNELL] is recognized.

Mr. McCONNELL. I yield; I am sorry.

Mr. LEVIN. I yield to the Senator from Maine. I think he controls half of the time on this side, in any event, so I think as the floor manager for the minority he is able to be recognized and yield himself time. Is that correct, I ask the Chair?

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LEVIN. In that case, I yield whatever time the Senator from Maine needs.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. I think the Senator from Texas has made a valuable contribution to this debate.

As I indicated last evening, the committee's substitute for the original Lautenberg-Wellstone amendment is not a perfect product. It has certain ambiguities which need to be clarified, and that is the purpose of having this debate. I believe the Senator from Texas is absolutely correct in suggesting that legal defense funds ought to be continued. I also believe that Senator LEVIN is correct in pointing out that the one restriction should be a ban on lobbyists contributing to legal defense funds for the reason that it creates a perception that lobbyists are trying to gain influence in helping that particular individual out of his or her legal difficulties.

Now, I think it is unclear from the language of the Levin proposal whether or not legal defense funds could in fact receive contributions from nonlobbyists up to the current amount. That question ought to be clarified at some point.

But I would like to make a broader point here today. I think there is a danger attempting to equate ourselves either with the average citizen or with the average executive branch member. This is a different institution. Those in the executive branch do not have to participate in the same types of activities that we do. Our offices are flooded day after day with our constituents. I was late in getting here this morning because I could not get by an unprecedented 18 buses tied up at one intersection, all filled with our constituents coming to Washington. Most of them will come to our individual offices. Some of them will bring the Senator from Hawaii flowers, while others may present others of us with different mementos and gifts of a minor nature.

Most of us are required from time to time to go out with our constituents. We have a different type of process. We are an open house. The executive branch for the most part is closed. I do not see our constituents lining up in droves to go to executive branch agencies. They do not have that kind of access. Yet, we have open doors.

The realities, responsibilities, and expectations that apply to the legislative branch are significantly different than those of the executive branch. We ought not try to equate them identically. They are not identical.

Second, there is a notion that we do not want to be treated differently than our average citizen. We do not want to set ourselves above those we represent in some sort of elitist society, so that we do not have to abide by the same rules and the same pressures and tribulations that the average citizen has to endure.

But we are also held to a different standard because we are public figures. The law treats us differently. It holds us to a much higher standard.

We cannot compare it to business practices. Go back and listen to the inspiring words of, I think, Justice Cardozo: The duties of a fiduciary are

high. We are held to something higher than the morals of the marketplace. We are held to the punctilio in honor of the most sensitive.

So we are held to a fiduciary's standard. The law treats us differently. And because we are held to a higher standard, we are subject to higher liabilities in breach of those standards as the Senator from Texas pointed out. We are liable to the prosecutorial zeal of politically minded individuals. That is the reality.

So I think it is imperative that we have legal defense funds for individuals who might find themselves to be the victims of overzealous prosecutors, just as any citizen would be allowed to do. The one prohibition we should encourage is on the contributions of lobbyists because the public would perceive substantial contributions coming from lobbyists as an attempt to influence that individual's judgment.

I think that this debate is very helpful because this is not a perfect product that we are presenting to the Senate. There are, indeed, some dangers in all of this, and we must be made aware of exactly what we are doing.

The issue of honoraria was raised earlier. You can give a speech to a group and that group can direct the funds that you would receive directly to a charity. Most of us do that. As a matter of fact, just yesterday I spoke to the Brookings Institute. I speak at Brookings at least 10 to 12 times a year, and I will continue to do so. They provide a modest honorarium, and that goes to a number of charities back in Maine. So $4,000 to $5,000 a year goes to charities for women's shelters, abused children, and other worthy causes. Whatever the charity is I pick out, that is where the money goes.

I think, frankly, that ought to be continued. But we then have to draw a distinction. You say Brookings is OK, and the University of Oklahoma or Louisiana would be fine. Do we have to start drawing a distinction between those institutions which do not have issues before the Congress, and those institutions likely to be lobbying in a direct sense? Maybe we can tailor some amendments to accomplish that.

We are running the risk now of saying it is the committee substitute, all or nothing, or the McConnell-Johnston substitute, all or nothing, and yet there are deficiencies in both.

As I mentioned last night, I do not like the "three-strikes-and-you-are-out" provision as it applies to Congress. To me, that associates in the mind of the public that somehow we are associated with the criminal class. And frankly, I do not think the American people would say you get three strikes. They would say you get one. If you egregiously violate an ethical standard then you probably should not be in the Senate any longer. Not two strikes or three strikes. One strike, in all probability, you are going to be out.

There are other provisions that I do not like, namely the publication of travel itineraries. I am really concerned about what would take place if Members of the Senate are required to publish a detailed itinerary in the CONGRESSIONAL RECORD before going on a trip. It may be that the world is safe right now and that there are no international tensions, so none of us will become targets. But that is subject to the fluctuations of the moment. Anytime there is a crisis internationally, we can all become targets and we know that. Yet under the substitute, we would be required to publish a detailed itinerary of exactly where we are going.

Mr. LEVIN. Under the Johnston substitute.

Mr. COHEN. Yes, under the Johnston substitute. I have a problem with this from a security point of view. I think the public ought to be apprised of where we are going, what we are doing, and who we are meeting with, however the event may be sponsored.

But I do not see the benefit of doing it in advance. I have objections to that. I think what we are going through now is an important process because Members have not focused on these changes. There are, as my friend from Kentucky—I think I can call him my friend safely without resorting to Webster—pointed out, a number of dangers that we have to be apprised of. Most of the Members have not yet focused on that. This debate is important for all of us. I take him at his word that he and his colleagues on the Ethics Committee are the ones who are on the receiving end of all kinds of issues that must be resolved.

So it is not a trivial matter. It is an important matter. I think this debate has been extraordinarily helpful in pointing out the dangers that exist if we ignore the ambiguities and do not seek to clarify them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Kentucky has 59 minutes and 15 seconds; the Senator from Michigan has 59 minutes and 46 seconds.

Mr. MCCONNELL. Mr. President, let me speak briefly to the travel issue that Senator COHEN raised. I would be more than happy to modify my amendment if that would gain his support. I think he raises a good point.

I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WALLOP] is recognized for 10 minutes.

Mr. WALLOP. Mr. President, I thank the Senator from Kentucky.

Mr. President, I speak today as a former chairman, and former vice chairman, of the Ethics Committee which sat in judgment on one of the most difficult and contentious ethics cases that this Senate has ever faced; namely, Abscam.

Let me begin by saying that the role of the Ethics Committee is twofold and very specific, and neither holds priority over the other. One is the protection of the reputation of the Senate. The other is the protection of the reputation of Senators. Either can be threatened by public accusations, be they worthwhile or frivolous. The job of this institution and that of the Ethics Committee is to distinguish between those which are frivolous and those which are serious.

Last year, during debate on the lobbying disclosure bill, I was the only Senator to vote against this gift ban idea. I did so because I am not for sale, and I do not believe others in this body are for sale. If they are for sale, rules will not keep them from selling themselves.

But rules can keep good, competent, ordinary, yeoman Senators who have the highest of ethical principles from functioning on behalf of their State, their constituency, and their country.

Like Gulliver, this bill will bind us with inefficient little threads of regulatory monstrosities, all premised on the idea that somehow or other, if we put enough rules on ourselves, we can make an immoral person moral. Mr. President, that is not the way of human life. What we are about to do to ourselves is offensive in the extreme. In fact, most of this debate is offensive.

I notice in the "Dear Colleague" we received from the gift ban sponsors the statement that "none of us believes that Members are selling their votes." But that is precisely what this legislation does in fact say; it says that we are not to be trusted even for $20.

Mr. President, if we cannot be trusted for $20, we do not belong here. If we cannot be trusted for anything, we do not belong here. We should be voted out. But this legislation says that for $20 and 1 penny our heads can be irretrievably twisted off our shoulders, and we can no longer function responsibly on our own, or on behalf of our obligations and duties. What utter nonsense. What an insult to the Senate. What an insult to the Congress.

Inherent in this ban proposal is the view that we would best be put in a bottle of formaldehyde and uncorked in the morning into a closed Chamber, lest we be sullied on the way in by somebody who might actually have knowledge of something we were going to do. Maybe we should not even be looked at by a lobbyist, or a constituent. Perhaps we should just close and lock the doors of this Chamber and of our offices until we go home at night, at which time Common Cause would put us back in the bottle of formaldehyde, lest we be sullied on the way home.

Mr. President, that is not the way this institution has or does work. During my years on the Ethics Committee as both chairman and vice chairman, all kinds of things were brought to the attention of the Ethics Committee. Incidentally, the ethics code was the first thing that was on the Senate floor when I arrived here in 1977. At that time, we passed the ethics code for the most unethical reason in the history of the Senate—to get a pay raise.

One of the things that I saw day after day after day in the Ethics Committee were dozens upon dozens of requests from Senators asking for counsel. In the first year that the ethics code was passed there were, curiously enough, 977 requests of the Ethics Committee. Nobody can tell me that 100 Senators elected by their constituents, who were good and productive people before they came here, needed to ask almost 10 times apiece whether what they were about to do was ethical.

What they were asking us was whether their actions were permitted. We even had a Senator on the Ethics Committee say:

> Senator, we are not here to determine whether what the Senator did was right or wrong. We are here to determine whether it was permitted under the rule.

Lawyers have taken over the concept of life in the Senate. And it is killing the effective creativity of this body. What we do is fully disclosed between ourselves and our constituents. Boy, do I know it. In my last campaign in 1988, my honoraria was the subject of television debates, editorial comment and everything else, and legitimately so.

I had even given a speech to a group that, unbeknownst to me, had been supported by the Reverend Moon. I became the subject of a wonderful little television ad with the Reverend Moon looking blessedly down on his faithful disciple, Senator WALLOP.

That is why disclosure works. It is there for Senators to make judgments, and to be judged accordingly. But this rule will deny Senators a judgment. This institution is accepting an accusation contrived not by the public, but by the Senate. It is an accusation that we are not to be trusted and that, somehow or another, lobbyists are able to pull our reason away from any manner of self-control. That is nonsense, Mr. President. It is also arrogant.

What gives any Senator the right to suppose that each of us knows enough about the details of legislation that comes before the Senate that we can make a judgment without input from the public? What makes us think that we know how to run a bank, a small trucking company, an oil drilling rig, a school system, a county commission, a ranch, a dairy, an export/import business, or a barge line? What makes us think we know what the public needs or thinks without hearing from them and those who represent them? What is wrong with us that we are so arrogant that we cannot understand that we need more exposure to the public, not less. The judgments that we make which are so offensive to our constituents occur because we are inexperienced, not experienced.

Why is it that I cannot have a little golf tournament in Jackson Hole, WY, on behalf of the Congressional Award—the only award given in the name of Congress and which does not use public money? So what if we appeal to the generosity of some lobbyists, and business interests, as well as some private interests, to raise funds for America's young people? This legislation says that if we do just that we are unable to come back here and think straight.

What is wrong with us, Mr. President? It is immoral to accede to a view that the public does not hold of us. Oh, yes, Nightline comes along and—what is the other dreadful one—Inside Edition, where some Members of the Senate see fit to come and disclose the activities of other Members of the Senate. But that is not the public's view of us. The public's view of us is going to be contrived by a Senate that says we cannot trust ourselves, we cannot trust our behavior, we cannot trust our constituents to make a judgment on us, if we fully disclose everything we do.

The other thing that will happen because of these proposals is that people are going to begin to game the system, and then you will see how the public trust falls apart. I cannot give you $20, but I can hold a $500 fundraiser. That way a Member can gain $500 for going to a meal instead of just having a meal.

Mr. President, after 17 years, almost 18, here in the Senate, I know a number of people who are lobbyists. They are my friends, personal friends, good friends—however the quotation goes. Is it anything but strange that they can come to my house for dinner, but I cannot go to theirs? That they can come to play golf at a course of which I belong, but cannot return the favor. All because I am presumed to be irretrievably twisted from my sense of reason and responsibility? Mr. President, the Senate should ask itself what it is doing to its own reputation, not only by this debate, but by the proposal that is in front of us.

Mr. President, when I was here in 1977 I issued a statement then on the Official Code of Conduct which was Senate Resolution 110.

I ask unanimous consent that that statement be reprinted in the RECORD, and for the information of the public watching, in every instance where it says Senate Resolution 110, let it read S. 1935. The words worked then and they will work again today. This is the wrong thing for the Senate to do and it is time to put a stop to this insanity.

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

[From the CONGRESSIONAL RECORD Mar. 24, 1977]

CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENT NO. 154

(Ordered to be printed and to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed to Senate Resolution 110, to establish a Code of Official Conduct for Members, officers, and employees of the U.S. Senate, and for other purposes.

Mr. WALLOP. Mr. President, I am introducing an amendment in the nature of a substitute to Senate Resolution 110, the Senate Code of Official Conduct. This amendment deals only with title I of Senate Resolution 110, and leaves title II and title III standing as proposed in Senate Resolution 110.

I do not doubt, and I do not think that any of my colleagues in the Senate doubt, that the Committee on Official Conduct worked long and hard on Senate Resolution 110. The committee is to be commended for its dedication and perseverance to a difficult and delicate task.

But as I have stated before, and I know that I am joined in my sentiments by several other Senators, that this code tackles the laudatory goal of ethical conduct in the U.S. Senate in the wrong way, for the wrong reasons, and potentially with the wrong results. We have, in our effort to placate the public, the press, and other perceived commitments, lost sight of the objective which should be our guiding light in this matter; that we need and should have a code of conduct for the U.S. Senate because it is right to do so, and because it is correct to aspire toward ethical conduct. We should not have a code of conduct for the mere sake of appearances, or because we are trying to satisfy anyone else.

Senate Resolution 110 does not approach the subject of ethics by encouraging us to aspire to do the right thing at all. It is rather a shopping list of don'ts, a litany of what Senators cannot do rather than a proclamation of what they should do. It reeks with suspicion, and implies that we do not have the moral fortitude to resist temptation, or the wits to recognize it. I think that it debases, rather than inspires, the Senate with its constant implication that Senators are not honest men who know right from wrong. This code leaves us no pride; it gives us no responsibility to decide right from wrong on the individual merits of the case; it negates the trust bestowed on us by our constituents, who demonstrated their belief in our ability to make decisions on their behalf when they elected us in the first place.

Furthermore, Senate Resolution 110, as we each know in our hearts, is in too much part a reaction to outside forces and pressures. It is a sad tribute to this body that we will allow moral elitists and public polls to prescribe our ethical behavior, rather than determining it ourselves. We have all heard of the Harris poll, the fact that the House has enacted similar measures of ethics, and talk of being committed to this code because Congress quietly voted themselves an inordinate pay raise. Bending to these pressures, we have come up with and will probably adopt a code that is arbitrary and in many instances unenforceable. It is a code loaded with figures that make it advantageous to stay in arbitrary brackets, chock full of loopholes and unenforceable terms that in the end confirm that ethics cannot be legislated by rules and figures. Senator Muskie was absolutely right when he said that this code sends a few easy prey to the wolves, for it does precisely

that to ease consciences, and we should be ashamed.

This code moves the U.S. Senate one step closer to becoming a body of elected bureaucrats, paid and kept by the public, and I question the wisdom of that direction. The foundation of our system of government lies in the British Parliament, which through its two Houses purposely represented various components of the British society such as the clergy, the universities, and so forth. Are we citizen legislators, representing our constituents' interests through our own expertise and experience, or are we political eunuchs in the words of another Senator, separate and apart from the concerns we represent?

I think that there are too many problems with Senate Resolution 110 for us to continue to try to patch it up with piecemeal amendments. Rather, I propose that we adopt another code, with another approach, which inspires us towards high ethical standards of behavior. For this reason I submit an amendment in the nature of a substitute made up of seven canons of conduct. Such canons have long been used by both the judicial and legal professions, and have proved most successful. The Code of Judicial Conduct has existed since 1923, while the lawyers' Code of Professional Responsibility dates back to 1908. Both are enforced by the respective profession through boards of review as prescribed by each separate State. Both are composed of broad, inspirational canons, supplemented by accompanying rules and commentary.

The Code of Conduct I propose for the Senate would pattern itself after these models. In adopting these seven canons, we would immediately have a code of conduct that is inspirational and noble. As provided by my amendment, the canons would then go to the Ethics Committee for further consideration and elaboration through the creation of accompanying regulations. Such regulations would govern specific situations and infractions and, when adopted by the Senate, carry the full authority of the canons and be enforced likewise. I believe that adoption of such a code would enable the Ethics Committee to implement many of the very fine suggestions that have been made during the debate on Senate Resolution 110. I further believe that every provision in Senate Resolution 110 could conceivably be included in the canon format, through appropriate regulations, although I would hope that with this additional time the committee may wish to modify some of the proposed provisions. If adopted, the amendment would further instruct the Ethics Committee to report back to the Senate by resolution within 40 days with the proposed regulations for Senate approval.

Mr. President, when our Founding Fathers wrote our Constitution, they wrote a document which would last, and that document has withstood the tests of time. Likewise, a code of ethics must also be designed with the future in mind. What we have here is a capricious and cosmetic response to immediate pressures. What we have here is a document which is designed to appease the public of 1977, with no forethought to 1978, 1980, or beyond. Senate Resolution 110 as written is a sham, a debasement of all that I and many others have aspired to in public life, and you expect me to justify this and rationalize it to my family, my friends, and the people of Wyoming.

I entered public life proud to represent Wyoming, proud to be an American, and proud to have the confidence of those I represent. This resolution makes me question that pride and even that confidence. I cannot be proud of a resolution which casts suspicion upon all that I have stood for. My amendment, equally strong on ethics, equally harsh on those who break the public confidence, approaches the same problems from what I believe is a more positive, more inspiring perspective. It is a document which will last beyond 1977.

I would urge my colleagues to support this effort.

Mr. President, I submit the amendment in the nature of a substitute, No. 154, which I will in all probability not call up. I wish, therefore, to have the amendment printed in the RECORD.

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

AMENDMENT NO. 154

On page 1, beginning with line 1, strike out all through page 40, line 7, and insert in lieu thereof the following:

"That this resolution may be cited as the 'Official Conduct Amendments of 1977'.

"TITLE I—CODE OF OFFICIAL CONDUCT

"SEC. 101. The Standing Rules of the Senate are amended—

"(1) by striking out rules XLI, XLII, XLIII, and XLIV; and

"(2) by renumbering rule XLV as rule XLI, and by adding after such rule the following new rule which shall be known as the 'Senate Code of Official Conduct':

"RULE XLII—CODE OF OFFICIAL CONDUCT

"Canon 1

"A Senator, and an officer or employee of the Senate, shall uphold the integrity, dignity, and independence of the Senate.

"Canon 2

"A Senator, and an officer or employee of the Senate, shall avoid professional impropriety and the appearance of professional impropriety in all activities.

"Canon 3

"A Senator, and an officer or employee of the Senate, shall perform the duties of office impartially and diligently.

"Canon 4

"A Senator, and an officer or employee of the Senate, shall not receive any compensation, nor permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Senator, officer, or employee.

"Canon 5

"A Senator, and an officer or employee of the Senate, shall annually file reports disclosing assets, debts, gifts, and income as required by the Select Committee on Ethics.

"Canon 6

"A Senator, and an officer or employee of the Senate, shall recognize at all times that he is a servant of the people of this nation.

"Canon 7

"A Senator, and an officer or employee of the Senate, shall avoid expenditures of public funds that are wasteful or designed to obtain political advantage."

"SEC. 102. The Select Committee on Ethics shall report to the Senate by resolution specific regulations as to the application of each Canon of the Senate Code of Official Conduct. After adoption of such regulations by the Senate, such regulations shall carry full effect as part of such Code."

AMENDMENT NO. 155

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 156

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 157

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 158

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

Mr. MCCONNELL. Mr. President, I thank the former chairman of the Ethics Committee for his fine statement.

I yield 10 minutes to Senator PRYOR from Arkansas.

Mr. PRYOR. Mr. President, I first compliment the Senator from Michigan. I think this debate is a meaningful debate, a constructive debate. I do think that in the Senator's proposal, as adopted by the Governmental Affairs Committee and sent to the floor of the Senate, there are some areas that actually go too far.

I want to talk about one of those areas for a few moments, and that is the area of charities. I want to tell you a little story, Mr. President and my colleagues.

About 25 years ago, I became a freshman Member of the other body, the House of Representatives, and before long, after serving in that capacity for a few months, I began hearing from two wonderful individuals in Texarkana, AR. Texarkana is on the border of Texas and Arkansas. In fact, one side of the main street is in Arkansas, and the other side is in Texas. In fact, half of the post office is in Arkansas, half of the post office is in Texas.

Texarkana, U.S.A., is a special place. I started hearing from two special people about a project that they were beginning at that time to deal with developmentally disabled children and adults. They created something known as Opportunities, Inc. Today, Opportunities, Inc., then created to serve only a very few individuals, serves over 700 people each week, 5 days a week, from 8 until 5, with vans and busing going throughout the county, going to Texas, Arkansas, Louisiana, even sometimes into Oklahoma, to bring individuals, young people and older people, into this tremendous resource that has been created.

One of these fine ladies who was involved in the creation of this is Francis Holcomb. The other is Patty Fulbright Smith. Patty Fulbright Smith, incidentally, is the niece of a former colleague of ours in this institution—a very illustrious colleague, I might

say—Senator J. William Fulbright. Francis Holcomb is known as the "Mother Teresa" of Texarkana, because it was Francis Holcomb's leadership and Patty Fulbright Smith's joining in this effort, that has truly made this concept of Opportunities, Inc., become a reality. That was 25 years ago.

But today, Mr. President, there is a tremendous need to treat and deal with and serve the developmentally disabled, from children to adults, from housing to special projects, group homes and independent departments, for people with disabilities, intermediate care facilities for developmentally disabled people of all walks of life, regardless of their ability to pay. These are the low-income individuals and citizens that Opportunities, Inc., each day, truly in a labor of love, with 125 full-time staff, go out throughout the countryside and bring into this haven of rest and to this place where they are treated as someone important and treated by people who truly care.

Medicaid pays some of this. The States of Texas and Arkansas pay a little bit of this. Sometimes there is SSI helping to defray some of the expenses of some of the individuals being served by this facility. But most of the money, Mr. President, comes from the private sources.

About 6 years ago, because of the tremendous need and the tremendous overload and burden of Opportunities, Inc., we decided that it might be a win-win situation if we could have a charity event which would raise money for Opportunities, Inc., bringing in our colleagues from Washington, and bringing association officials from Washington into Texarkana, having a 1-day golf tournament, and then coming back. Well, it became so popular that it is no longer just a golf tournament. Now Wal-Mart is sponsoring, in addition to it, with the cooperation of some of the best bass fishermen in America, a bass tournament in conjunction with it. We now have a tennis tournament in conjunction with it. And we are very proud to say that each year we have raised over $100,000 for Opportunities, Inc. This, I might say, Mr. President, is also seed money, in order to get grants from foundations to keep Opportunities, Inc., alive.

Mr. President, I know full well the practicalities of what we are dealing with. I know full well what some of the concerns are of our colleagues like Senator LEVIN. Yes, they have seen things on the nightly news, or they have seen things on some television show exposing perhaps some abuses—and I do not know whether they were; I have not seen any of those shows in particular. If I did, I do not recall what I did see. But, Mr. President, I want to say this: For our golf tournament, which is held in August, and it is usually about 110 degrees, we stay at the Best Western Motel right there in Texarkana. It is not very fancy; it is clean, but it is not very fancy in relation to many other facilities we have in our country, but we have in conjunction prior to the tournament. In fact, in late May we have a press day. We invite the press. We encourage the press not only to come and participate and cover this event, we invite the press to play in this event.

We have 1,100 volunteers in the Texarkana area that help make this tournament popular, who really go out and do the work, put up the tents, cook the food, house the guests, and really it becomes an event in Texarkana, U.S.A., where the entire community—the entire community—the banks, the businesses, the labor unions, the minorities, the majorities, everyone involved, participates and coalesces around this one event.

In fact, I might say to my friend from Kentucky, this event has become so popular that Dean Beeman, who directs the Professional Golfers Association, the PGA, has now become a player each year because he says this is what it is all about.

Also, the Nike and the Hogan people have become so enamored with the public support that it is now on the Nike golf tour, which gives the younger professionals an opportunity before they go into the major tournaments which will come later.

One of those participants in our first tournament was a young golfer that no one had ever heard of. He was from Dartnel, AR. His name is John Daly. He came in second. He got beat out on the 18th hole in that particular tournament.

Mr. President, what I am saying is this: I know what the Senator from Michigan, the Senator from Minnesota, the Senator from Wisconsin, the Senator from New Jersey, and the Senator from Maine are concerned with, and I, too, want to be concerned about what people and constituents and citizens think of this institution. But I can say without reservation that in these 6 years of dealing with this particular charity I do not feel contaminated, I do not feel compromised. But this substitute is going to have the effect—not explicitly, but it will have the effect—Mr. President, of basically destroying events such as this.

It is not going to hurt me. I am not going to lose anything. It is not going to hurt the so-called lobbyists that enjoy going to Texarkana and having 1 day of golf. But it is, Mr. President, going to be a very serious adverse impact on Opportunities Inc., and many other like charitable organizations and concerns around this country.

I would like to say, in closing, that I would like to invite Sam Donaldson. A lot of people say we do not want the press. We want press. I would love to have Sam Donaldson come and either play in our tournament or film every bit of it. There is nothing to hide. All of it. We want it exposed. We want to tell people about Opportunities Incorporated and what a community can do.

We have had our present President, who has played in this tournament. We have had our present Governor, Governor Tucker, who has participated in this tournament. We have had Members of the Cabinet; we have had Members of the Senate; we have had Members of the House; we have had celebrity football coaches and sports figures.

When it all comes down to it, we think it has been a win-win situation. We think it is open, above board, and we only hope that charities such as this will not be eliminated when we are trying to cure another problem.

Mr. President, I may have a minute and I am going to yield that back. I thank the Chair. I hope we will truly realize that events such as this are going to be very necessary for our local communities and, hopefully, we can maintain the viability of these types of charity events.

The PRESIDING OFFICER (Mr. MATHEWS). Who yields time?

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN] is recognized for 10 minutes.

Mr. GLENN. Mr. President, I thank the distinguished floor manager of the bill. At the outset, I congratulate Senators LEVIN and COHEN for their work in the Governmental Affairs Committee on this issue.

There is no approach to this issue that is going to satisfy everybody. And there is no approach to this that I think really covers the whole problem. Everybody gets up and says right off the bat, so we do not insult each other, we say that we do not believe anybody here can be bought or anybody here is really up for sale. So I add my voice to that. I find the idea that someone could come in and buy our vote here to be totally repugnant. This discredits our labors and only further undermines and demeans this institution.

But I recognize that in the world of politics sometimes what is fact is not the same as what people believe. It is the fancy that comes along with some of the perceptions, and that is what we have to deal with here. We have to deal with perceptions because our system runs on perceptions, and faith in our system also runs on perceptions.

I think we do have to admit that the perception out there is that confidence in Government is not as justified as it used to be. There are more questions about how we do things, which range from maybe a healthy cynicism, to an overall questioning, to downright hostility at some of the things that people read about in the papers.

I regret that perceptions out there have required us to come to this point

where we really do have to make some legislative changes, I feel, to get faith in the system restored.

Are we dealing with the problems with what we are debating here on the floor now? No. I say right now up front I do not think we are. We are talking about who can accept a donut and all this sort of thing, as we were in earlier debate here. But, actually, compared to the real problem, what we are talking about here are more donut holes than donuts. Because you can eat your donut out there on the plant floor or someone's office and turn right around and accept a $5,000 PAC contribution from that same person, or a $1,000 personal contribution, and that is absolutely legal, and everybody thinks that is fine.

I think what we have to do is one of these days deal with the real root cause of some of this lack of faith, this perception that we are somehow not to be trusted here. I think we have to deal with campaign reform, and really my own personal preference would be that we go to Federal financing. I came to that conclusion after a long time in public service, where we really come around then to taking out the root cause of why there should be some suspicion in Congress of certain people when they accept enormous amounts of PAC money or whatever from certain industrial or social groups of one kind or another.

So what we are doing today here, I believe, is we are sort of nibbling around the edges of perception. And we should do that. I do not mean to talk down what we are doing here, because I fully support what Senator LEVIN has proposed. He has done a great job on this. He did not come here trying to be the world's greatest expert on this issue. But I think what he has come up with in our committee and brought out to the floor is the most workable of any of these solutions. The time for us to face up to this is now.

If we must act to ban all gifts and amenities to registered lobbyists as a first step, so be it. We say as long as you pay for your own bill, you can go to the Kennedy Center, ballgames and go out to a meal. But let us make it fair so we pay our share, as the constituents do. If that helps to change the perception, so be it.

I do not like it that people might perceive we are doing wrong for such a small amount of largess, whatever that might be. But that is the way the public perception is these days.

If we are really talking about doing something on this, we would do something about the really big contributions. We would go to something like Federal financing of campaigns and deal with the big problem.

Now, we are quite capable of doing business as Senate officers are expected to do, in the old-fashioned way. We earn the trust of our constituents by seeing those who come in to see us, seeing the leaders of a particular group, and we see them in our offices or we see them back home. They do not need to buy any access.

They do not need to make contributions. They do not have to take you out to a fancy place to get your ear so they can talk to you about certain items that may be coming up on the legislative calendar. They do not have to buy access.

And so, we can do that if we want to. And that to me is the best way of doing away with some of these perceptions.

The proposal Senator LEVIN has carefully crafted is workable—it is workable—and some of the others, I feel, are not.

I was very pleased that our Committee on Governmental Affairs reported this measure out. We seek to apply the same kind of standards that have been imposed on the executive branch. If it is good enough for them, why not us? I do not know that we should be treated any differently. The perception of Government comes from us. It comes from the executive branch, too. And if it is working over there, I do not know why it will not work just as well over here. I do not think we are some sort of exalted royalty that should be under lesser standards than they have in the executive branch.

How many times, for example, have Federal regulators—let us look at Federal regulators in the executive branch—how many times have we hauled them up before Congress and berated them for being too cozy with the industries that they regulate? In recent years, Congress has bashed the FDA, the FCC, the NRC, the OTS, and all the other alphabet soup of Federal regulatory agencies across Government.

We love to haul them up here and give them the devil because they are too cozy with the people that they are regulating.

Now, what if those agencies had rules that allowed—what if we passed a law here today that said all regulators are permitted to go have dinner with the people they regulate? They can accept ball tickets, they can accept Redskin tickets, they can do whatever they want to do. They can go to dinner, on trips, to the theater, or to ball games. It would not be a matter of minutes until we would have congressional committees hauling the regulators before us, charging them with malfeasance, misfeasance and every other kind of "feasance" you could get at, because we would think it was wrong that they were being treated to all these different things by the people they regulate. I am sure we would term it outright bribery before we were done with it.

And I can tell you when it would happen. It would happen after any controversial decision the regulators made that favored that regulated industry, no matter how justified it might be.

Well, would we say it is OK for a regulator to take all that largess from the regulated industry as long as it is disclosed later? That is what one of the proposals here would do. They would say, as long as it is disclosed it is OK. Would we say that would be OK for the regulators to do that? I do not think so.

Could a regulator argue that his taking a trip or a dinner from a regulated entity would not affect his decision as a person of integrity? He has honor and integrity; it would not affect him. Of course, he could argue that.

At the same time, no one here is suggesting that we loosen the current rules for regulators. Because, to allow regulators to accept gifts from those whom they regulate, the perception would be that the regulator could no longer be trusted as fully as he was previously. And the same thing applies here.

If that confidence were shaken in that regulator, it would add to the public's distrust of Government in general and weaken the very fabric of our Nation, the civic bond that holds this democracy together.

Now, if we do not think it is right for a regulator to take substantial gifts from the industry they regulate, how can we justify gifts being given to a person who votes on the laws being carried out by the regulators?

We are the ultimate regulators of this whole Government—right here. We are the ones that pass those laws and send them over for the regulators to implement and put into place. We are the ones who have oversight over regulators' activities. So our positions are even more important than theirs. And, in my view, there is very little substantive difference between prohibiting a regulator from accepting some of these gratuities. I think we should abide by the same rules they are required to abide by.

Having said this, I want to say again that I think this really, truly is a diversion from the nub of the issue. We should be starting with campaign finance reform.

Could I have another 2 minutes?

Mr. LEVIN. I am happy to yield 2 additional minutes.

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

Mr. GLENN. I think it is a little hypocritical for a Member to say they could be bought for a $21 lunch, yet turn around and pick up a phone to a PAC and ask for a contribution over 200 times that amount, a $5,000 contribution. What we are talking about here is not the donuts. It is more like the hole in the donut that is the real problem, like the tail wagging the dog.

We may not be able to take a sandwich from a lobbyist outside the office, but we could still—and will—ask them

for a $5,000 PAC contribution or a $1,000 personal contribution to go along with it. It does not make much sense to do it that way.

I should add that the Lobbying Disclosure Act, which was already passed by our committee—Senator LEVIN proposed that; he has been a leader in this area, also—would probably have more real impact in terms of restoring the people's trust, the perception in their own Government, by disclosing who is paying what to lobby whom on which issue.

But the problem comes back to where real influence may lie, and that is in the far greater sums of the permitted PAC contributions.

But, be that as it may, if banning lobbyists' gifts will help remove these jaundiced perceptions and help to restore this institution's integrity, then I say let us get on with it. Let us do it. I do not think we can afford not to.

It also has been said repeatedly on the floor that if this is one little nibble, one small start at regaining the trust, by changing some of the perceptions people have of our Government, then I think we ought to do it.

So I support the efforts that Senator LEVIN and Senator COHEN have made on behalf of our committee on the floor. I regret I had to be gone for a while last evening and could not participate in some of the discussions on the floor. But I do want to thank Senator LEVIN for all his hard work in coming up with this substitute, and am pleased to stand beside him in this effort.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague from Kentucky for yielding briefly to me to discuss what is clearly a very important issue for the Senate but also for the American public.

If I can for just a few moments speak with some experience, both having served on the House Ethics Committee and now as a member of the Senate Ethics Committee.

While I applaud the environment of reform and the intent to reform the gift laws as they have been spelled out in the past and as they are being spelled out by the Senator from Michigan or the Senator from Minnesota or the Senator from Kentucky, Mr. President, my experience tells me that there is something here that is very important that we must adhere to, and that is that in the reform effort that we are about, for the sake of this Senate and for the sake of the American public, we must, first of all, be clear in what we do, it must, above all else, be understandable, and it must be enforceable. And if those three principles are not adhered to, problems will be afoot.

My colleague from Ohio, a moment ago, spoke of perception and reality. My experience says that Members of the House, when I served there, and Members of the Senate oftentimes make mistakes because already the rules are so complicated that unless they and their staffs review them and approach them on a regular basis, they could find themselves accidentally in violation. And the hundreds of requests that we get before the committee today demonstrate that direct and open concern that most of our colleagues have here about failing to meet the test of the current rules. That was also true in the House.

Let me liken it to the public at large who find themselves every year having to walk through the very complicated process of filling out a tax form and not wanting to be in violation of IRS regulations. Well over 75 to 80 percent of the audits that are done by the IRS today are found not to have the taxpayer in violation, but they innocently found themselves not having followed all the rules because they were so complicated.

It is my opinion that the Wellstone substitute is so complicated that it cannot be followed, or that it will result in so much effort to interpret that, literally, new employees will have to be brought on board the Ethics Committee and it will not make this body a more ethical place than it is today.

Clarity, understanding, simplicity, and enforcement are also how the public will see us. Because, if we create a myriad of trip wires that have no value in the improvement of the response or the integrity of the individual Senators, then we have accomplished no good.

The substitute that has been offered by Senator MCCONNELL and Senator JOHNSTON to S. 1935 accomplishes strict new gift limits, tough new penalties for violators, clear and understandable standards for disclosure so the American public can look in upon us as public people and see by what we report that we are being fair, responsible, and honest. That is the reason I support reform and I support the reform that has been offered to us in the form of a substitute by my colleagues from Kentucky and from Louisiana. Because it meets the test of clarity, it meets the test of understandability, and it meets the test of enforceability. If you do not meet those tests with any law of the land for the average citizen or for the Senators of the United States, then you fail to write good law and you fail to provide the roadmap necessary to guide us in our performance here so we can be effectively and responsibly judged by those who send us here, our constituents. That is why we do what we do.

As my colleague from Wyoming said, what we do is to protect the reputation of the Senate and also to protect the reputation of Senators, but, most important, to assure that those who observe us can observe us in a clear and understandable fashion. I think the only proposal that is before us that meets the standard of clarity and enforceability and understandability is that substitute offered by my colleagues from Kentucky and from Louisiana.

Let me close by saying I speak from having served on a House Ethics Committee and now the Senate Ethics Committee where I have for several years screened and looked at Members of both bodies in their efforts to be in compliance with current rules of both the House and the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I thank my colleague from Idaho, someone who has served extensively on the Ethics Committees of both bodies and understands this issue clearly, for his support on our amendment.

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

The PRESIDING OFFICER. The Senator from Kentucky has 29 minutes 14 seconds.

Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the time for debate be extended by 15 minutes and that the vote on this Johnston amendment be at 1:45 instead of at 1:30. I believe the leadership on each side supports that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The additional 15 minutes will be divided equally for each side. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I want to get back to some of the concerns that have been mentioned about the Levin substitute and the Johnston amendment that would replace it.

I have to say I certainly enjoy being in the U.S. Senate. It is the greatest honor of my life. I hope to be here for quite a while, at least 5 more years. But I am a little surprised to see such great passion in this body for the defense of this system. I have heard some of the greatest expressions of concern that I have heard in the last year and a half about this issue. I just do not understand how it can be such a big concern.

The Senator from Maine suggested that this is a different institution, and it is. It is a different institution from the executive. And, yes, it is a different institution from a State legislature,

but I suggest only by degree. It is grander. We are involved in more issues.

But I have to return to my own experience. Maybe I am one of the only Members in this body—maybe the only Member—who has actually worked in a system for 10 years that had an even tougher rule than this. In the Wisconsin legislature you cannot do anything—pure and simple. You just cannot do it. You know that coming in. I do not think the functions we perform here are really different in the sense of contact with constituents than that of a State legislator, where you have to meet with constituents. They are always asking you to join them in events where you are confronted with a question whether you can accept a football ticket or not. It is the same kind of system. I feel this debate has been distorted by trying to exaggerate the consequences of the Levin substitute.

I think that has been done in two ways. First of all, the idea this is going to be so hard to enforce, as the last speaker was suggesting, it is just not the case. We have had this rule for 20 years in the State of Wisconsin, since 1973. All the members of the body—of the assembly and the senate—know you cannot do this. If they go somewhere, they have to pay their own way: Separate check. Sometimes you have to ask somebody, "You are not a lobbyist, are you?" if it relates to the lobbying issue. If there is any doubt in your mind, you just ask for your own check. It is extremely simple.

I understand there is a different culture here. I understand what has been done is totally legal, and that is what bothers me about this debate. It is not very fair to any Member of this body who has had the opportunity to participate in any of these events to say they have done anything wrong because they have not. It is legal, and that is why it is painful to talk about it, because in a way it suggests these people have done something wrong. They have not.

But this is our opportunity to reform the system. All I can tell you is the State of Wisconsin has performed very well in those 20 years. We have members of both parties in power. We have a Republican Governor, and a Democratic assembly. The economy has done very well during these years when the rest of the country has had some problems. We have taken the lead on welfare reform, on long-term care for the elderly. And the ship of state has done just fine with this rule. Members have not been forced to be embarrassed or dragged through lengthy legal proceedings.

Yes, there have been a couple of violations in 20 years, but they were at a brief time in the 1980's when there was some laxness in this and it had to be toughened up. So it is very hard for me to understand how this institution can be so different from a State legislature that we cannot just change the way we do business. You can forget about the past because what was being done was legal, but we can look to the future by saying we are not very different from the other people in our society in being able to do this.

So I really feel no one in this body has addressed the point that this has worked just fine in Wisconsin for 20 years. Why has it not been a problem there if it is such a tough thing to do?

It is simple, and you will not even notice it after a brief time, after the rule is enacted, because you will simply say to people, "I am happy to spend some time with you, but I am just going to have to pay my own way."

The other distortion here is the attempt to say this involves trivial matters, as with the comments about fruit baskets, lunches, and donuts. Well, I am sorry. People in my State consider a $75 meal, for example, which the substitute would allow, to be a lot of money. And still under this substitute, as I understand it, a person in the Senate or the House could have a $75 meal every single night of the year, which I think roughly comes out to $27,000, just on the meals portion. It is perfectly legal if we adopt this substitute.

That is a hard thing for me to tell people back home that that should be OK. It is not.

I ask unanimous consent for an additional 2 minutes.

Mr. LEVIN. Mr. President, I will be happy to yield whatever time the Senator from Wisconsin needs. I do have a question if he will yield for one.

The substitute he is now referring to is the Johnston substitute.

Mr. FEINGOLD. When I refer to the $75 example, it is under the Johnston substitute. The Levin substitute would only allow $20.

Since there is a double strategy going on here, at one point people want to say this is a big deal, it is going to be hard to deal with and involves very substantial change. On the other hand, the argument is made this is a trivial matter dealing with donuts and coffee cups. It cannot be very trivial when various restauranteurs in Washington are begging for an opportunity to meet with me because this change, the change that the Levin substitute proposes, apparently would destroy their base.

You cannot have it both ways. It cannot be both trivial and destructive of businesses in Washington. The fact is that there must be enough of this kind of activity that these people who run these restaurants feel that their businesses would be threatened.

So I just simply conclude by saying it is unfortunate we even have to have this debate. What is unfortunate is that the Members who are expressing concerns about this have not done anything wrong. I do not think that has been said enough.

But there is an opportunity to turn the page, to realize that most people in this country cannot afford these kinds of things and that they think it is wrong for us to receive a salary and then, on top of that, be able to get expensive trips and lunches and so on. I think we would all be better off and happier if we just eliminated this practice and adopted, at least at a minimum, the provisions of the Levin substitute.

I thank the Chair.

Mr. WELLSTONE addressed the Chair.

Mr. LEVIN. Mr. President, I am happy to yield 25 minutes or whatever time the Senator from Minnesota needs.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I think I can do this in 5 minutes.

I would like to build on the comments of my colleague from Wisconsin and say that I do think there has been a lot of harping on the complexity of all this to the point where that has become the ultimate simplification. The Levin proposal is very straightforward, but I will not engage in a debate on that.

I want to talk about another tactic that I think is being used on the floor, and I hope that all of our colleagues who are going to vote on this really pay careful attention to it. It is quite one thing for colleagues to come to the floor and in very good faith—everybody involved in this debate is involved in good faith—say we have a real concern here or there in relation to charities, or whatever, in which case later on there will be an opportunity to offer amendments.

Colleagues that have problems of that kind can offer amendments. It is quite another thing to vote for the McConnell-Johnston substitute because what the McConnell-Johnston substitute—I want to repeat this one more time for my colleagues—allows is for lobbyists and other special interests to, (a) pay for unlimited and undisclosed meals for Members and staff in Washington's most expensive restaurants, no limit, (b) continue to distribute to Members and staff free tickets to football, baseball, and other sporting events, to Broadway shows and other entertainment events, (c) give Members and staff an unlimited number of gifts if under $75—and, by the way, that does not count toward an aggregate, that can be given over and over and over again—(d) finance congressional retreats at posh vacation resorts.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. WELLSTONE. If I can finish, then I will be pleased to. I just have to say to my colleagues that this substitute amendment does not represent a step forward, it represents a great

leap backward. People who are following this debate and people who care about our having a process that is open and accountable will understand that.

The Levin proposal, the Governmental Affairs Committee proposal, that amendment is a reasonable compromise which shows that we are serious about reform. Later on, colleagues can come to the floor and offer amendments, but right now, we are debating this amendment. I think it would not be a step forward but a great leap backward from the point of view of any reform.

Mr. JOHNSTON. Will the Senator yield?

Mr. WELLSTONE. I will be pleased.

Mr. JOHNSTON. The Senator just mentioned our bill allows for unlimited and undisclosed meals, et cetera, and listed four things dealing with meals, tickets and gifts.

Mr. WELLSTONE. That is correct.

Mr. JOHNSTON. Is it not a fact that the Levin-Wellstone amendment allows the same thing, only while ours would be limited to $75, yours is unlimited, provided it is motivated by personal friendship, to be decided by the Member?

Mr. WELLSTONE. First of all, I will respond, but I want—one thing I want to do in this debate to clear this up is say I am proud to support this. This is the Levin initiative. This comes out of the Governmental Affairs Committee, so I will, first of all, defer to the Senator from Michigan and then I will respond.

Mr. JOHNSTON. Does the Senator know the answer to the question?

Mr. WELLSTONE. I know the answer, but I want my colleagues to understand whose amendment this is, so I will first defer to the Senator from Michigan.

Mr. LEVIN. If the Senator will yield, I will be happy to.

Mr. WELLSTONE. I will.

Mr. LEVIN. It is in the judgment of the Member if it is a close personal friend, as we have outlined it in this substitute which the Governmental Affairs Committee has approved. The answer is correct, and that is an exception which I think most people believe in.

I think the Senator from Louisiana probably believes in the close personal friendship exception that we ought to be able—as a matter of fact, I think he has spoken to me about close personal friendships—we ought to be able to accept gifts from persons we believe are close personal friends.

Mr. JOHNSTON. All I am saying, I think that is entirely correct, and ours allows that. The difference is ours is limited to $75, yours is unlimited, except yours is close personal friend. All I am saying is that the Senator from Minnesota, in quavering voice and stentorian tones, says this will allow this. Well, so does the pending amendment. So does your amendment.

Mr. WELLSTONE. If the Senator will yield for a moment, the distinction, of course, since the Senator originally put the question to me, the distinction—if the Senator wants to go with the ridicule about quavering voice, he can do so. Ridicule has a way of backfiring. People are serious about this on the floor and in the country.

The distinction is in the Levin proposal, there is an exemption for friends, and the Senator might want to add to this, with a fairly tight and rigorous definition of "friend." In this substitute amendment, it is across the board. It is for anybody.

Now, I think anyone who is following this debate can follow that distinction. So if the Senator wants to go with ridicule, he can, but that is no substitute for honest disagreement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSTON. Mr. President, if that was ridicule—and perhaps it was—I apologize.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield whatever time the Senator from Kentucky may need.

Mr. FORD. Three minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, throughout this debate, I have heard many of my colleagues tell us that public confidence of the Congress is at an all time low. I think it is important for all us to recognize that there is no magic wand to restore public confidence in this institution. Restoring confidence requires a step by step change in the way we are perceived by our constituents.

We have already initiated some reforms. For example, Members are now required to pay a fee to use the services of the attending physician and a fee to use the Senate gym.

We recognize that there is an intense perception problem—and it is this perception which must be corrected if we seek to restore public confidence. But it is not an individual Member issue. It is the institution, the Congress, which is the issue.

The public believes that while we seek their vote in our campaigns for the common interest, we respond to special interests after the election.

And actions speak louder than words when we are being wined and dined, entertained, or accepting campaign contributions by lobbyists and special interest groups. Believe me, those actions reinforce the public's belief.

When the public sees Members on golf links or tennis courts with these groups, their respect for the stature of the Member is diminished despite the justifiable reasons for such an event.

Mr. President, if the issue was related to the individual alone, that problem could be corrected by disclosure. But disclosure alone is not going to change the perception of the Congress. And that is the fundamental issue. This is not an issue about us as individual Members. This is an issue about the Congress as an institution.

This is the fundamental question: How can we protect and enhance the way we are perceived by the American people as the United States Senate?

If a Member wishes to attend events for recreation or entertainment, he or she can always pay their way. This applies to balls, operas and the symphony, and, I might add, the Super Bowl, World Series, and Kentucky Derby, et cetera. Our constituents pay their way and expect us to do so. Let us be honest. Special interests entertain for benefit. They expect to receive influence, knowledge, and contact.

This bill does have some problems. Any reform will offer new challenges, but this bill is a sincere effort to address public concerns. The Senator from Michigan [Mr. LEVIN] and the Senator from Maine [Mr. COHEN] should be commended for taking on this difficult issue. I believe that they have done a good job. The substitute amendment to S. 1935 is a step in the right direction—toward improving the public perception of this institution. I urge my colleagues to lay aside the impact on us as individuals and choose the higher principle. Let us vote to restore confidence in the institution and support a reform of the Senate gift rule.

Mr. President, I have listened to the great debate we have had the last couple of days. I am impressed by the sincerity of those who have made their statements, even though they may be on opposing sides.

I wonder how many understand how easy it might be to just not take any gifts. I wonder if anyone really understands how easy it might be just not to go to all these meetings.

We talk about perception. Let me give you a place that I went to where the perception, I think, was bad.

Kentucky is the No. 1 coal-producing State in the Nation, or No. 2. Coal is a vital—vital—economic impact to my State.

The National Coal Association was having their national meeting. The National Coal Association asked me to come and give the keynote address at that convention. Coal, important; all the coal operators, National Coal Association Convention.

Then they asked me, in addition to that, to participate in a forum following that as it relates to energy and energy prospects in the future. I readily agreed because it was very important to my State, and a constituency request. I went. Transportation was furnished, and a room. That is what I got. But the perception was: White Sulphur Springs, a plush resort. So FORD goes to White Sulfur Springs to visit with coal operators. That was the perception.

I went late one night from here, made my keynote address, participated in the forum, and left. I did not participate in golf or tennis, any of these things, which I probably would not have done if I had been there anyhow. But I went to White Sulfur Springs. Perception is something that we need to worry about.

Last year, I made up my mind that I would not receive any gifts. I sent a letter to every person who sent me any kind of an item the year before. I wish to tell you, Mr. President, I had more pocket calendars than you can imagine, little bitty pocket calendars. I had enough to start a bookstore. Well, I did not want all of those and did not need to use them. But the perception was that they sent me something of value, maybe $1.95, $1.99, whatever it was. So I just stopped that.

We had a Lieutenant Governor in Kentucky named Doc Beecham. He was the politician's politician. He was from Logan County. They call it the "Free State of Logan." When I was chief administrative assistant to the Governor of Kentucky, Bert Combs, he put out an edict that none in government—employees, elected officials or anyone else—could receive anything above $25 in value. The only complaint Doc Beecham had was would that keep him from taking a ham, a good cured country ham. And he explained in his letter to the Governor there was nothing finer, nothing better than a Kentucky cured ham.

There will be other States like Virginia and Tennessee that might say that their ham is probably finer. About the only thing that bothered me from that letter I wrote last year as it relates to this Christmas, I did not get the Farm Bureau country ham. That was the only down side, in my opinion, from what I did last year.

We are going to get some kind of restriction here. It is regrettable, in my opinion, that we are doing it. But it may be good that we are out here explaining to each other and the constituency is viewing it, and we are trying to explain why we are for or against, or where we should go. And venting our spleen, as we would say down in West Kentucky, may be good for this institution. But I wish to say, Mr. President, I cannot take the substitute amendment. What it does, it loosens up the rules but tightens up the penalties. If you loosen the rules, there are not going to be any penalties.

So I think, as someone said, we are almost back where we are now in what we are trying to correct. I do not like to be against some of my friends on the Senate floor who are for the substitute. It is uncomfortable for me, very uncomfortable. But I am going to have to do what is right, Mr. President, and support the Levin substitute, even though, as my friend from Maine, Senator COHEN, has said, it is not perfect.

Well, we are not perfect. We strive to be perfect. There is only one perfect person. We strive to be perfect, and we understand that we are not perfect. Therefore, whatever we do, we can find that it will be flawed, whether greatly or not very much at all.

I hope in the spirit of camaraderie here we make an effort to come forward with some rules and regulations, some limits that will be perceived anyhow as a step in the right direction.

So I am going to oppose the Johnston-McConnell substitute, and I am going to support the Levin substitute. I hope that when it goes to conference we can come back with a piece of legislation with which my colleagues will be generally comfortable. And so I urge, with the vote now at 1:45, I understand, that this amendment would be rejected and that the substitute of Senator LEVIN be sustained.

I thank the Chair and yield the floor.

Mr. LEVIN. I just want to thank my friend from Kentucky, chairman of the Rules Committee, for that very important statement.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Michigan has 33 minutes; the Senator from Kentucky has 36 minutes.

Mr. JOHNSTON. Mr. President, controlling the time for the Senator from Kentucky [Mr. MCCONNELL], I will yield myself 6 minutes.

Mr. President, it is said that hard cases make bad law. That is a legal expression for the fact that when you have some tough circumstances, sometimes it leads to a rule of law, or a case, or precedent, which does a tremendous amount of damage.

I believe that is the situation we are facing here on the floor today. What we have, Mr. President, is a couple of TV programs that caught some Senators having a good time at a golf or tennis tournament, which held the institution up to ridicule. And as a result of those television programs, we would put a straitjacket around the activities of Senators, which I believe does more harm to the institution than the correction of whatever problem it is.

In the first place, I believe that the problem of purely recreational charity events that are not real charities is a thing of the past anyway. I am willing to concede that Senators will not go to those because they do hold the Senate up to ridicule. But, if you listen to DAVID PRYOR from Arkansas tell about his kind of charity, I would say that that not only would go on but should go on. It should not be stopped.

Nevertheless, Mr. President, none of the permissive rules of the Senate require any Senator to do anything. I remember our dear friend Lawton Chiles, now Governor of Florida, had a rule about fundraising. And in one campaign I think he limited contributions to $25 per person. No person could contribute more than that. He got a lot of credit for it down in Florida. I do not think he has ever been beaten for office.

There is nothing at all that prohibits any Senator from saying, I will not take a T-shirt, calendar, bagel or anything else, announce it, and get whatever credit his particular State would give to him.

So, Mr. President, I think the problem is a relatively small one compared to the remedy which is being talked about.

Now, what is this remedy and why is it bad? First of all, Mr. President, it impinges in a very real way upon activities that have traditionally been, and in my view ought to be, part of the political process. That is, when groups come from your home State to Washington and want you to go to what, in effect, are working lunches—most of them here in the Capitol—or working dinners, you would not be able to do so. We have talked about, in my own case, the Jewish Federation, the seafood lunch, sheriffs, black elected officials, Secretary of Energy, the Chamber of Commerce of Shreveport, the Chamber of Commerce of New Orleans, the group for an empowerment zone in Monroe, and the list goes on and on, in my case.

I think every other Senator can say the same thing. Those kind of things would be prohibited, first, if they had a lobbyist connected with them or if they exceeded $20. As I mentioned in the caucus the other day, if there are only three entree items which are served in the Capitol by a group, it would fit under the $20 rule, and then if you did not have coffee or dessert.

So, effectively, those kinds of things would be prohibited. Where is the case made against those things? In my view, Mr. President, there is no case made or to be made. That is particularly true in my State of Louisiana where food is part of the way of life. It is part of the joie de vivre in Louisiana. It is part of what we do. People say, "Why don't you act like ordinary citizens?" That is what ordinary citizens do in Louisiana. We have crawfish boils. We have shrimp boils. We have gumbo, sauce picante—a proliferation of dishes of which we are very proud and which are the essence of politics, the real essence of politics. That kind of thing is not going to be prohibited. It is done up here. And believe me, we have people who come up are here all the time with alligator and crawfish. The only problem is they do not come up with enough.

The second thing which would be prohibited would be charitable activity. What is wrong with a Senator working on behalf of a charity or lending your name to a charity organization or having a charitable event, as Senator PRYOR talks about, or attending these

other events which raise money for important things for our country or for our States or for our communities?

There is no case made against that, Mr. President. Just because on "Inside Edition" or some other television show once or twice or three times they have exposed Senators out playing golf looking like they are having a good time, most of that coverage made is unfair. Just because they have done that two or three times should not mean that you ought to separate Senators from charitable activities. That is what this bill does. It makes that an ethical violation.

Finally, Mr. President, probably the worst thing that the bill does, in my judgment, is the endless complication that this would give to the lives of Senators. I believe that every Senator would have to clear virtually every event before he went to it. I do not know whether Senators have read this bill, but there are so many whys and wherefores. We saw an illustration of that this morning.

Is it permissible to have contributions to one of these political expense funds? It appears to me that would not be permitted. The Senator from Michigan says he believes it would be permitted. But you would certainly have to get a ruling on that kind of thing. I think you would have to get a ruling on virtually every event you went to, not only every event you went to but the exception here which allows you to go out to have dinner with someone motivated by personal friendship.

I think you would have to clear your friends by name and list your history. How else could you safely go out? Let us say you have known somebody 22 years, and they have been close personal friends. What constitutes a close personal friend? I think you would have to list all that information. I wonder whether Senators would dare go out with close personal friends to a public place if they happen to be lobbyists because people look around and say, "Well, the lobbyist is picking up the check and he is violating the ethics code." And there they would be. There would be some complaint. You would have to come in and show proof you paid or these are close personal friends or whatever—endless complications without achieving any real reform, without there being a case made that that is a great evil.

The assumption is, Mr. President, that if we pass this bill, somehow it will satisfy the American public, who, as someone said, unjustly believe we can be bought by a sack of fruit. Mr. President, that will never happen. But for those people who believe that, passing this bill will only reinforce that judgment, and it will only bring more and more incidents to the Ethics Committee to make the headlines.

Mr. President, the sad fact is that there are cottage industries created in this country dedicated to the proposition of bringing Senators down and putting them in a bad light. There is everything from term limits to these perk groups that want to expose the Congress. They raise money on that. This new phenomenon, relatively, of direct mail where you send out direct mail pieces saying Congress can be bought, contribute money to our group and we will help reform the Congress. They are really more interested, some of them, in collecting the money and getting the membership than in passing the law or passing the bill or curing the reform. And that is an unfortunate fact of life.

As one head of a particular Congress-bashing group told another committee chairman on another issue—it is not on this issue—but he wanted to be able to testify on an issue. The committee chairman told him, "You will be glad to know that we have won. We have the votes. Everything is all set." And the particular—I will call him lobbyist because he really is a lobbyist—said then to the committee chairman, "But you don't understand. We can do constituent building. There is a good opportunity for constituent building." The chairman said, "Thanks, but my constituents are very happy with me on this issue." He said, "No. You don't understand. We, my group, can build constituents." I mean, that is the name of the game, constituent building for these Congress-bashing groups.

So, if you think that passage of this is going to solve the problem, it will not. They will point out that the Levin amendment is full of loopholes, exceptions, and exemptions and that it needs to be further tightened up, and that, by the way, you need to have term limits and you need to do away with retirement, reduce the pay, stop the parking. The list is endless, and the appetite is insatiable.

What we need to do, Mr. President, in my view, is get some rules that do not assume the dishonesty of Senators but assume that Senators are responsible people of integrity who ought to have a clear path as to what they can do and what they cannot do.

This, unfortunately, does not give you that path. I have heard it said that it is clear—let me give you one illustration of how complicated this bill is.

The distinguished Senator from Michigan, who has really tried and worked hard on this, good staff work and all that, has one amendment that hits the bill in 39 different places. I do not know. He sent me a copy of it yesterday. He said this is going to solve these problems.

I wish you would take a look at the 39 different places. I do not have the time to take each of the 39 different places and insert it and read it in context and tell what it does. I do not know whether he can tell completely or not. But I am telling you this is the most complicated, difficult bill. And it is not that they have not done a good job with the time that they had. It is that when you try to deal with what is permitted and what should be permitted and what should not be and try to make exemptions and exceptions, they lead to such ambiguities. What is friendship? What is motivated by friendship? What is substantial activity? What are all of these things which are very vague and will call for a ruling from the Ethics Committee every time you walk out the door of your office?

Mr. President, this is my 22d year here. And I have not seen a great change in the makeup of the Senate in terms of quality of integrity. We have had one or two scoundrels in that time but, generally, the Senators are the most honest group I have ever been associated with, and that includes church groups, hospitals, eleemosynary institutions, and all the rest. I think the level of integrity of this group, by and large, through the years, has been very high. That integrity has not been noticeably changed, in my judgment, by the set of rules which we put on us. And I think most of those rules that have been put on have been relatively good, with one or two rules I may disagree with as to the way it is drawn.

But there is a point at which we go too far. I believe the Levin-Wellstone bill is that kind of bill. I think it goes way too far. I think it will not solve the problem; it will create the problem, will make life more difficult, will prevent us from doing the political job we are supposed to do, expected to do, will deprive charities of millions of dollars that they are now getting, and for no good reason.

Mr. President, the final irony is that we are going to have this bill that is going to restrict all of this activity and has as its basic assumption that spending over $20 on a luncheon that somebody buys; yet, you will still be able to make a $5,000 PAC contribution or a $1,000 individual contribution. Moreover, you will be able to organize a fundraiser and raise $50,000 or more, if you are a lobbyist, for a Senator, and what about that?

I say that anybody who votes for this amendment ought to be totally for Federal financing and prohibiting private contributions to Senators, because a private contribution to a Senator is the same thing, only much bigger than buying a lunch—much, much bigger than buying a lunch.

If you ask me am I for Federal financing of campaigns, I am not, and I will tell you why. Principally, it is because the people of my State think, by and large, that it is poison. A few of them are for it, but most of them think financing of campaigns, spending taxpayers' money for somebody to run for office should not be so. It is another one of those ironies of public office. The public wants, on the one hand,

clean campaigns and to reduce the effect of money; yet, they do not want Federal financing.

So I hope that those who vote for this Levin amendment and vote against our amendment recognize that they ought, therefore, to be consistent to vote for full Federal financing, because it is simply not consistent to do the other.

So, Mr. President, I appeal to my colleagues to, first of all, read this amendment, read our amendment, which drops the gift limits, which prohibits travel for recreation, and less for charities, which requires greater disclosure, which creates stiff penalties for abuse, and which streamlines the process, compared to the Levin-Wellstone bill in its complication. I think my colleagues will understand that our amendment creates a much better ethical climate for this body.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

First, Mr. President, let me say that I concur with the Senator from Louisiana on at least one thing—that it is important that our colleagues read these bills and understand them.

The Governmental Affairs Committee has come up with a substitute, which is the principal substitute before us. It is true gift reform. It will end the current situation, where we are being taken out by lobbyists for meals, where lobbyists are giving us tickets to the Redskins games, where we are flying off to what are called "charitable events," many of which turn out to be more for the recreation of Members than for charity, in terms of the division of the proceeds.

It is important that each of us read these bills, because indeed the atmosphere around here will change if we adopt the Governmental Affairs substitute. But I think we have to change that atmosphere. I think it is important that we change what both exists in this town, where—if you can believe it—we have restaurants who are saying that if lobbyists cannot take Members out to lunch and dinner, the restaurants are going to close. What a terrible indictment that would be if true. What a terrible indictment that would be, that restaurants would close in this town if lobbyists could not buy us lunch.

The issue here is not whether or not people can go out to lunch with lobbyists. The question is who is paying for the dinners, who is paying for the tickets, who is paying for the trips to the so-called charity event? It is not whether you can go to them or not; it is who is paying for them.

We heard the other day that the Kennedy Center would be put out of business if we could not be given tickets by lobbyists. I do not believe that is true. But what a terrible statement that would be and is to the American people, that restaurants or places of entertainment here depend on lobbyists giving us tickets and buying us meals. Is that what this is all about? Is that what we want to be? Is that what we want to appear to be or really be? No, neither one.

My good friend from Louisiana said that if this Governmental Affairs substitute passes, you are not going to be able to lend your name to a charity. That is not so; you can lend your name to a charity. He says you cannot attend charitable events. That is not so; you can attend charitable events.

Mr. JOHNSTON. Will the Senator yield?

Mr. LEVIN. If I can finish with this thought, and then I will be happy to yield.

You can participate in charitable events, tournaments, tennis tournaments, golf tournaments, and ski events. Charities can waive a participation fee. You can participate in a charitable event.

Where we draw the line with respect to travel and lodging for those so-called charitable events, because if the charitable event is at a location for which travel and lodging is required, the staff member or the Member is going to have to pay for it in order to avoid what we have seen over and over and over again in our living rooms, where Members of Congress and staff of Members of Congress have their ways paid and their family's ways paid to so-called "charitable events," where they are inundated by lobbyists while they are playing golf or skiing, where the corporate interests or special interests in this country are funding that kind of travel for clearly recreational purposes, which, yes, benefit a charity, at least partly, but also significantly benefit us; that is the problem.

I want to just read, for instance, from one of these. This is just one of the comments from Inside Edition: "Imagine you and your family spending 3 days and nights at a charming"—and this is a TV show in our living rooms, one of the many.

> Imagine you and your family spending 3 days and nights at a charming world-class ski resort, top-of-the-line lodging in cozy chalets, with a wonderful mountain of skiing at your doorstep and absolutely no worries about the cost of anything, and you will never waste a moment waiting in line for a lift to the top because, like the people you are about to meet, you are the king of the hill, and this is the sweetest deal on the slopes.

That is a couple of days, and that is for charity. It was a charity that was the beneficiary of that. It was a good charity. It was the Primary Children's Medical Center. I assume it is a very, very desirable, moving charity that we all should try to contribute to. The question is whether or not we should make that contribution in a way which undermines the public confidence in this body. That is the issue. It is not whether or not that charity is worthy. The Children's Medical Center—is there any one of us that would not try to support that charity?

The question is: At what price to this institution should we provide the support? Is this price acceptable, having that kind of an event with us spending days on the slopes, or whatever, and then being wined and dined by the lobbyists who are there, and half the money, or whatever, goes to the charity and half the money goes to expenses to bring us and our families to that recreational site, whether or not that is too big a price to pay in terms of public confidence in this institution? I believe it is. That is where we draw the line.

I have no better friend in this body than the Senators from Arkansas who have spoken about a charitable event in Arkansas, and I understand what they are referring to. I have no doubt in the world but that that charity is a noble charity and that they have given much to it, as they have to so many other causes. I have no doubt in the world that they would welcome television cameras at that event.

But do we really say we welcome television cameras at these other events, these so-called charitable trips that have been funded by narrow interest and lobbying groups and then have lobbyists out there with us in that kind of a setting? Is that what we are saying is really support for charity and that is worth it in terms of the price that this institution pays?

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. JOHNSTON. Mr. President, would the Senator not agree with me that when on page 36 it defines "gift" as including a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or foreign agent by a Member, officer or employee, that effectively prevents a Member from recommending, that is, participating, in a charity to the extent that you would ask someone to give? For example, Senator PRYOR's event, which is the DAVID PRYOR Invitational, whatever you call it—I have been there—he would not be able, under the Senator's amendment, to recommend to a lobbyist to give to that, would he?

Mr. LEVIN. The solicitation which I think my good friend from Louisiana is talking about, putting the name on a letterhead, is not a specific solicitation. That is a general solicitation. This language is specifically saying you cannot solicit a lobbyist or a foreign agent to do that. That is a specific solicitation of a lobbyist. You can solicit anyone else you want to give to a charity other than a registered lobbyist.

Mr. JOHNSTON. It is a recommendation made to a lobbyist. Did you not participate in that?

Mr. LEVIN. I think the language is very clear, that you cannot to a lobbyist or a foreign agent do any of the prohibited practices here. To a registered lobbyist or a foreign agent, you cannot do any of these things specified.

Mr. JOHNSTON. Is not that my point?

Mr. LEVIN. No, because the Senator said it was a general solicitation.

Mr. JOHNSTON. What is the general solicitation?

Mr. LEVIN. One is to the lobbyist and one is to the world. There is a big difference.

Now, as a matter of fact, it is very similar—if I could finish—it is similar to what the executive branch did, which we, by vote of 98 to 1, said a year ago we want to follow. We are on record here.

This is the same kind of distinction the executive branch made in its rules they work under and have worked under longer than a year. Lloyd Bentsen lives by these rules over at Treasury. But we cannot? We cannot live by rules that say we cannot solicit lobbyists for certain things? But Cabinet secretaries can live by these rules? By a vote of 98 to 1 we said we could.

These distinctions which are here, which the Senator from Louisiana says are difficult, are distinctions which come mainly from executive branch rules which have worked. Read these executive branch rules as you are reading the bill. Here is what we said a year ago:

> It is the sense of the Senate that as soon as possible during this year's session the Senate should limit the acceptance of gifts, meals, and travel by Members and staff in a manner substantially similar to the restrictions applied to executive branch officials.

The vote was 98 to 1. Did we mean it? Do we mean to have gift reform? Do we really want to end the paid lunches and dinners from lobbyists and the free tickets to the Redskins game and the trips to the so-called charitable events, half of which in terms of receipts by the charity go to pay our way to that event and the other half, if they are lucky, go to the charity? That is not every case, but that is typical. And are we going to say that we are going to continue that to be allowed because there are some charitable events which I think all of us would like to support—and can; we can go at our own expense. I think not. I think that the same rules that we set should apply here that apply in the executive branch.

The PRESIDING OFFICER (Mr. DORGAN). The 10 minutes of the Senator have expired.

Mr. LEVIN. I thank the Chair.

Mr. JOHNSTON. Mr. President, may I have 1 minute?

Mr. MCCONNELL. I yield to the Senator from Louisiana 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. JOHNSTON. Mr. President, in all honesty, I have very carefully read this, and I read it again:

> A gift includes a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist.

Now, my friend from Michigan says it is OK to make a designation, recommendation or specification as long as it is a general recommendation, specification, et cetera, and not specific to a lobbyist.

There are no such words in this amendment, Mr. President, no such words, and there is no difference between a general and a specific. I mean, could DAVID PRYOR on behalf of the DAVID PRYOR Golf Tournament sign a general letter and say, "I hope all my friends come to this," and then have some of those 1,700 volunteers send those out to lobbyists and say, well, this is going to lobbyists and nonlobbyists alike? You know, the general rain falls on the just and unjust alike.

It is not here, Mr. President. It is not here. And I believe it is going to prohibit any activity to raise money where you recommend or designate to a lobbyist. If they are included among the group that is being solicited, you are violating the ethics code.

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

Mr. LEVIN. Mr. President, if I could yield myself 3 additional minutes, the Senator indeed could not sign a letter soliciting funds from a lobbyist. That is exactly the point. We do not want to be soliciting funds from a lobbyist. That is the way the bill is specified as the Governmental Affairs Committee passed it, and that is what the executive branch rules read.

Let me read you the executive branch rule it is patterned exactly after. It is almost verbatim:

> You cannot accept a gift from a prohibited source which is given to any other person including any charitable organization on the basis of designation, recommendation, or other specification by the employee.

Those are almost exactly the same words that the Senator from Louisiana objects to, and yet that is what is in the executive branch rules, which have worked, which apply to our former colleague, Senator Bentsen. I think we ought to be able to live with a rule if he can as Secretary of the Treasury, which is the rule which we said we were going to try to pattern some stricter gift rules after, and we all voted a year ago to do this.

So the words which my friend from Louisiana points to as being in the committee substitute are the same words which are in the executive branch rule and which they have abided by without great difficulty and that this body a year ago said we wanted to abide by, and we can do it without difficulty just the way the executive branch has done it without difficulty.

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

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

The PRESIDING OFFICER. The Senator has 16 minutes 45 seconds remaining.

Mr. MCCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKEFELLER] is recognized for 5 minutes.

Mr. ROCKEFELLER. Mr. President, I wish to express my support for the bipartisan alternative—offered by Senators JOHNSTON and MCCONNELL—to the underlying bill.

I wish we were here debating health care reform, or even taking up the health care bill that we have promised this year to the American people. Or we could be spending this time talking about welfare reform, or what it will take to approve the GATT treaty on world trade.

Instead, we have been forced to consider the bill before us, the gift ban bill. And I want to emphasize how much I appreciate my colleagues Senators LEVIN and COHEN for their painstaking efforts to come up with a more reasonable approach to the issues than what we first encountered.

In translation, we are considering legislation designed to cure our image problems with the American people. Now, I strongly agree that the U.S. Senate should have to meet the highest ethical standards. Where laws and rules are necessary to govern our profession, they should be on the books and we should comply with them.

But I am getting increasingly distressed at the way this Congress almost promotes the perception that we are being unduly influenced, are too easily corrupted, and are impossibly weak.

I concede the need for further limits and tighter enforcement designed to make even more sure that gifts cannot tempt or induce a Member of Congress into taking a position for the wrong reason. But I object vigorously to turning that into a stampede on ourselves that will hurt our ability to communicate with our constituents, consider the views of people who represent every segment of this society, and participate in the civic life of philanthropy and charity.

For starters, I think we all do ourselves and our staffs a real injustice to accept the suggestion that we are suspect when having a meal bought by a lobbyist or advocate. I happen to be someone who likes to eat at my desk, so this is pretty irrelevant to me personally. But I know for my staff, meals

are just another way to spend time with people during a busy day to get their work done. Meeting with constituents and lobbyists over meals is a vital way to maximum time and keep in touch.

Running for public office is an honor and a trust. It is a privilege to serve in the U.S. Senate and represent the people of our home States. I deeply believe in public service and have dedicated most of my adult life to serving the people of West Virginia, and our country first as a Governor and now as a Senator. It is an enriching, rewarding experience for me personally, and an honor for each of us.

But I also understand the mood of cynicism and mistrust that is sweeping the public. It bothers me greatly that the American people do not trust us, and I believe that we must address the issue.

But how?

Should we beat up on ourselves passing legislation that bans every last form of a gift and bars us and our staff from having meals and attending events with the lobbyists, advocates, and constituents with whom we need to communicate regularly? No.

Instead, I believe we must honestly describe our work. We must explain to the American public why we are in office and what we do, and let them be the judge in the voting booth.

We tell voters why travel is important. For me, I travel to Japan regularly to discuss key trade issues, promote a better relationship between our countries, and encourage business with my State. The days are long with meetings and dinners, but it is necessary work to build ties needed to advance our mutual interests. This is no perk. I see this as an essential part of my job, and I am willing to explain each trip to West Virginia voters.

As for the issue of meals bought for Members and staff, I think if we explain the specifics and get rid of the shroud of secrecy, the public will understand.

Let me share another personal example. As chairman of the Senate Steel Caucus, I believe it is essential for me, and members of my staff, to meet regularly with leaders of the steel industry and steelworkers union. Often it is in my office, but sometimes it is more convenient for me or a member of my staff to join a group for a working lunch or dinner. That happens to be a vital way to keep in touch, candidly share ideas, and maintain open communications. This too is part of the job, and it would be ludicrous to extinguish that kind of communication.

And I would personally like to say something about our hard working staff. Senate staff work long hard hours here, and I know they would often prefer heading home to their families at 7 or 8 in the evening, but instead they attend dinners and functions to meet advocates and share ideas. I am personally proud of my staff, I trust their integrity, and want to speak on their behalf in this debate.

While my colleagues responsible for this legislation are motivated by good intentions, I must respectfully disagree with their approach.

I support this bipartisan alternative because I believe it is the best approach. It does no presume that Members or staff are unethical, but it does impose new, harsh penalties on Members or staff if rules are violated which is where we should concentrate our efforts.

Another reason I want to endorse the alternative is because this proposal does not limit Members or staff from volunteering time and energy to fundraising for charities.

My family has a strong tradition of philanthropy, and I have been enormously proud to help carry that torch. I am proud of the work that I do for charities, and believe such efforts should be commended and encouraged, not tainted. It would be a travesty, in my view, to prohibit or discourage Members and staff from volunteering time and energy to charities in the name of ethics reform. Going into elective office should not mean abandoning other forms of civic life.

I proudly acknowledge that I have spent several years soliciting funds for the Children's Health project, a nonprofit organization that operates mobile vans in New York City, rural West Virginia and other locations to provide health care to poor children.

I have worked with my colleagues on the other side of the aisle in charity events ranging from a fundraiser for a scholarship fund in memory of a young Senate staff member who passed away, to bipartisan groups involved in education efforts on health care reform. Each effort is something I am personally proud of. It would be unfair to prohibit or discourage such work by Members and staff for charities.

The Senate does not need a rancorous debate on this issue, which is full of innuendoes. We should pass this alternative which toughens penalties on any violations of ethics with a bipartisan vote. We should candidly explain to the public what we do and why it is important.

But most importantly, we must move on to the major issues that the American people expect us to act on like health care reform. Doing our job is best way to restore the public's confidence in Congress.

So I think that the bill that Senator JOHNSTON and Senator MCCONNELL have put before us is important. I hope that it would prevail.

I thank the Presiding Officer and I thank the distinguished Senator from Kentucky.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader, Senator DOLE.

Mr. DOLE. Mr. President, is leaders' time reserved?

The PRESIDING OFFICER. Leaders' time is reserved. It would take unanimous consent to use it.

Mr. DOLE. I ask unanimous consent that I may use 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, I was just meeting with a group of Kansans. They said, "Well, what is going on in the Senate?" I did not want to tell them—I did not think they would believe it—but I did. I said, "They are debating whether or not I could go out and have lunch with you." They thought I was kidding.

So here we are again. Maybe a few will benefit from this. I cannot remember the last time I had lunch or dinner with a lobbyist. I do not do that. I cannot remember. It must have been years ago.

I have not gone to any golf tournaments or tennis tournaments. I do not even visit embassies. But some people do.

I do raise about $1.5 million each year to help Americans with disabilities—and that would be precluded under the Levin proposal—because of the Dole Foundation; lobbyists may contribute to Dole Foundation.

I do not have any family members involved; a staff of five. I think we have helped quite a few people around America. It is not just a Kansas operation. It is very small, but it is very important.

I guess the broader question is: What are we trying to do? Certainly there must be some reasonable limit. There probably have been some abuses, maybe by Members, maybe by staff.

I am not certain whether I understand the definitions of "lobbyists." When I solicit money for the Dole Foundation, I do not write to the lobbyists, I write to the CEO.

Now, would a CEO be a lobbyist, I ask the distinguished manager? If I have the Dole Foundation to help people with disabilities around America, and say, "Could you please make a contribution," and the CEO sends a check—not the lobbyist, not a Washington rep—is that permissible?

Mr. LEVIN. If the CEO is not a registered lobbyist, it is permissible.

Mr. DOLE. So I can go to dinner with the CEO, but I cannot go to dinner with the Washington representative?

Mr. LEVIN. You cannot go to the dinner with the CEO if it is more than $20 here. Back home, the Rules Committee is going to allow you to go to dinner. There is that recognition under this proposal. Because there is a whole lot of activity back home, we believe it is very different from going out to dinner here or taking a ticket from a lobbyist for the Redskins here.

We think it is important to make this distinction, because—if I could

take a minute or 2 of my time—we think it is an important distinction to be made, and we made them in this bill. And the distinction you made, for instance, between a CEO that you want to solicit for your foundation and soliciting a registered lobbyist, is a distinction we made.

If I could conclude with one other thought. It is also a distinction we made in a bill which we passed here, the lobbying registration bill, which passed the Senate, and I believe my good friend from Kansas supported that bill. It defined what a registered lobbyist is, and that has already passed the Senate and is awaiting conference.

You could not solicit funds for your foundation from that person we defined in that bill, which you supported, but you could from other people for your foundation.

Mr. DOLE. But just to go one step further. Could the CEO then take me to dinner to talk about the Dole Foundation, if the dinner cost more than $20?

Mr. LEVIN. Are you paying for the dinner.

Mr. DOLE. No, he is or she is; I hope.

Mr. LEVIN. The answer is that, unless that person—there are a number of exceptions and I do not want to give a yes or no answer without the exceptions.

But if that person is paying more than $20 for your dinner—unless they are a close personal friend or meet one of the other exceptions that is set forth, you could not accept a dinner that cost more than $20.

Mr. DOLE. I could take two CEO's to dinner and they each pay half?

Mr. LEVIN. No.

But my friend from Kansas could always pay for his own dinner. And I know he is the kind of person that almost always does.

Mr. DOLE. As I said, I cannot recall, maybe there has been a time. With the definition of lobbyist, I do not want to say it never happened, but it has been a long, long time.

I have not parked in the parking areas out at the airports, either, for 15 years, that I can recall.

But I guess it is a self-flagellation here that we enjoy so much, and I know some of the press enjoys. That is all some of the press cover.

But I am not certain. I know the distinguished Senator from Michigan is certainly sincere in what he proposes to do, and we have a long, good, working relationship.

I am not making any accusations, but it seems to me that there are few jobs held in lower public esteem than being a Member of Congress, and we keep trying to make it lower. We may not intend to make it lower, but by what we do—almost every week or 2, we have some little review. I believe last year we were all going to change all the perks, do away with all the perks. We now pay $540 to visit the doctor, in addition to our own health insurance, which is fine.

I am not certain that has changed the perception of Congress. I have not had a lot of letters coming in saying, boy, am I glad you did all those things. And I do not mean by that the American people should not be concerned. They are concerned. We ought to be men and women of integrity, and I think, certainly in almost every case, we are. We should not be motivated by greed or how much we can get out of some lobbyist or how many free meals or how many free trips or golf matches, tennis matches and all those things and we have an obligation to safeguard the integrity of Congress.

But I thought yesterday the distinguished Senator from Kentucky [Mr. MCCONNELL], did a good job in trying to highlight some of the drawbacks of the so-called Levin substitute. There is ambiguous language. We just had a good example pointed out by the Senator from Louisiana [Mr. JOHNSTON]. There are overly complex standards and standards that have little connection to ethics or good government. I think Senator MCCONNELL should know. He has done an outstanding job as the vice chairman of the Ethics Committee and he has been responsible for enforcing the very rules we are now considering. It is going to be a nightmare, I think, for any future Members on the Ethics Committee.

So it just seems to me the substitute gives us a little more flexibility. The substitute also tightens up on what some might consider to be areas for potential abuse. But I think the larger question is whether or not we are able to survive around here without almost a yearly assault, an annual assault on the integrity of the institution.

If we abuse the system, we have an Ethics Committee to deal with each one of us. If we do not conduct ourselves properly, we will be before the Ethics Committee and we will have to answer in that fashion.

It seems to me as long as there is disclosure—I make a lot of speeches every year. We do not accept honoraria. We changed that law. But we said in that law if you want to designate a charity—and most of my honoraria goes to either the church or disability groups in my State. I have never even thought about the fact that somebody gave a donation to somebody, that somehow I was beholden to the person or group who invited me to speak. I think over the past several years it has amounted to $500,000 or $600,000 that I have been able, by a little extra work, to contribute to what I thought were pretty good causes. We cannot do that anymore.

For some reason, by showing up and somebody giving a donation to some group, a disability group or local orthopedics group in Wichita, mammography groups, whatever, we have somehow compromised ourselves. And I do not believe that is the case.

Maybe I have missed something over the years. Maybe there is something I have not discovered. But I never have any conversation with anybody about honoraria, except we direct it through my office where it should go.

So there are a lot of things about the Levin substitute that I do not care much about. We do lend our names. We all lend our names. As the Senator from West Virginia [Mr. ROCKEFELLER], just said, we are all asked from time to time, "Will you put your name on a letter to help raise money for what we consider to be a worthy cause?" Maybe it's arthritis, maybe it is the Kidney Foundation, maybe it is something else. We do that. We do that not expecting political gain but because we believe maybe it will help raise some money which might benefit someone. And we have to be very careful because some groups out there do not have the integrity that other groups have.

Mr. President, I want to talk briefly about the McConnell-Johnston amendment itself, which would move us in the right direction by tightening the current rules governing the acceptance of gifts. More specifically, it would prohibit Members and staff from receiving gifts exceeding $150 from any one source in a calendar year. This represents a significant change from the current $250 gift limit. In addition, the amendment does not distinguish between lobbyists and other donors. Gifts from all sources would fall within the $150 limit. Gifts whose value exceeds $75 must also be publicly disclosed.

For each knowing and willful violation of the new gift limits and disclosure requirements, the amendment would impose a penalty of treble damages, requiring the violator to pay a monetary penalty equalling three times the value of the improper gift.

For Members and staff who violate the rules on three separate occasions, a tough, new policy would go into effect: Three violations would result in expulsion from the Senate, subject to a Senate floor vote for Members, and a 10-year ban on lobbying anyone in the legislative branch.

Mr. President, the McConnell-Johnston amendment would also place restrictions on travel by Members and staff.

The amendment would permit reimbursement of travel-related expenses by lobbyists only for those trips that involve events "related to our official duties" and so long as information about the trips is publicly disclosed in the CONGRESSIONAL RECORD in advance of the travel. The amendment makes explicit that events that are substantially recreational in nature are not considered to be "related to our official duties" and prohibits reimbursement of the cost of entertainment expenses, such as theater tickets and tickets to sporting events.

In addition, the amendment builds on the current rules by limiting approved

domestic travel to 3 days and foreign travel to 7 days.

Finally, Mr. President, the McConnell-Johnston amendment does not prohibit the practice of giving honoraria to charity. I happen to think there is nothing wrong with helping institutions like the Foundry Methodist Church, the Lakemary Center in Paola, KS, the National Hispanic Scholarship Fund, Catholic Charities, the United Negro College Fund, and the Horatio Alger Association. These are just some of the charities and churches to which I have directed honoraria—and I can say that I have never felt "compromised." I have never felt that someone was trying to "buy" my vote or influence me in some devious or unethical way. In fact, I have always believed that earmarking honoraria to charity was a good thing—helping charities raise much-needed funds for their worthy activities and programs.

And let us remember: Each year, charitable honoraria are publicly disclosed—the name of the donor, the amount of the contribution, and the charitable recipient.

So, Mr. President, Senators MCCONNELL and JOHNSTON have crafted an amendment that is both fair and tough, one that represents an improvement over the current rules. No doubt about it, the American people deserve to have confidence that their elected Representatives conduct their business untarnished by monetary and other inappropriate considerations. The McConnell-Johnston amendment accomplishes this important goal, and it deserves our support.

So I suggest I happen to believe the substitute offers the best hope and I hope and trust it will be adopted.

Mr. MCCONNELL. Will the leader, still on his time, yield?

Mr. DOLE. I will take 1 more minute.

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

Mr. MCCONNELL. With regard to the CEO discussion under the lobbying disclosure bill, the CEO may well be a lobbyist. Nobody will know for sure. If he spends some of his time lobbying, he may well become a lobbyist. It is hopelessly complicated.

One thing I can say to you, leader, as vice chairman of the Ethics Committee. If this, the Levin-Wellstone measure, passes, somebody in this body will have his or her reputation ruined within 6 months, and I thank the leader for his statement.

The PRESIDING OFFICER. The 10 minutes of the minority leader has expired. Who seeks recognition?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. If the manager of the bill will give me 5 or 6 minutes?

Mr. LEVIN. I yield 6 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. LAUTENBERG. Mr. President, I rise to express my strong opposition to the amendment that has been offered by the distinguished Senator from Kentucky, [Mr. MCCONNELL]. I want to begin by emphasizing that I know this amendment has been offered in good faith and its proponents genuinely believe that it represents the best policy in this area.

But, having said that, I want to express my opposition to the amendment in the strongest possible terms. It would, in my view, be a major step backward. It is inconsistent with the goals of the pending legislation and it is incompatible with real reform.

I would like to give you just a few examples of the problems I see in the McConnell-Johnston substitute.

First, it would authorize the very kind of recreational trips that have created such controversy in the first place. These are trips in which large corporations pay substantial sums for the right to spend a weekend with Senators and Representatives. They can be playing golf or skiing or having dinner together, establishing cozy relationships and in a nutshell, acquiring access.

The kind of access, I would note, that is absolutely unavailable to ordinary citizens, to hard-working people who would love to have the ear of a Senator or Congressman for some time, and plead their case for trying to make a living in these high-cost days; for pleading the case to try to provide a college education for their children or for pleading the case to have health care put into place so everybody knows they have a degree of health care coverage when they get sick. They would love to have that kind of access.

We Senators get thousands of letters each and every week and every month—thousands of phone calls from people pleading for access. They want to express their view on a particular matter. But they do not get it.

But the people who pay your bills for the restaurants and the dinners, they get access. They do not sit there silently. They do not take a pledge before they sit you down to a nice bottle of wine and relaxed atmosphere and say, "Hey, listen, I am not going to talk to you about any of the problems I have. I just want to talk to you about the weather. I just want to talk to you about life in general."

No, the unemployed waitress who is trying to raise her kids singlehandedly who has a problem, the laborer who struggles to pay his bills and keep his head above water, ordinary folks, they will never be able to spend a weekend on the beach with their Congressman. They will never have a fancy dinner at a restaurant and tell their Senator about their problems. They are the kind of people who look at these lavish trips and do not understand why it is the person they sent to represent them in Washington has to be subject to that kind of a discussion. They think the deck is stacked against them.

I think it is time to do away with these recreational trips. They are fun. I know because I have been on them myself. I do not go anymore.

I also acknowledge these charity events do raise some funds for worthy causes, but there are worthier ways to do that than treating ourselves to a free weekend of fun and frolic.

The Levin approach allows us to participate in charity events. It does not ban that at all. It just places reasonable restrictions on how much charity we get.

Giving up these kinds of elaborate trips is not really a huge sacrifice. I know, having taken them, it is not that hard to give up. Yet the McConnell-Johnston substitute explicitly preserves them, explicitly encodes them and says this is what you are allowed to do. Go take the tennis tournament, go ahead and take the golf tournament, go ahead and take the ski trip, go ahead and take the fishing trip. After all the controversy about them, I do not think it makes sense.

Mr. President, I want to mention something else that goes beyond the recreational charity trips and tell you something else the amendment would allow—free meals and entertainment without any limit to the expense therein. I ask you, does that promote a good atmosphere of trust and belief in Government? I do not think so. I do not think so. When ordinary citizens who cast their votes believing they send someone here to represent them full time see that person portrayed at a lavish restaurant or having a great time at a fancy ball, they do not think that is in their best interests.

I know, as Senator MCCONNELL has explained, the amendment would reduce the current $250 gift limit to $150. But under current rules, meals are exempt from that limit and they would remain exempt under this amendment.

There would be no limit—none—on what a lobbyist could pay for a Senator's meal. So a lobbyist could continue to take a Senator to any fancy restaurant for that filet mignon dinner, $200 bottle of champagne, and all the rest, and wine and dine for hours on end and then, to top things off, take them to a concert or play.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask the manager if I might have 2 more minutes.

Mr. LEVIN. I yield 2 more minutes.

Mr. LAUTENBERG. This could happen not once, not just twice, but every single night of the year. Mr. President, it is not reform. It is not acceptable.

There are other problems in this amendment.

Mr. President, I just want to make reference to one thing that I think escapes the debate here, and that is we are debating among ourselves whether it is inconvenient, whether or not we are going to have to have additional staff.

We did away with honoraria, we did away with free gyms, we did away with free doctors, we did away with other freebies, and yet life goes on here. I do not see any dearth of people who want to have my seat or other seats that exist here.

I urge that this debate take place in town meetings across the country. I would like to see people stand in front of a group of citizens and say, "No, it's going to be too complicated; no, we're going to have a lineup, we're going to have lots of employees in the Ethics Committee; no, no, we can't do that." Tell it to the citizens you serve and see what kind of answer you get. That is the ultimate test. That is the litmus test.

If you are annoyed by cameras pursuing you, then what you have to do is decide whether or not what you are doing is acceptable to the public at large who, again, you are obliged to serve.

Mr. President, I regret this debate has gone on as long as it has and that it has gotten a bit angry and acrimonious at times because we are, in the final analysis—all of us—committed to serving this country and serving our constituents. I do not doubt anybody's sincere interest in doing that.

For goodness sake, recognize that change has taken place. There is a different way of life in the U.S. Senate than there used to be 10 or 20 years ago, and even 5 years ago.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Can I get 1 more minute?

Mr. LEVIN. I yield 1 additional minute.

Mr. LAUTENBERG. Mr. President, under this amendment, gifts under $150 would be allowed. Everything from free watches to free clothes; you name it. Even if the gifts are from lobbyists. Even if those lobbyists have legislation pending before the Senate. Even if everyone knows that the gifts are designed to buy access.

I also want to highlight a particular kind of problem that this amendment perpetuates. Under the amendment, Members would be allowed to solicit lobbyists to pay for Members' legal costs. Now, Mr. President, when ordinary Americans run into legal problems, what options do they have? Maybe they have to dip into their savings. Maybe they have to turn to their families for help. But one thing they certainly cannot do is turn to special interests lobbyists to bail them out. And if ordinary citizens can't, we shouldn't either. It's just not right.

Mr. President, there are other problems with this amendment. But let me make this point. The Levin substitute has been criticized because it might make it more difficult for Senators to engage in certain practices which we might all agree are innocent and proper. But the McConnell language makes it impossible to prevent Senators from doing things that the American people—and hopefully a majority of the Senate—believe are wrong. Given these options, the only choice is to reject the McConnell alternative.

Mr. President, this Congress is the subject of a lot of unfair criticism. A lot of scapegoating. And a lot of demagoguery.

I know my colleagues resent that. I do. We all do.

But let's keep our eye on the ball: we really do need to restore trust in Government.

This amendment, Mr. President, would do just the opposite. It would erode public confidence even further, and increase the distance between the Congress and the people.

And, you know what, Mr. President:

If we approve this amendment, if we refuse to give up the free trips and the free meals, if we refuse to change business as usual around here—this time, this one time, the cynics will be right.

Mr. President, life has changed. It is not "as much fun" if your fun is defined by restaurants and gifts and presents and recreation trips. Fun is being here everyday doing the work that is available for us to do in this country. That to me is fun. It is fun to walk into this place. It is fun for me to sit at the desk at which Harry Truman sat.

That is what I describe as fun, and the rest of it is trappings that are unnecessary. I hope that we are going to make a serious attempt to defeat the McConnell-Johnston amendment and talk seriously about the Levin amendment in the next debate.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair advises the Senate that the Senator from Kentucky has 11 minutes 11 seconds remaining, and the Senator from Michigan has 8 minutes 4 seconds remaining.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, as we wind down to the close of this debate, let me repeat a few observations that I made both last night and, to some extent, this morning.

The Ethics Committee, which already has an extraordinarily complicated job in dealing with the existing rules and Senators' overwhelming desire to stay within those rules and request advice from us constantly, has an extremely complicated role today. Under the proposal of the Senator from Minnesota, Senator WELLSTONE, and the Senator from Michigan, Senator LEVIN, it would, in fact, be virtually impossible.

I think it is certain to say every Member of the Senate will have to have a full-time ethics lawyer on staff. The Ethics Committee will have to triple its staff, and we will be dealing with such fascinating questions as I outlined last night as what is a donut. That will be a very, very serious question we will wrestle with on the Ethics Committee. What is a donut? Is a bagel a donut? Is a croissant a donut?

We will also have to wrestle with the definition of coffee, as I outlined last night. Particularly will we be concerned with defining the word friendship? Particularly will that be interesting when it is a dating relationship? What is a close relationship? What is not?

Clearly, under the Wellstone-Levin proposal, the Ethics Committee is going to be micromanaging every aspect of Senators' personal lives. We do not want that responsibility. We do not think it is necessary, and we do not think this further effort to trivialize and demean the Senate is in order.

I gave several examples last night—I will not repeat them, although those who were here enjoyed them because they were funny. They were funny to a point, to the point of having to interpret the meaning of donuts and friendships and coffee.

Let me give you another hypothetical today so we can end this debate on another high point.

Let us say your daughter is graduating from high school. A proud moment, particularly for the parents. But suddenly the joy is shattered. It appears that one of your daughter's classmates has given her a graduation gift—a Cross pen, Mr. President.

Now we know it is probably worth more than $20, and you must remember, all of you as you vote, that your daughter is covered by this bill. But you have no problem. You call your full-time ethics lawyer on his beeper from the graduation ceremony and together you pick through all the possible legal landmines that could land you before the Ethics Committee and destroy your career and reputation.

The first question you would want to know is: Is the other little girl a lobbyist? You cannot be too sure these days. What about her father or her mother, are either of them lobbyists?

We are fairly confident that they must have paid for the pen. If so, your daughter may have to give it back because it is prohibited by rule 35, section 1(A)(1) revised as follows:

> Any gift provided directly or indirectly by a person registered as a lobbyist or a foreign agent.

By now, your daughter is in tears. But hold on—hold on—your ethics lawyer advises you that your daughter's pen might—might—be permitted under

the "personal friendship exemption," rule 35, section 1(D)(3):

Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(A) that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the member, officer or employee.

Mr. President, this last clause is somewhat troubling. Who knows what really motivates other people when they give you something? Is it gentle friendship or favor seeking? Would you stake your entire Senate career on whether your answer to that question is correct?

Clearly, in the hypothetical that I have just outlined, the safest course is to have your daughter return the Cross pen to her friend: "Sorry, dear, give it back. That Cross pen could corrupt the United States Senate."

Now, Mr. President, that is the kind of trivia that we are dealing with here, and with all due respect to the proponents of the Wellstone-Levin proposal, it trivializes, it demeans and degrades the Senate. It says there are a bunch of people here who have been doing something improper when they have not. And it is totally and completely impossible to administer, both for the Senators seeking to do the right thing and for the Ethics Committee seeking to give advice to the Senator about what is permissible.

So let me, in closing the debate, thank my good friend from Louisiana, Senator JOHNSTON, for having the courage to step up to this issue. This is not an easy issue. It is not easy being on the Ethics Committee. But somebody needs to carry out these functions. And when efforts are made to demean and degrade the Senate, somebody needs to stand up and try to halt it. And remember this, my colleagues, Members of the Senate, when you cast your vote in a few moments, if the Johnston-McConnell amendment fails and the Wellstone-Levin proposal becomes law, within 6 months or less, the career of some Member of the Senate will be permanently destroyed by a gift of $25 or $30—permanently destroyed. It is a certainty. Will it be you? I hope not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. The Senator from Michigan has 8 minutes remaining.

Mr. LEVIN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes 45 seconds remaining.

The Senator from Michigan is recognized for 5 minutes.

Mr. LEVIN. First, a parliamentary inquiry, Mr. President. If the Johnston-McConnell substitute is adopted, is that substitute itself amendable?

The PRESIDING OFFICER. The Chair advises the Senator that the committee substitute would not be amendable at that point.

Mr. LEVIN. If the Johnston-McConnell substitute is defeated, is the committee substitute then amendable?

The PRESIDING OFFICER. The Senator is correct; the committee substitute would then be open to amendment at that time.

Mr. LEVIN. Mr. President, 1 year ago this week, the Senate voted 98 to 1 that we should be bound by the gift rules similar to the executive branch. Every one of us but one, Senator WALLOP, voted "yea" when the roll was called that it was the sense of the Senate that, as soon as possible, the Senate should limit the acceptance of gifts, meals, and travel by Members or staff in a manner substantially similar to the restrictions applicable to executive branch officials.

Now, those restrictions are restrictions which we have written into the substitute in many, many cases, including the one which my friend from Kentucky likes to talk about, the doughnut. That is not something which was made up by the Governmental Affairs Committee for this substitute. That is an executive branch rule which we said we wanted to follow a year ago, which my friend from Kentucky voted for, my friend from Louisiana voted for, we all voted for, and which has worked. And it reads in the executive branch that modest items of food and refreshments such as soft drinks, coffee, doughnuts, are permitted. They are not prohibited in the executive branch rules, nor would they be prohibited here.

If Cabinet Secretaries can live with executive branch rules, if former Senator Lloyd Bentsen can live with executive branch rules, can we not? If they are understandable to the entire executive branch and we follow them, as we said we would a year ago, with some tougher rules patterned after theirs, if they can follow them, as they have been able to, can we not? Are we going to adopt a double standard here today which says we are going to continue to accept meals paid for by lobbyists, tickets paid for by lobbyists, recreational trips that are paid for by lobbyists, where we take our families on recreational trips, where, yes, a charity also benefits, not just us? Are we going to continue to use that excuse for accepting that kind of a benefit from lobbyists when the executive branch has said "no more" I think not.

I think that we must not do that, that we have to continue to seek to improve our own activities and the public impression about those activities. And none of this ever comes easy. None of it ever comes easy. It represents change.

What the Johnston-McConnell amendment does is say that business as usual is OK. It is going to continue to be OK for lobbyists to buy our meals. It is going to continue to be OK, written right into their substitute, for lobbyists to be giving us the tickets. It is going to continue to be OK for the kinds of recreational trips which have been highlighted over and over again on our nightly television as an embarrassment to us, so embarrassing that most of us, when filmed on those trips, try to hide or run away. That is still going to be permitted. And the argument there is, well, if it is disclosed, it is OK. Well, when it is exposed, it sure is embarrassing. All those trips which have been the subject of those exposes have been disclosed in our disclosure forms. And maybe the persons who went on them felt comfortable. I am sure they did. And maybe those persons can get reelected. I hope they can. At least in many cases I hope they can.

But I will tell this, Mr. President. Those kinds of trips, where we and our families are the beneficiaries of the largess of lobbyists and the corporations which pay their bills, when we are the beneficiaries of such trips, we contribute to a lack of public confidence in this institution, even if individually we are able to become reelected.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. LEVIN. I would yield myself 1 additional minute.

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

Mr. LEVIN. It has been said we have not changed the perception of the Congress through all the things we have done, and I think that is true. But we must continue to try. I think it is our obligation to keep trying, when public opinion polls come back, as this most recent one, which in response to the question: Which of the following do you think really controls the Federal Government in Washington, 7 percent say the President, 22 percent say the Congress, 50 percent—50 percent—say it is the lobbyists and the special interests.

In a democracy, that is not acceptable as a perception of this body. We must act to change it in a reasonable way. Yes, we have to make some distinctions, and this committee bill does make distinctions. The substitute is business as usual. Unless we defeat it, it means that we consider business as usual the acceptable mean for this body.

Mr. President, I yield the last minute or two that I have to my friend from Maine.

The PRESIDING OFFICER. There are 2 minutes remaining. The Senator from Maine [Mr. COHEN] is recognized for 2 minutes.

Mr. COHEN. Mr. President, I was momentarily absent from the Chamber a short time ago. I had to attend a function in the Russell caucus room, as did my friend from Maine, the majority

leader. The function was put on by the American Jewish Committee. Each of us received an award. I chose to skip the meal. I was fairly confident it did not amount to $20 in value, although I am not so sure about the plaque that I received. Nonetheless, it brought to mind exactly what we are debating here today— an event entirely proper in its proceedings with the best of intentions to recognize the people who are supportive of issues of concern to that particular group.

But I must say what we are really trying to deal with here is what Senator LEVIN has just talked about, the public's perception that we are selling out the Nation's business, be it for a lunch, or a dinner, or a trophy, or a memento, or a trip. Everyone here, as I have said before, understands and knows that is a false perception. But nonetheless, it is real, and it is deep.

So the question is: Do we have an obligation to try and rectify the situation? I do not believe, as I said earlier, that the Levin substitute, if it passes will change public opinion per se. I believe we will not change public opinion until we measure up to the high quality of debate we are capable of, and until we deal with health care, crime, and the host of other legislation that is on the President's agenda and on our agenda.

Until we deal effectively with these issues, the public's opinion will not change about Congress. Nonetheless, we have a duty to remove as much of the cynicism as possible. It is deep-seated. It has been that way for many, many years. We will not change it by this legislation alone as we have not been able to change it through the reforms made in regard to gym privileges, haircuts, and the stationery store. None of that has changed it. In spite of that, we have an obligation to do what we think is best for the institution.

I believe the Levin approach is superior to that of the McConnell-Johnston substitute.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes and 42 seconds remaining.

Who seeks recognition?

Mr. MCCONNELL. Mr. President, is my time all that is left between now and the votes?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. I yield the time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I would like to use my leader time to make a brief comment.

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

Mr. MITCHELL. I invite Senator COHEN, if he has not finished, to accept some of my time.

Mr. President, the Senator from Kentucky yielded his time. He may not have been aware that I will use my leader time. I ask unanimous consent that he have the opportunity to get his time back, if he wishes to.

Mr. MCCONNELL. I thank my friend.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Members of the Senate, this has been a debate at times painful, but I think also constructive and useful. I begin my brief remarks by commending all of those involved in the process: Senators LAUTENBERG, WELLSTONE, and FEINGOLD; Senator LEVIN for being the principal author of the bill now before the Senate; Senator COHEN as the ranking member. He participated actively with Senator LEVIN in that effort; and Senators MCCONNELL and JOHNSTON who drafted the substitute which is now before the Senate.

There is no appropriate basis for any criticism of any of them for the efforts that they are making to bring clarity and reasonableness to a circumstance that is inherently unclear and very difficult to be reasonable.

There has been a lot of sarcasm, a lot of cynicism, a lot of sneering and snideness by some about the debate that is under way, and about some of the practice that has followed. I believe that most of the criticism is unjustified and offensive. And I commend all of those who are trying to move toward a more clear and more fair, a more reasonable standard of conduct.

I support the legislation proposed by Senator LEVIN and Senator COHEN and others who have been involved in this process. I believe of the alternatives before us that it represents that which is most clear, which is most reasonable, which is most fair to all concerned, and which also will enable us to restore the perception of integrity to which so many Senators have spoken during the debate here.

As Senator COHEN rightly said, no one action will do that. There will be required many other actions on substantive legislation, and on rules and procedures which govern our actions. But this is one very important step. I believe that the Senate and the American people will be well served and best served if the Senate rejects the substitute and votes to enact the pending bill, the Levin bill.

I think it is reasonable. I think it is fair. I think it gives as much certainty in a very uncertain area as is possible under the circumstances. I believe in the main those of our constituents who are aware of the details would in the debate agree.

I hope very much that the Senate will vote not to accept the substitute and that it will vote for the Levin bill.

I thank my colleagues.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky, who has 2 minutes and 42 seconds remaining.

Mr. MCCONNELL. Mr. President, I think enough has been said on this.

Let me just simply close by saying what I said before; that if the Levin-Wellstone proposal is passed, someone's career would be inadvertently destroyed within the next year.

I hope the Senate will not take that step.

I yield the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise to express my support for the McConnell-Johnston substitute to S. 1935. I do this because I am convinced that the well-intentioned attempts by my colleagues to micromanage the Senate rules to cover every contingency of friendship and gift-giving will lead the Senate Ethics Committee, the Senate Rules Committee, and each Senate office to an unworkable system based on fear, uncertainty, and distinctions so fine that they defy resolution.

The McConnell-Johnston substitute is a rational and important reform of a system which currently creates the impression that special interests run the Congress. It reduces the limit on gifts. More important, it requires the disclosure of gifts so that voters who are concerned with undue influence can know who is receiving what and from whom. In the infancy of the campaign reform movement we used to say that, "Sunshine is a great disinfectant," and that is still true.

Are you concerned about improper influence arising out of a gift limited to a value of $150? If it is fully and publicly disclosed, you can decide.

Most important of all, for me, is that the McConnell-Johnston substitute creates some bright and unmistakable lines which every Senator can follow. We will know with certainty and clarity what we can take and what we cannot. We will know with certainty and clarity that our activity will be fully disclosed and available to anyone who wants to know the truth.

The alternative proposals do not create bright lines, they create gray areas. They create ifs, ands, and buts, which will result in locking each Senator into a guessing game with the Ethics Committee about the interpretation of relationships and the distinctions between constituents and lobbyists, which are often not at all clear.

I know that my friends who support the Levin bill believe that their approach is better because they believe it bans more, restricts more, and tightens more. But I must warn them that their approach will not go further to ease the public's mind. The effect will be just the opposite. The gray areas, the doubts, the flexibility, and the uncertainties in the Levin bill will create more public suspicion, not less.

Public suspicion will be allayed by clear, sensible rules which are applied uniformly across all Members. This is

the course that the McConnell-Johnston substitute puts us on, and it is the course I will support.

Mr. STEVENS. I seek clarification regarding one of the provisions in the McConnell amendment. Under current rules travel time for necessary expenses is limited to 3 days exclusive of travel time within the United States and 7 days exclusive of travel time outside of the United States. The Ethics Committee has interpreted the term "United States" to include only the lower 48 States. Alaska, Hawaii, and the U.S. possessions and territories fall within the 7-day travel limit. It is my understanding that it was the intent of the author of this amendment to keep the current interpretation. I ask for confirmation of this because it is not clear from the amendment.

Mr. McCONNELL. It was my intent to keep the current interpretation of the rule. Alaska, Hawaii, and the U.S. possessions and territories would continue to fall under the 7-day travel limit.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

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

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

[Rollcall Vote No. 101 Leg.]

YEAS—39

Bennett	Durenberger	McConnell
Bond	Faircloth	Mikulski
Breaux	Gramm	Murkowski
Bumpers	Hatch	Nickles
Campbell	Helms	Nunn
Cochran	Hollings	Pell
Coverdell	Hutchison	Pryor
Craig	Inouye	Rockefeller
D'Amato	Johnston	Simpson
Danforth	Kempthorne	Smith
DeConcini	Lott	Stevens
Dodd	Mack	Thurmond
Dole	Mathews	Wallop

NAYS—59

Akaka	Bryan	Domenici
Baucus	Burns	Dorgan
Biden	Byrd	Exon
Bingaman	Chafee	Feingold
Boren	Coats	Feinstein
Boxer	Cohen	Ford
Bradley	Conrad	Glenn
Brown	Daschle	Gorton
Graham	Lautenberg	Reid
Grassley	Leahy	Riegle
Gregg	Levin	Robb
Harkin	Lieberman	Roth
Hatfield	Lugar	Sarbanes
Heflin	McCain	Sasser
Jeffords	Metzenbaum	Simon
Kassebaum	Mitchell	Specter
Kennedy	Moseley-Braun	Warner
Kerrey	Moynihan	Wellstone
Kerry	Murray	Wofford
Kohl	Pressler	

NOT VOTING—2

Packwood	Shelby

So the amendment (No. 1674) was rejected.

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

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

The motion to lay on the table was agreed to.

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

Mr. BOREN. Mr. President, the bill is now subject to further amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1675

(Purpose: To modify the post-employment restrictions)

Mr. BOREN. Mr. President, on behalf of myself and the Senator from Arizona, Senator McCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself and Mr. McCAIN, proposes an amendment numbered 1675.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . POST-EMPLOYMENT REFORM ACT OF 1994.

(a) SHORT TITLE.—This section may be cited as the "Post-Employment Reform Act of 1994".

(b) FORMER AGENCY BAN.—

(1) EXECUTIVE BRANCH.—Section 207(c)(1) of title 18, United States Code, is amended by striking "within 1 year after" and inserting "within 2 years after".

(2) CONGRESS.—Section 207(e) of title 18, United States Code, is amended in paragraphs (1)(A), (2)(A), (3), (4)(A), and (5)(A), by striking "within 1 year after" and inserting "within 2 years after".

(3) CONFORMING AMENDMENT RELATING TO PAY LEVELS.—(A) Section 207(c)(2)(ii) of title 18, United States Code, is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(B) Section 207(e)(6) of title 18, United States Code, is amended—

(i) in subparagraph (A) by striking "which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule"; and

(ii) in subparagraph (B) by striking "payable for level V of the Executive Schedule" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(c) FOREIGN ENTITIES BAN.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2) and inserting in such paragraph before the period the following: ", or a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States".

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL.—Section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(e) TRADE AND TREATY NEGOTIATION BAN.—Section 207(b)(1) of title 18, United States Code, is amended by striking "for a period of 1 year" and inserting "for a period of 10 years".

(f) EFFECTIVE DATE.—This section shall be effective after January 1, 1995.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the Chair.

The amendment which I proposed, along with my colleague from Arizona, Senator McCAIN, is an amendment to the gift ban legislation that will help close the revolving door of influence peddling in our Government. We have dealt with a variety of issues that will reform the process by which our elected officials are lobbied by outside parties. The issues which include increased disclosure in the form of gift and travel policies are important, but they are only part of the problem which has caused Americans to lose faith in their Government.

We must address the problem of the revolving door by prohibiting elected officials and their staffs from enriching themselves by trading on the contacts and special knowledge that they gain while in office. The prevalence of this situation tarnishes the idea of public service, and it decreases the public's faith in the integrity of the political process.

This amendment, which is based upon S. 420, which Senator McCAIN and I introduced earlier, and on which hearings have been held in the Governmental Affairs Committee, the Ethics in Government Reform Act, would bring the revolving door to an abrupt halt. S. 420 was cosponsored originally by Senators McCAIN, BRYAN, FEINGOLD, and CAMPBELL. It addresses the problem both in the context of the executive branch and the legislative branch.

Mr. President, some may complain that the restrictions I propose are too onerous. I come to the floor today to answer that they are not only reasonable, but they are also absolutely nec-

essary. The American people are rightly disillusioned when they see their public servants leave Government and receive huge salaries as they use their special contacts and knowledge to improperly influence the very process they have been charged with protecting. We must act quickly and decisively to eliminate even the appearance that this improper behavior occurs regularly and is condoned by the structure of our government.

Certainly, I do not believe that lobbying is inherently evil. Lobbyists often provide necessary information to public officials, and they help citizens and groups present their views to the Government. However, the public perception of lobbying, particularly by former public servants, does not match the ideal of a professional who merely provides accurate and timely information to those who are having to make policy decisions. Unfortunately, there are many examples of improper behavior that support this perception—it is not merely the product of populist rhetoric.

Since 1974, 47 percent of all former senior trade representatives have personally registered, or their firms have registered, with the Justice Department as foreign agents. My staff has compiled a list of at least 138 Members of Congress who are currently lobbying their former colleagues. That means that there is one former Member of Congress lobbying for every six Members currently serving. That is a surprisingly high ratio.

Of all the permanent Senate committee staff directors leaving the Hill since 1988, 42 percent have left to become lobbyists. In the House, that number is 34 percent. Of the most powerful Senate committees, the so-called A committees, 48 percent of the staff directors who have left since 1988 have become lobbyists, and 50 percent of the staff directors of the equivalent House committees have become lobbyists.

These figures are not surprising when you understand the long tradition of public servants cashing in on their experience and contacts as lobbyists. I find a brief excerpt from a chapter in "The Lobbying Handbook" by John Zorock to be tragically illuminating. For those who are not familiar with this publication, it is an extensive tome, costing about $125, that has been called the "Bible" for those who want to lobby or to hire lobbyists. The first step it suggests is obvious: Get a college degree or similar education. No one finds anything wrong with that. Unfortunately, his second suggestion also seems all too obvious in light of the current revolving door. After you get your education, get a job in Congress. Mr. Zorock writes:

> Because just any job will not qualify you for the lobbying profession, your second objective should be a position as a legislative or administrative assistant or professional counsel to a member of Congress. * * * A job on the House Ways and Means Committee, the Senate Finance Committee, or the Joint Tax Committee can be translated into big bucks. * * * Even those whose fields are not as potentially lucrative or as omnipresent as taxes will have something to sell when they become lobbyists and leave the public sector and leave public office, either as members or as staffers.

Mr. President, if that does not show that the public perception is absolutely correct, I do not know what does. I continue to believe that public service should not be reduced to something to sell to gain money and prestige when one enters the private sector. I do not think that it is too much to ask that people not pursue public service mainly as an opportunity to enhance their own earning power down the road.

The American people expect us to reform the way we do business. They have entrusted the public good to our care, and we must demonstrate that we have the courage and the wisdom to act responsibly. Trying to close as much as we can the spinning revolving door is absolutely necessary for us to live up to that trust.

Although I favor post-employment bans of greater lengths than the ones contained in this amendment, I appreciate very much the willingness of the managers of this bill, my good friends Senators LEVIN and COHEN, to work with me to craft a proposal that they are prepared to accept. With regard to the executive branch, this amendment goes several steps beyond President Clinton's Executive order that he issued promptly upon taking office. Perhaps most importantly, this amendment guarantees that the post-employment restrictions are set forth in law so that they cannot be rescinded by a future President.

This amendment requires all highly paid staff in the executive branch—those making approximately $80,000 or more—to refrain from lobbying their former department or agency for 2 years. In addition to this restriction, very senior officials, those at the Cabinet level or higher, would be prohibited from lobbying political appointees in the executive branch for 2 years.

These are strong ethics requirements for the executive branch, and Congress can do no less. This amendment would also ban Members of Congress for 2 years from lobbying any other Member of Congress or their staffs. Highly paid congressional staff would be required to abide by a similar 2-year ban with respect to their contacts with their former employer and his or her staff.

To address the special problem of lobbying by foreign governments or other foreign entities, Members of Congress and highly paid executive or legislative branch employees would be barred for 2 years from lobbying for a foreign entity. A foreign entity is defined as a foreign country, a foreign political party, or a foreign corporation or business. The amendment also targets the unseemly sight of former U.S. trade and treaty negotiators representing the foreign countries with whom they had negotiated. In perhaps its strongest provision, it lengthens the current 1-year restriction on these public servants so that they cannot advise such parties for 10 years.

Mr. President, my cosponsor, Senator MCCAIN, and I appreciate the effort of the manager of this bill, Senator LEVIN, in reaching this compromise. While I can support much longer post-employment restrictions to combat this serious problem that undermines the legitimacy of our public institutions and their perception of legitimacy, I believe this amendment is a very good start and an improvement over current law.

If we take this step, we then will have an opportunity to measure our experience under its provisions. If we find in the future that we need to go further, additional action can be taken. But for now, this is a very important step in the right direction.

I do not know how many people have mentioned to me how troubled they are by the perceptions that people are cashing in on public service, and in particular they mention those who have negotiated on behalf of our Government, particularly in the trade area, going to work for foreign entities and foreign governments. It plants in the minds of the American people the suspicion that those people were thinking ahead to the next job, already thinking ahead to pleasing the interests of those outside our country when they were supposed to be representing our own national interests.

This amendment, together with other reform bills that we will be considering over the course of the session, will begin to rebuild the public's trust in our institution of Government, and that is of critical importance.

Mr. President, I yield the floor so that comments may be made by my friend and colleague, the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona

Mr. MCCAIN. Thank you, Mr. President.

I would like to start out by thanking my friend and colleague from Oklahoma. It is not inappropriate, I think, to mention, in light of his recent announcement that he will be leaving this institution after a long and honorable service, how much I appreciated the opportunity of working with him on this issue, on campaign finance reform, on many other issues that I believe are very important not only to the people of Oklahoma and Arizona, but to the people of this country.

The Senator from Oklahoma has unique qualities which I think will be sorely missed. However, we do have the

pleasure of his company for several more months, so I will reserve my eulogy for nearer to the end of the session. But, again, I would like to express my appreciation for all that he has done for me, our friendship, and for the country.

Mr. President, for far too long Members of Congress, senior congressional staff, and senior White House staff have served in public office and then passed through the revolving door to lobby friends and former colleagues on behalf of special interests.

I believe it is time to put the padlock on this revolving door so that Members and senior staff will not trade on their former jobs to access the system and influence policy from a privileged, inside position. It smacks of abuse and impropriety to the people that we represent.

As the Senator from Oklahoma mentioned, this amendment would ban Members of Congress from lobbying the Hill for 2 years and senior congressional staff earning 75 percent of a Member's salary, approximately $80,000 a year, would be banned from lobbying the Congress for 2 years.

I might add, Mr. President, that represents only a small percentage of all Hill staff employees.

For senior executive branch personnel earning 120 percent of the GS–15 level, they would be banned from lobbying the agency in which they worked for 2 years. For trade and treaty negotiators, they would be banned from lobbying on behalf a foreign government or foreign political party for 10 years. And for all highly paid individuals in either the Congress or the executive branch, they would be banned from lobbying on behalf of foreign companies for 2 years, except those companies which are incorporated in the United States.

I think it is important to note that the provisions of the original legislation were more severe than this. In a successful effort to negotiate a compromise with the managers of the bill, Senator LEVIN and Senator COHEN, some of these numbers were reduced.

As my colleagues know, current standards in the legislative branch ban all staff from lobbying a Member who employed them for 1 year. Members are also banned from lobbying the Hill for 1 full year. This amendment simply expands upon those existing restrictions.

It is unfortunate, but the use of the revolving door is not uncommon. Month after month yet another story about the revolving door appears in the press. Stories in the press about individuals leaving Government positions for high-paid Government affairs jobs are the rule, not the exception.

In the course of a hearing on March 4, 1993, Senator BOREN stated the extent of the problem. He said:

I want to mention very briefly an indication of the seriousness of the problem. I mention that since 1974, nearly half, 47 percent of all the senior U.S. Trade Representative officials have now personally or their firms registered as foreign agents. My staff has compiled [meaning Senator BOREN's staff has compiled] a list of at least 138 former Members of Congress who are currently lobbying their old colleagues. Once lobbying registration requirements are tightened I am confident the number will increase. Still, using just the numbers we have right now we know that one former Member of Congress is now lobbying for every 6 Members currently serving. Of all the permanent Senate committee staff directors leaving since 1988, 42 percent are leaving to become lobbyists. In the House the number is 34 percent. Of the most powerful Senate committees, the so-called A committees, 48 percent of the staff directors who have left since 1988 have become lobbyists and 50 percent of the staff directors of similarly important committees on the House side have also become lobbyists.

I would note that this legislation does not prevent them from doing so. What it does provide, I believe, is a decent period of time to elapse before they go back to their old living spaces and perform other duties.

For years, as we know, Members of Congress, their staffs and high-ranking White House officials have been trading on their insider experience and being paid handsomely for it. But just because the revolving door has been turning for years is not an excuse not to address the issue.

Let me point out that when the Governmental Affairs Committee held hearings on the Ethics in Government Act, this legislation, the language of the bill was substantially stronger. Then a lifetime ban was placed on lobbying for foreign governments and other provisions were stronger. But many at the hearing noted that those provisions may have been too harsh, and although I would prefer those tougher provisions, Senator BOREN and I have taken the remarks of those who testified and our colleagues' here in the Senate to heart and lessened the restrictions in the bill. The amendment before the Senate now is the result of seeking to craft a compromise on this issue, and I think it is an important one.

I know this amendment will not raise our personal popularity with our colleagues and congressional staff. These are harsh restrictions. But I believe we should all understand a very important fact and that is when we look at poll after poll after poll, we find the people of this country have an increasing cynicism, skepticism, distrust, and even belief that there is corruption in Washington, DC, both in the executive and legislative branches.

We need to take steps to restore that confidence. We need to do away with free parking spaces at airports. We need to put ourselves under the same laws as the people of this country live under—legislation which is being sponsored and efforts being made by many of my colleagues. We need to let the American people know the disconnect between themselves and us, although certainly real in some cases—that there are those of us who are attempting to reconnect ourselves to the people we represent: the American people. One way of doing so is to live like they do. Another way of doing so is to make sure that service to the Nation is not translated into unseemly personal gain.

I would again like to thank the managers of the bill for allowing us to shape what I think is an important and meaningful compromise. I appreciate all their help and cooperation and, again, my deep appreciation to my friend, Oklahoma Senator BOREN. Lastly, let me thank his staff for their efforts, especially Beth Garrett, Morris Goff, and Darcy Bentley.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleagues. I will take no more time. I again thank the managers of the bill. I ask unanimous consent Senator FEINGOLD be added as an original cosponsor.

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

Who seeks recognition? The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendment of the Senator from Oklahoma and the Senator from Arizona is acceptable to me. It will strengthen the postemployment rules that are applicable to senior executive branch officials, Members of Congress, and congressional staff. These postemployment laws are designed to serve two purposes:

First, they impose a cooling off period in order to eliminate the fact or appearance of favoritism in the former official lobbying his or her former office.

Second, they prevent a former official from financially benefiting from the use of confidential information obtained while working for the Federal Government.

The overall goal is to have the highest ethical standards for Federal employees without curtailing an individual's rights to free association and petitioning the Government and also to protect the taxpayers' interests in obtaining the best and brightest public servants.

That requires a balancing of interests. I, like my good friends from Oklahoma and Arizona, have been deeply troubled by the reports of abuses of the so-called revolving door by former Government employees. We all know the stories and I share their concerns, that our current postemployment laws are porous. We have been working with them for over a year, since they introduced the bill early in the 103d Congress, to try to strike the right balance of tough rules, fairness to individuals,

and promoting the public's interests in a first-class Federal work force. This amendment strikes that balance.

I commend my good friend from Oklahoma, my good friend from Arizona for sticking with this issue. It is a difficult issue inside the Federal work force. They are not going to make a whole lot of friends here in Washington or the Federal work force outside Washington. But the people of the United States I believe are very much in their debt for pursuing a revolving door problem which we have, where too many people, too quickly leave Government and immediately cash in, in some way which is not appropriate, in the private sector.

This is a balanced approach. Again I commend them for their persistence. It has been a long road to get to this point. We have made many adjustments, negotiated many compromises in it to reach the balance which is now present in this amendment. I think it is the right balance and I am happy to accept it.

Like my friend from Arizona, I would like, if I may, to just say one word about the Senator from Oklahoma. I, too, will save most of my remarks for a later time. But this is typical of the kind of work which the Senator from Oklahoma has done in this Chamber. It is work which is aimed at increasing public confidence in Government. There has been no greater patriot that I have known than the Senator from Oklahoma. His goal has been to increase public confidence in Government. He has done it in literally dozens of ways. This effort, along with that of the Senator from Arizona, is another example of his patriotism, his dedication to country, his loyalty. I commend him for it, and I am happy to accept it.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, in view of the fact that we have 24 amendments now pending on this legislation, I will just indicate that I join Senator LEVIN in accepting the compromise that has been reached on this amendment. All of us are concerned about not making the postemployment restrictions so severe that they would discourage good people, talented people from coming into Government service. We are also concerned that they not prevent former Federal employees from being able to go out and pursue their professions or occupations and exercise their constitutional rights of free association. Senator MCCAIN and Senator BOREN have been very agreeable in working with us on this particular measure.

In addition to restoring a sense of confidence in Government, we can all be assured with the passage of this particular amendment that we will not be able to hear from our good friend from Oklahoma for at least 2 years. He will not be able to call us and urge that we have more funding for higher education. That alone will assure its passage almost by unanimous consent.

I join Senator LEVIN in accepting the compromise amendment that has been reached but I should note some reservations.

The postemployment restrictions are intended to remove the appearance of special treatment or using one's former public office for private gain. They are designed to both eliminate the appearance of special treatment a former official may receive in lobbying his or her former office and to prevent a former Federal official from benefiting financially from the use of confidential information he or she obtained while working for the Government.

At the same time, however, we want to be fair to those who serve in Government and we do not want to deny the Government nor the public access to the best talent.

Postemployment restrictions must not infringe on a former Federal employee's constitutional right of free association nor preclude that individual from pursuing his or her profession and earning a living. In restricting the employment activities of former Federal employees, we must do so fairly and without affecting the rights of those individuals who are not engaging in improper activities or abusing the public trust.

We also do not want to discourage talented and experienced individuals from entering public service. We want to be able to continue to attract quality people to serve in Government. Society can and does benefit from the mobility between the public and private sectors of experienced and skilled individuals.

It is also important to note that not every Federal employee is in a position to improperly trade on past service. Restrictions on political and high level career people and Members of Congress may be appropriate, but we need to tailor these restrictions so that we are not covering those individuals who have neither the status nor the political clout to trade improperly on their Government service.

The current postemployment restrictions have worked well. By expanding the current restrictions, the provisions of the Boren-McCain amendment may well help to address the public perception that former Members of Congress and Federal employees are improperly trading on their Government service. I thank Senators MCCAIN and BOREN for their interest in working with Senator LEVIN and myself to promote high ethical standards within Government and their efforts in working out this compromise amendment.

With that, Mr. President, I indicate the minority accepts the amendment.

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

The amendment (No. 1675) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado, Senator BROWN.

AMENDMENT NO. 1676

(Purpose: To extend the limits on legal defense funds to the executive and judicial branches)

Mr. BROWN. Mr. President, I rise for the purpose of offering an amendment and I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1676.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONTRIBUTIONS TO LEGAL DEFENSE FUNDS.

The prohibition relating to contributions to the legal defense of a Member, officer, or employee of the Senate set forth in paragraph 1(c)(2)(D) of rule XXXV as amended by this Act shall apply to officers and employees of the executive branch.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, for many years, some of us have been concerned about the phenomenon of the executive branch and the legislative branch having different rules in this ethics area. It, from time to time, has been the subject of political gamesmanship, particularly at a time when Congress found itself with different control than the executive did.

My feeling has been, for a long time, that what was appropriate were consistent rules that were evenhanded and applied to the executive as well as the legislative.

This measure that is before us is primarily designed for the legislative branch. All of us understand that. I think the people who have brought this measure to us, and the underlying amendment of the distinguished Senator from Michigan, in a significant way brings some of the rules affecting the legislative branch into line with the rules that already impact the executive branch.

Nevertheless, the measure that is before us is primarily related to the legislative branch itself. There is one area of the bill, though, that proposes new rules for the legislative branch—for the House and the Senate—that would be different than the rules that would apply to the executive branch, and that is specifically in the restrictions that are provided for with regard to legal defense funds.

I rise not to quarrel with those restrictions, but I do believe that they ought to apply to the executive branch of this country, just as they will apply to the legislative branch.

That is why I have offered this amendment. It is offered in the name of consistency. It is offered in an effort to help make sure that we begin to track, along similar tracks, that fair is fair and that the rules are consistent between the executive and the legislative branches, at least in those areas where they can and should be consistent.

All of us understand there are different functions, and there may be times when you need some diversions, but I do not believe this is one of them.

If it is improper to ask lobbyists to donate to legal defense funds for Members of Congress, that prohibition ought to apply to the executive branch as well. That is all this amendment does. It is very straightforward. It simply suggests that we are going to have the same rules for the House and the Senate that we are going to have for the executive branch of this country.

AMENDMENT NO. 1676, AS MODIFIED

Mr. BROWN. Mr. President, the sponsors of the amendment, in reviewing the amendment brought forward, have suggested language that differs a little bit from what legislative counsel has drafted. I, at this point, ask unanimous consent to substitute the language that I send to the desk as a clarification of my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, with its modification, is as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONTRIBUTIONS TO LEGAL DEFENSE FUNDS.

No person registered as a lobbyist or a foreign agent may make a contribution or other payment to a legal expense fund established for the benefit of an officer or employee of the executive branch.

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as modified, the amendment of the Senator from Colorado is acceptable to me. I will just leave it at that.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, it is acceptable to the minority as well. I might at least point out that there appears to be some ambiguity in the existing law in terms of who may contribute how much to legal defense funds. So whatever ambiguity is in existing law, this would apply with equal ambiguity.

Second, it seems to me we have to raise the issue, at least initially, as to whether or not such a provision could possibly be applied retroactively. In other words, there are ongoing cases in the Senate and the House, and also in the executive branch. If those individuals who are currently the subject of lawsuits are in the process of raising funds, we clearly have to state whether or not they should be allowed to do so, whether it is an ethical violation as opposed to a legal prohibition.

That is something we will need to either clarify in report language or conference language, should we conclude a conference on this legislation.

Mr. BROWN. Mr. President, will the Senator yield on that?

Mr. COHEN. Yes, I will yield.

Mr. BROWN. It would certainly be my impression and my intent this would not have a retroactive effect. Certainly, any funds prior to the enactment of this legislation would not come under its purview.

The question, I guess, has risen with regard to funds raised after the effective date of this act. My impression is it should apply to funds raised after the effective date of the act.

The PRESIDING OFFICER. If there are no other Senators wishing to comment, the question is on agreeing to the amendment.

The amendment (No. 1676) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Madam President, I ask unanimous consent that I may proceed as if in morning business for 5 minutes.

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

UNITED STATES MILITARY ACTION IN HAITI

Mr. DOLE. Madam President, press reports indicate the administration is considering deployment of United States military forces to Haiti—either as trainers or as an invasion force. The apparent purpose is to put exiled President Aristide back in power. Before we act hastily, let us look at the facts.

Haiti poses no strategic threat to the United States. There has been no massive exodus of migrants from Haiti. Yes, the thugs and murderers running the country have committed horrible human rights violations—but they have not threatened Americans in Haiti. But, if human rights violations were enough reason for United States intervention, we would be invading most countries in the world—Rwanda, Sudan, China, Syria, and many more.

Last October 21, the Senate passed an amendment I drafted by a vote of 98 to 2. That amendment is now section 8147 of Public Law 103–139. The amendment calls on the administration to seek the authorization of Congress before deploying military force to Haiti. While it is a sense-of-Congress provision, it expresses the views of the overwhelming majority of Members. If President Clinton wants to use force in Haiti, he should make his case before Congress and before the American people. That is what President Bush did before Operation Desert Storm. Haiti should be no different.

We tried invading Haiti once this century—after a sustained period of political violence in 1915. After 19 years of marine occupation, and 34 years of controlling Haiti's finances, the United States left. After all the effort, the end result was the Duvalier regime, and he started out by getting elected too.

I agree with former President Bush: "The time has come for a significant shift in United States policy toward Haiti." President Bush, who was criticized for spending too much time on foreign policy, supported the return of President Aristide, but now argues that we can and should support democracy in Haiti, without supporting the return of Aristide to power.

Haiti's problems will not be solved by outside military intervention. One election in 1990 did not make Haiti a democracy—there was no rule of law, no functioning court system, or accountability of rulers to the ruled. President Aristide's actions in power and in exile raise serious doubts about the wisdom of risking U.S. lives to install him in power. And any invasion force would have to stay in Haiti to protect Aristide from his opponents. Any intervention would be costly, long-term, and very unlikely to result in stable democracy.

Under the administration's latest policy shift, any effort to forge political compromise among Haitians has been abandoned, leaving President Clinton's former special representative to Haiti to observe that the United States has taken on full responsibility for Haiti's future. Ambassador Pezzullo points out: "This is no favor to President Aristide, the Haitian people, or the Americans who will be sacrificed in the attempt."

The latest policy not only rejects any pressure on Aristide to compromise, it will further improverish the poorest country in the hemisphere. Tightening

sanctions, when Haiti has already has 65 percent of its economy shut down, will increase suffering among the poor while the military regime prospers—especially when the United States Embassy buys its fuel from their black marketeers. This seems to be the administration's version of destroying a country in order to save it.

Madam President, turning Haiti into a United States colony is not wise policy. Sending American troops on ill-defined training missions in Haiti is not wise policy. Tightening sanctions is not wise policy. And invading Haiti to put Aristide back in power would be a tragic mistake. I urge the administration not to ignore the clear will of Congress and to seek prior congressional authorization for any United States military action in Haiti.

I also think it is time for a fresh look at the situation in Haiti—what the democratically elected parliamentarians think, why Prime Minister Malval resigned in frustration, whether a peaceful solution is possible. An independent fact-finding commission should be created to review circumstances in Haiti. It should be bipartisan, and appointed by the President and by congressional leadership. When the most basic facts are in dispute—as made clear by Ambassador Pezzullo's article today—such a commission could provide important answers before U.S. lives are risked. Allowing such a commission to examine the best course to national reconciliation in Haiti before any additional action is a modest step. I hope to work with the President and his advisers in forming such a commission.

I ask unanimous consent that the statement of President Bush, Ambassador Pezzullo's resignation letter, and, an article from the Washington Post, and the Dole-Mitchell amendment be printed in the RECORD.

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

[From the Washington Post, May 5, 1994]

OUR HAITI FIASCO

(By Lawrence A. Pezzullo)

The Clinton administration, after three weeks of a declared policy review toward Haiti, has produced the wrong answer and—more regrettable—has done so for the wrong reason. The new so-called policy seriously risks further hurting the suffering people of that wounded nation. Meanwhile, compounding it all, there now is unwise talk of U.S. military intervention.

The administration's divided approach to the Haitian impasse will give priority to an action—expansion of international sanctions—that the White House specifically ruled out in January. It will thus substitute a tactic for a strategy, turning a mere means into an end.

Without question the Haiti policy review was driven as much as anything by criticism, from media and Congress, of the administration's mishandling of Haitian refugees seeking asylum in this country. But while the plight of refugees is central to the Haiti problem, it is something best dealt with separately from the political strategy needed to enforce a workable agreement on Haiti's future—that agreement being essentially the one reached at Governors Island last July. The policy behind the Governors Island Accord was sound then and remains so. The putative new policy will almost certainly aggravate the refugee problem.

Last January, in the face of media criticism to the effect that sanctions were causing increased malnutrition, the Clinton administration could not bring itself to follow through on its own threat to the military: the threat that it must meet its commitments under the Governors Island Accord by Jan. 15 or else. The "or else" was comprehensive U.N. trade sanctions, a ban on noncommercial air flights and a recommendation to U.N. member states to adopt targeted sanctions (freezing personal assets and revoking visas) against the military regime and its supporters. The key element in the January sanctions proposal was that it was tied to a political strategy of strengthening Haiti's democratic elements and isolating the military.

Now, in the face of mounting media and congressional criticism that its policy has "failed," the administration has resurrected the same position it refused to implement in January, but with one key difference: Now there is no political strategy for the comprehensive sanctions to support. How did we get to this place?

The decision not to seek the comprehensive sanctions wasn't the first time the administration had lost credibility with both the Haitian military and President Aristide. Earlier, there was the infamous retreat of the U.S.S. Harlan County, in October 1993, when it was met by a small group of toughs on the dock. Those of us who supported keeping the ship there were confronted with a decision that had already been made. This incident has widely been cited—correctly, I think—as the key reason the Governors Island Accord failed. our retreat emboldened the military and strengthened the neo-Duvalierist party, the FRAPH.

After this major setback, the United States tried yet again to resurrect a strategy and bring about the restoration of democracy and President Aristide. It imposed a tight fuel embargo in October, which has all but shut down Haiti's economy. On the political front, Aristide's own prime minister and political ally, Robert Malval, took the initiative, convincing Aristide that his political alliance should be broadened to include legitimate political parties represented in the legitimate parliament. But Aristide soon reversed himself, and rejected Malval's idea as "power-sharing" with the military. Malval resigned in December.

At the urging of the "Four Friends of Haiti" (Canada, France, Venezuela and the United States), President Aristide next took the initiative to move the political process forward by holding a conference in Miami with members of parliament and other political figures from Haiti. The conference came up with a plan similar to Malval's: name a new prime minister who can form a broadly based government of national concord.

This is in fact the key to a lasting solution. To isolate the military from its traditional backers (the extreme right and the older, more conservative, business class), true democrats in Haiti need to unite around a new government of national consensus. Moves toward creating such a centrist force were already helping to fragment the army: In February and March we saw legitimate parliamentarians who previously had opposed Aristide's return join forces with pro-Aristide legislators to call for his return. We saw conservative businessmen joining more progressive younger businessmen and pro-Aristide labor unions in calling for the departure of the country's military head.

Unfortunately, this movement fell victim to intensive lobbying campaigns by both the extreme right, who saw the threat to their power, and Aristide's expatriate entourage, which incorrectly labeled the idea of a coalition with the majority of parliament "power sharing" with the military. Ultimately, the extremes succeeded in killing the center.

The United States helped bring this about. Despite initial support for the parliamentary proposal, the U.S. government was once again unable to stay the course on Haiti. A week after Vice President Al Gore advised Aristide of our considered position of support for the proposal, the U.S. administration was in full retreat. Why? Quite simply, the administration could not withstand domestic pressures against the proposal emanating from congressional supporters of President Aristide.

Thus, having begun to split the Haitian army and to unite the democratically elected parliament in support of U.S. objectives, the administration suddenly and unwittingly reunited the army and polarized the political situation anew.

The reality in Haiti, whether President Aristide likes it or not, is that he is stuck with a very decentralized form of government known as a parliamentary system. And like it or not, he does not have a working majority in his own parliament. He needs allies. Without true reconciliation among democratic elements in Haiti, there will be no true democracy.

The administration's inability to stay the course on something as fundamental as building a political coalition in a parliamentary democracy does not provide much hope that it will be able to stay any course. It has now adopted a policy line—sanctions without any political track—that has no prospect of returning democracy of Aristide to Haiti. It is clear that with the administration's decision not to push Aristide on the political front, political negotiations for his restoration are dead. Already those who came out for a political, nonviolent solution have left the center and are moving to the extremes.

If the U.S. administration is serious about returning Aristide now, it will have to do so on the backs of U.S. soldiers. But in fact, intervention would not serve this country or the Haitians. Democracy isn't built on foreign intervention; it is built on reconciliation—as has been proved recently in South Africa and El Salvador.

By abandoning the track of multilateral negotiations, which was forcing the Haitians to take political responsibility for effecting change in their country, we have taken on full responsibility for Haiti's future. This is no favor to Aristide, the Haitian people or the Americans who will be sacrificed in the attempt. The administration is trying to force a new policy by responding to domestic pressures rather than setting a steady course based on our interests and responsive to the reality on the ground.

DOLE-MITCHELL AMENDMENT

SEC. 8147. SENSE OF CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.—(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) all parties should honor their obligations under the Governors Island Accord of

July 3, 1993 and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of Congress that funds appropriated by this Act should not be obligated or expended for United States military operations in Haiti unless—

(1) authorized in advance by the Congress; or

(2) the temporary deployment of United States Armed Forces into Haiti is necessary to order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than forty-eight hours after the initiation of the temporary deployment; or

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than forty-eight hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of United States Armed Forces, including steps to ensure that United States Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) that the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 28, 1994.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: As I take my leave, I wanted to express my grave concern that we are heading irrevocably down a path toward unilateral military intervention in Haiti. That would be a terrible mistake.

Perhaps if I had had your full support in docking the USS Harlan County last October, in seeking comprehensive sanctions in January, and in pressing President Aristide harder to work together with his own democratically-elected parliamentarians we might have succeeded in overturning the coup and restoring President Aristide despite the odds.

Now, in abandoning the multilateral negotiation track which was forcing the Haitians to take political responsibility for effecting changes in their country, we have unwittingly taken on full responsibility for Haiti's future. This is no favor to President Aristide, the Haitian people or the Americans who will be sacrificed in the attempt.

Sincerely,

LAWRENCE FEZZULLO.

STATEMENT OF PRESIDENT BUSH, MAY 2, 1994

I think the time has come for a significant shift in U.S. policy towards Haiti.

First, I think we should rule out the use of U.S. force in Haiti. We suffered an enormous black eye to our prestige around the world when, a few months ago, our ship was turned back by a group of thugs on the dock at Port au Prince, but use of U.S. ground forces in Haiti would, in my view, be a tremendous mistake. We can easily put our forces in, but when would they come home?

In making decisions of this nature we must think not just of Haiti but of the rest of the Caribbean and South America. I certainly could not support the use of U.S. troops under existing conditions in Haiti. No U.S. lives are at risk in Haiti today.

Further, I believe most of our friends in this hemisphere would strongly disapprove of our using U.S. troops.

No one in the area can doubt President Clinton's support of democracy. Nor can they doubt his strong backing, up to now, of Father Aristide; but Aristide has proved to be totally unable to help facilitate his own return. He has been unwilling to compromise and, in attacking President Clinton's policy, he is attacking those who have been trying hard to help him.

The time has come to change policy.

We should use our diplomatic best efforts to restore democracy, to have new elections scheduled and to wrench concessions from Haiti's military; but I am now satisfied that we must separate "backing democracy" from "backing Aristide".

We must never waiver in our support for democracy. As President, I felt that the way to support democracy in Haiti was to insist on the return of Aristide to power. Given recent events and Aristide's demonstrated instability the time has come to break that linkage.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Madam President, I ask unanimous consent to speak as if in morning business for 10 minutes.

FINANCIAL DERIVATIVES

Mr. DORGAN. Madam President, in today's Wall Street Journal there is an article entitled, "GAO Report Urges Controls For Derivatives."

GAO warns of derivatives risks, recommends direct regulation. GAO says Congress should review whether commercial banks that engage in proprietary trading or trading derivatives and other financial instruments for profit should have the benefit of deposit insurance and the Federal safety net.

Most people will not know the difference between a derivative and a garden hose. A derivative is a term that means nothing to most people in this country. It is in fact a term that covers a wide range of hedging, laying off risk, speculating, and in some cases flatout gambling in various kinds of financial instruments.

In the Fortune magazine of March 7, the cover says, "The Risk That Won't Go Away."

"Financial derivatives are tightening their grip on the world economy, and nobody knows how to control them."

In that same Fortune magazine, it talks about who are the "big boys in the big business," and lists the largest dealers in swaps and other species of derivatives: Chemical Bank, Bankers Trust, Citicorp, Chase Manhattan. I do not have to go much further. You get the drift.

We are at it again: Same old story, excess of America's financial markets in a manner designed to lay off the risk to the American taxpayer.

It was not too many years ago that I stood on the floor of the House of Representatives and offered an amendment that finally pulled the center pole out of the tent on all the speculation and junk bonds. We all know what happened with junk bonds. We had a bunch of sharp-eyed dealers who were making millions of dollars. One was making $100,000 an hour; $500 million in a year he made trading in junk bonds.

They found a way to cleverly in the 1980's to lay off junk bonds on the American taxpayer. How did they do it? They found a way to sell junk bonds to savings and loans, of course, where deposits are insured. And when the savings and loans purchased the junk bonds and the junk bonds did not perform or turned out to be worthless, the savings and loans went belly up. And the American taxpayer got stuck with the junk bonds.

Let me give you the ultimate paradox, the ultimate absurdity of the 1980's, the hood ornament that describes the excess of the 1980's. The American taxpayers ended up owning junk bonds in the Taj Mahal Casino in Atlantic City, NJ. How would the American taxpayers end up owning junk bonds? Because the Taj Mahal, the largest, glitziest casino at that point was built by floating bonds that were not investment grade. Therefore,

they were called junk bonds. Who were the purchasers of junk bonds? Some of the savings and loans purchased the junk bonds because the investment bankers and others had a cozy relationship and they pawned them over to the S&L's. The S&L's went broke. The junk bonds did not perform, and the U.S. Government ended up owning junk bonds in the Taj Mahal Casino.

That it seems to me is the hood ornament on everything that was wrong with financial excesses of the 1980's.

I went on the floor of the House, and an amendment was passed that I offered that became law that says no S&L in this country shall buy another junk bond, and all the S&L's that have junk bonds shall sell the junk bonds they owned. It, in part, collapsed the junk bond market. But I guarantee that when that became law, we took the S&L's out of the junk bond business. No longer were sharp-eyed dealers searching for profits for themselves going to lay their risk off on the American taxpayer. We lost literally billions of dollars as taxpayers because we found that institutions whose deposits are insured ultimately by the Federal Government and ultimately by the taxpayer were buying junk bonds. They could have just as well taken the taxpayers' money to the casino table and put it on red or on 15, or went to the blackjack table and tried their luck there. It is the same type of gambling.

Why do I describe that story? Because I remember how tough it was to do what I did on the floor and what ultimately became law. It was taking on the entire Wall Street crowd who wanted to continue this binge of excess that caused the collapse of so many savings accounts for so many American families. Here it goes again. But financial institutions are not buying junk bonds, thanks to that amendment—and, hopefully, most of that era is over. But now we see that financial institutions are gambling in derivatives. Derivatives now account for a substantial portion of the assets of the Nation's largest banks. It is not just derivatives to hedge risk—I understand hedging is perfectly legitimate and a perfectly appropriate way of laying off some risk—but this is proprietary, often highly-leveraged trading in derivatives as a line of business to try to make money. It is, in some countries, called betting. Here it is called derivatives.

We should not have institutions in this country whose deposits are insured by the Federal Government, and ultimately the taxpayer, involved in gambling. Just as they should not have been involved in buying junk bonds, so now they should not be involved in proprietary trading in derivatives.

I came to the floor only to say that I intend to offer legislation that I am now beginning to prepare that will do exactly the same in this circumstance as I tried to do with respect to junk bonds.

The question that the GAO asks is not a question that takes more than a microsecond to answer.

The GAO says:

> Congress should review whether commercial banks that engage in proprietary trading, or trading derivatives, and other financial instruments for profit, should have the benefit of deposit insurance and the Federal safety net.

It does not take a mental giant to answer that question. Of course, not. We have been down this road, and we have seen the taxpayers bilked for billions of dollars with junk bonds. I do not intend to see them bilked again for gambling losses in proprietary trading in derivatives with the same kind of financial excess that got us in trouble before and will again.

I think the GAO is prepared to release a report that includes some excellent work in this area. I commend to my colleagues, who do not know much about derivatives, a Fortune magazine article, which I think has plowed some new ground. When you conclude reading it, you will understand that once again we have found that there are some among us who would like very much to lay off enormous risks of what most people would call gambling on institutions whose deposits are insured. In fact, the brassy behavior these days is that the institutions themselves have set up a business internally to effectively gamble in order to make money. That is at odds with everything we understand and know about the sound principle of banking, which is that the principle of safety and soundness is preeminent. The principle of safety and soundness and the perception of whether the people think the institution is safe and sound is what determines whether our financial institutions succeed.

You cannot, in my judgment, merge something so inherently speculative and risky as a proprietary way of doing business to make money, such as the trading of derivatives on a proprietary basis, with the ordinary business of banking. You cannot do that, and do anything but injure American banks.

So I, once again, indicate that I intend to offer some legislation in the coming weeks that will attempt to pierce this practice or this behavior, just as I attempted to do—and in that case successfully did—with respect to junk bonds and savings and loans in the 1980's.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. METZENBAUM. Madam President, I ask unanimous consent that the Senate now go into morning business for a period not to exceed 10 minutes.

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

THE CANING OF MICHAEL FAY

Mr. METZENBAUM. Madam President, the American people awoke this morning to a report that Michael Fay, convicted of petty vandalism in Singapore, had been subjected to four strokes of a rattan cane.

When I first learned of Michael Fay's sentence, I was shocked. Fay was sentenced to a prison term of 4 months, a fine of $2,700, and six strokes of a cane.

This 18-year-old kid, along with a group of school friends, had committed what was, in effect, a teenage prank. No one was hurt. Yes, property was damaged but not seriously. Some of the paint that was sprayed—I guess all of it was wiped off easily.

No one ever suggested that Fay should have been allowed to escape responsibility for his actions. What I question is the nature of the punishment, not the fact that punishment is deserved.

I certainly support stern penalties for criminals, be they vandals or murderers. I acknowledge the right of any nation to subject lawbreakers to punishment provided there is a due process. What I object to is the use of torture by any nation in the name of maintaining law and order.

Torture has no place in the justice systems in nations calling themselves civilized. The truth of the matter is that torture is not really used by nations that want to maintain law and order among their own people. Rather, history teaches us that torture is used by nations which are afraid of their own people. Let there be no mistake, caning is a form of torture.

The State Department's annual human rights report has cited caning as an example of torture. Asia Watch and other human rights groups have concurred in the State Department's assessment.

The fact of the matter is that Michael Fay, as a result of his petty vandalism conviction, was tortured over and above the 4 months in imprisonment and $2,700 fine.

I note after appeals from President Clinton and Members of Congress, Fay's sentence was reduced from six strokes to four.

Madam President, I ask unanimous consent that an appeal for clemency to Singapore's President, signed by 27 Senators, be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. METZENBAUM. Madam President, the fact that Singapore acknowl-

edged the appeals by reducing the sentence is indeed gratifying.

Indeed, I believe that Singapore and the United States should strive to maintain the current close relationship that exists.

However, we cannot ignore the fact that a medieval form of punishment still exists in the justice systems of Singapore and of other nations.

The Michael Fay case is not about one American kid who got caught by foreign authorities. This case is also about the so-called justice under which millions of people around the world live. This case is about basic human rights.

I believe the American people need to know that America's view of human rights around the world reflects the type of decency we expect in our own society, the type of justice we expect from our own Government.

In this respect, perhaps the most shocking aspect of the Fay case was not the punishment itself, but the reaction of average Americans.

In poll after poll, Americans questioned about the Fay case responded that Fay was "getting what he deserved."

Some even said that caning or some type of corporal punishment ought to be introduced in American public schools.

I say to my fellow Americans with respect, but also with conviction, you are wrong. I say to my fellow Americans that caning, or any other form of torture, is wrong.

I say that we do need to be tough on criminals and particularly the hardened criminals. I say that we do need to fix our criminal justice system, and I do not speak here today in an effort to lessen the penalties for criminals. In fact, if anything, I believe our courts have been too lenient in letting out too many criminals after they have been found guilty or pled guilty, giving them suspended sentences and no real punishment.

I also say torturing the defendants is not the way to accomplish these goals.

Americans look at Singapore and some point out that Singapore is a clean, safe society. And when we visited there about a year ago indeed it did appear to be a fine, clean, safe society.

But caning is not what makes Singapore clean and safe, and it will not make the United States clean and safe. Look at Japan. Look at Australia. Look at the Scandinavian countries. These are clean, orderly nations, and they do it without caning. And guess what? Not one of them has ever considered, let alone put into law, corporal punishment, be it caning or anything else.

I would also note that these nations do not impose the death penalty and, as many know in this body, I oppose the death penalty because in so many instances it has been misused. We found those who were innocent after they have been imprisoned for 4 years, 8 years, someone else comes along, and we find that that individual is guilty. In too many instances it has been discriminatory on a racial basis.

But, as I was saying, Australia, the Scandinavian countries and Japan, do not use corporal punishment.

On the other hand, let us look at Brazil. Large Brazilian cities are by some accounts, out of control.

According to a recent New York Times editorial, Brazilian police "shoot vagrant children for picking pockets." That is a quote from a New York Times editorial.

This type of punishment is certainly swift, it is definitely complete. But Brazil is no more safe and no more clean.

Madam President, I ask unanimous consent that the editorial from the New York Times be printed at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. METZENBAUM. Madam President, the American people are justifiably scared. They have good reason to look at Michael Fay, or petty vandals here at home, and say, "He deserves whatever he gets." But the American people must remember that torture has never, in any country, improved the quality of life or effected better justice.

Torture is not a punishment. Torture is itself a crime. And crimes committed by governments in the name of "law and order" have never made any nation a better or safer place to live.

Madam President, the caning portion of Fay's sentence was executed yesterday. Michael Fay will remain in a Singapore jail until June 21, at the earliest. Reports indicate that Fay's medical condition is satisfactory.

But I fear what the long-term emotional consequences of this corporal punishment will be for Michael Fay. I also fear what is happening here in our own country.

As Michael Fay moves on with his life, let us all take a step back. Let us look at the punishment he underwent.

Let us be truthful—Michael Fay was tortured. He is no better for it. Singapore is no better for it. And in the nations that still employ corporal punishment and other forms of torture, those societies are no better for it.

We see sometimes in reports from other countries where people's hands are cut off. No evidence that in those countries crime is any the less.

The solution for crime in those countries, for Singapore, and for crime in America is justice—efficient and effective.

Torture is simply not a solution for anything. This is the lesson Michael Fay leaves for his fellow Americans. I hope we are all as willing to heed this lesson as we were to see Michael Fay caned.

This Senator was not willing to see Michael Fay caned. I think it was the wrong penalty. I think that it is not compatible with civilized society. I think that Singapore went too far.

I take off my hat to Singapore for their orderly community and for what they have done with their economy. But, in this instance, it is this Senator's opinion that they went too far.

Madam President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 1, 1994.

President ONG TENG CHEONG,
Republic of Singapore.

DEAR MR. PRESIDENT: We wish to express our support for Michael Fay's petition for presidential clemency, which is pending before you. As you know, Mr. Fay's appeal of a sentence which includes six strokes of a cane was recently denied.

We have the utmost respect for the sovereignty of Singapore. Moreover, we have withheld formal comment as Singapore's justice system has considered Michael Fay's case. However, Michael Fay has now exhausted all legal options. We ask you to consider the facts and the context of this case, and to exercise your discretion in abating Michael Fay's sentence.

Michael Fay has had a history of emotional problems resulting in part from an attention deficit disorder condition. Imposition of severe corporal punishment on a young, emotionally fragile person could create psychological damage that will take years to repair.

Michael Fay's infraction was non-violent, and resulted in only minor property damage. In addition, this is his first offense. Given Fay's emotional condition, his youth, and the severity of caning, we believe that your exercise of clemency in this case would be an enlightened decision.

We wish to reiterate our respect for Singapore's sovereignty. However, we believe that under the circumstances of this case, executive clemency is warranted.

We respectfully request that you exercise presidential clemency regarding Michael Fay, pursuant to Singapore law.

Very sincerely yours,

HOWARD M. METZENBAUM,
U.S. Senator.

JOHN GLENN,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 20, 1994.

President ONG TENG CHEONG,
Republic of Singapore.

DEAR MR. PRESIDENT: On April 1, 1994, twenty-four of our colleagues wrote to you regarding the Michael Fay case whose petition for presidential clemency is pending before you. We would like to be counted among the Senators in that letter supporting Mr. Fay's position.

A copy of the original letter is attached for your reference.

Very sincerely yours,

MAX BAUCUS.
JOHN KERRY.
THOMAS DASCHLE.

SIGNERS OF THE U.S. SENATE APPEAL FOR CLEMENCY IN THE CASE OF MICHAEL FAY

(Not in order of signatures.)

Howard Metzenbaum, Dale Bumpers, Patty Murray, Russ Feingold, Carl Levin, Jim Jeffords, and Dennis DeConcini.

Donald Riegle, Paul Simon, Herb Kohl, Barbara Mikulski, Byron Dorgan, Max Baucus, and Thomas Daschle.

John Glenn, Daniel Patrick Moynihan, Patrick Leahy, Jim Sasser, Harris Wofford, Richard Lugar, and Frank Murkowski.

Carol Moseley-Braun, Ted Kennedy, Paul Wellstone, Tom Harkin, Chris Dodd, and John Kerry.

EXHIBIT 2

[From the New York Times, Apr. 10, 1994]

CONDEMN SINGAPORE'S BRUTALITY

If people were caned for vandalism in New York, would we have a safer city? That seems to be the conclusion from the talk shows, public opinion surveys and letters to editors across the country. Michael Fay, the 18-year-old American who has been sentenced to a caning in Singapore, is not doing well in the polls. At his hometown paper, the Dayton Daily News in Ohio, the calls and letters are running two-to-one in favor of inflicting this form of torture on a young man who spray painted a car. And the Singapore Government is pointing to American public opinion as vindication for its uncompromising policy. The comparison is made again and again: Singapore and New York. Clean streets vs. dirty ones. Safety vs. muggings. Order vs. chaos.

Clearly Mr. Fay's predicament has touched an American nerve. For many who envy Singapore's orderly, clean society, who are tired of the dirt and danger of U.S. cities, the threat of pain and humiliation for transgressors seems worth the price.

Japan, however, is also an orderly and relatively safe society; its order is not paid for with the fear of torture. Neither is Australia's. On the other hand, Brazil, whose police shoot vagrant children for picking pockets, has not made its streets any safer.

Perhaps the general callousness about what Mr. Fay is facing may be related to the nature of his punishment. Maybe, because it is directed at the buttocks, it resembles too closely the childhood spankings or fraternity hazings that many Americans remember with something bordering on nostalgia. It is hard for many people to imagine such a procedure causing the recipient to pass out, go into shock or sustain permanent scarring.

Many Americans believe reasonably that visitors to another country should try to conform to local customs and laws, and should be prepared to suffer the customary punishment for flouting them. But Mr. Fay's lawyers argue that caning has never been used in Singapore to punish vandalism of private property. Mr. Fay is being singled out, they say, and his American detractors are simply helping Singapore score propaganda points.

Whatever the case, it is disheartening to watch Americans, in their yearning for order, endorsing medieval torture for an act of adolescent mischief. It is time for Americans appalled by Mr. Fay's sentence to raise their voices in protest. American corporations—like General Motors, Eastman Kodak, DOW Chemical or Texas Instruments—that trade with Singapore should lean on President Ong Teng Cheong for clemency. It is also time for people concerned about Mr. Fay to flood the Singapore Embassy with phone calls. The number is (202) 537-3100. America, the land that led the world in decrying cruel and unusual punishment, must demonstrate that order bought with torture is never worth the price—at home or abroad.

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

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

Madam President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPECTER. I again thank the Chair.

ISRAEL-PLO SELF-RULE ACCORD

Mr. SPECTER. Madam President, I have sought recognition to compliment the leaders who brought forward the accord between the Israelis and the PLO yesterday, ending some 30 decades of Israeli control and providing for certain self-government to the PLO. But simultaneously with my own thoughts and expression of congratulations I think it is very important that there be very active monitoring of what happens with the PLO in the days ahead to be sure that terrorism is a thing of the past and the PLO and its Chairman, Yasser Arafat, do everything in their control to stop the terrorism.

This agreement is obviously historic, and there is going to be considerable funding which will come to the PLO, a result significantly of United States leadership. Those funds are very important to develop the infrastructure and to develop the areas over which the PLO will have jurisdiction. But the support, financial support, the support from the international community, I believe has to be very, very carefully conditioned upon the fulfillment by the PLO of its commitment to stop terrorism and to do its utmost to see to it that terrorism is condemned by others and take all active measures to stop terrorism by any of the terrorist groups in the area.

When I saw Yasser Arafat honored on the White House lawn last September 13, it was something that I had very mixed emotions about, a scene that I thought I would never observe on the White House lawn. And when President Clinton performed the gesture of putting his left arm around Arafat and his right arm around Prime Minister Rabin, it was truly a historic mark of conciliation. It seemed to me that if the Israelis, led by Prime Minister Rabin and Foreign Minister Peres, were willing to have that kind of reconciliation with the PLO, since Israel had been the major object of the terrorism and of the brutality of the PLO over the years, the United States could be supportive of it.

In that thought, I could not forget the activities of Arafat, personally, and the PLO, in the murder of the United States second in command in the Sudan in 1974, as well as the incident on the *Achille Lauro* with the murder of Mr. Klinghoffer, and the other enormous number of terrorist acts of the PLO. But when the Israelis decided to put that behind them and to move forward with the peace process, then it seemed to me we should be supportive.

I had the opportunity, on a Senate delegation which landed in Cairo on December 12, to meet with Chairman Yasser Arafat, and I saw a man with enormous energy and with a stated commitment. Still, my skepticism remained. When we talked to Palestinians in Jericho, Jerusalem, and on the Gaza Strip and they said that Yasser Arafat was their leader, so be it.

The photograph that appears on the front page of the Washington Post today and on newspapers all around the world is certainly a historic photograph. With the Secretary of State of the United States, the Prime Minister of Israel, the Foreign Minister of Israel, the Foreign Minister of Russia, the President of Egypt, and Chairman Yasser Arafat, it is an overwhelming scene. Right at the very last minute, as the media reports, there was a dispute as to what would happen with the maps, whether the maps were accurate. Yasser Arafat refused to initial the maps. Prime Minister Rabin assured him that the Prime Minister's word was good and that on the unresolved issues, they would be subject to further discussions.

So it is a historic occurrence. It is one which we are all glad to see go forward. I know that there are many in Israel who have doubts about the peace accord. I am in constant touch with my own sister, Hilda Morgenstern, and my own brother-in-law, Arthur Morgenstern, who have expressed doubts to me about it. Those doubts are based principally on what the future is going to hold. But once the Israeli Government has made that decision, it seems to me we ought to be supportive of it.

I compliment Members of the House who, on Tuesday of this week, announced the formation of a bipartisan group in the House—Representative ELI ENGEL of New York and Representative JIM SAXTON of New Jersey—to monitor the events which go on. There is currently an organizational process to find a group in the Senate to provide similar monitoring.

I note the publication by the Zionist Organization of America about violations by the PLO and the statement that at least 22 terrorist attacks by PLO factions aside from Fatah occurred between September 13, 1993 and

April 13, 1994, killing 11 and wounding 8. This publication is prepared under the auspices of the Zionist Organization of America and its leader President Morton Klein, of Philadelphia, whom I know very well. I would ask unanimous consent that this one-page summary be printed in the RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. SPECTER. In summary, Madam President, I think it is a day for complimenting the participants, but a day also to be wary as to what the future will hold.

I compliment President Clinton and Secretary of State Christopher for their contribution. The Congress has been enormously supportive of the peace process in the Mideast since the signing of the Camp David Accord. We have been very supportive of Egypt and the outstanding contribution made by President Mubarak of Egypt.

I think it is up to the United States to monitor what happens very, very closely, and the group which has been organized in the House is on the right path. We will organize a similar group in the Senate. We will also put the PLO on notice that we expect the terrorism not to continue; we expect them to do everything in their power to stop it; and that our willingness to make a financial commitment depends upon complying with the terms of the agreement.

Similarly, there are those in Israel, extremists who are dissatisfied with what has happened. I know Prime Minister Rabin has taken very firm steps to see to it that there is not violence by the Israelis to undercut the stability which this new peace accord will bring.

So it is a happy occasion, but it is also an occasion where we have to be wary for what the future may bring.

I thank the Chair. I yield the floor.

EXHIBIT 1

VIOLATIONS BY YASSER ARAFAT AND THE PLO OF THE ISRAEL-PLO ACCORD

(From the Zionist Organization of America)

Failure by Arafat and the PLO to prevent terrorism by his own Fatah faction:

In the Israel-PLO agreement that was signed at the White House on September 13, 1993, Arafat pledged to stop using terrorism. But his Fatah faction of the PLO carried out at least 32 terrorist attacks between September 13, 1993 and April 13, 1994, killing 14 people and wounding 22.

Failure by Arafat and the PLO to prevent terrorism by other PLO factions or punish them for their attacks:

In the Israel-PLO agreement, Arafat pledged to "assume responsibility over all PLO elements and personnel in order to assure their compliance" with the agreement, and to "discipline" those PLO factions that continue to engage in terrorism. Other PLO factions (aside from Fatah) carried out at least 22 terrorist attacks between September 13, 1993 and April 13, 1994, killing 11 and wounding 8. Arafat has neither prevented them from carrying out such attacks nor has he "disciplined" them for doing so.

Failure by Arafat and the PLO to condemn terrorism and to call upon the Palestinian Arabs to reject violence:

In the Israel-PLO agreement, Arafat pledged to condemn terrorist attacks against Israelis and pledged to call upon the Palestinian Arabs in the territories to reject violence and terrorism. Between September 13, 1993 and April 13, 1994, there were at least 212 terrorist attacks (killing 94 people and wounding 213), of which Arafat condemned only one, in October 1993, under enormous U.S. pressure. Arafat refused to condemn the Arab terrorist massacre of 8 Israelis in Afula on April 6, 1994 and he issued only a weak statement—not an explicit condemnation—in response to the massacre of 6 Israelis in Hadera on April 13, 1994. On April 23, 1994, an Israeli woman nursing her infant in the town of Neve Dekalim was stabbed seven times by an Arab terrorist; Arafat failed to condemn the attack. Instead of calling for Arabs to reject violence, Arafat has praised the continuing intifada violence, describing it as "heroic."

Failure by Arafat and the PLO to change the PLO convenant:

In the Israel-PLO agreement, Arafat pledged to ask the PLO National Council to delete those clauses in the PLO's National Covenant that call for the destruction of Israel. But he still has not asked the Council to do so, and PLO officials have indicated that he has no plans to ever do so.

Arafat and the PLO continue to use anti-Israel rhetoric:

In the Israel-PLO agreement, Arafat pledged to pursue normal, peaceful relations with Israel. Instead, he has told Arab audiences that the agreement is just one stage in his "Strategy of Stages" for gradually destroying Israel. He has supported the Arab economic boycott of Israel. He has urged African nations to refrain from restoring their diplomatic relations with Israel. He has urged foreign airlines to boycott the Israeli airport near Jerusalem. Both Arafat and other senior PLO officials have urged the continued use of violence against Israelis.

Mr. SPECTER. Madam President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. GRAMM. Madam President, I ask unanimous consent to proceed for 15 minutes, as if in morning business.

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

BASE CLOSINGS

Mr. GRAMM. Madam President, for the last couple of weeks, there has been a broad-range discussion in Congress, at the Pentagon, and in the White House about putting off the 1995 round of base closure decisions mandated by the base closure law.

I am as aware as any Member of the Senate how painful this process is. In fact, under 1991 Base Closure Commission decisions, three major bases closed in my State. But I am also painfully aware that in each recent year the Congress has cut defense dramatically. Hundreds of thousands of people are being taken out of the service. We are cutting defense by tens of billions of dollars. We are beginning to affect our ability to modernize our forces.

This year the President proposed that we not provide full cost-of-living increases for our military personnel. We are not maintaining benefits. Last year, the Congress changed the Tax Code so that when a young military person is sent to Europe and we provide an allowance to pay for their move, that is now taxable income.

In short, we have cut defense at a rate unprecedented since the years immediately following World War II. We have diminished benefits for our service personnel. We are now delaying modernization, we are affecting readiness, and we are doing it because, in my humble opinion, we are cutting defense by too large an amount, and we are doing it too quickly.

I have voted against defense authorization bills for the first time in my career in Congress because I am concerned that we are making a bad mistake. But I do not understand how we can stand on the floor of the Senate and cast votes to cut defense and then turn around and say we should delay military base decisions.

If we are going to cut defense dramatically and we are unwilling to go through with our commitment to review the mission of our military bases, we are going to end up with a large number of military bases that are understaffed and that are operating at much less than their full capacity. This means we are going to eat up the resources we have, we are going to hurt modernization, we are going to hurt readiness, and we are going to reduce our ability to continue to recruit and retain the finest young men and women who have ever worn the uniform of this country.

Madam President, I want to go on record saying I am going to oppose any effort to delay the scheduled round of military base decisions in 1995. I am acutely aware that every base in my State is going to be looked at and every base in every other State is going to be looked at.

But we just voted for a budget that cut defense again. We are going to be faced with an authorization bill that cuts defense again. We are going to be looking at an appropriation bill that cuts defense again. I am not going to vote for those things, but I know the Senate and the House will vote for them, and I know the President will sign them.

We cannot go on cutting defense and then be unwilling to do what we have

to do to maintain a quality force. What we have to do, if we make the decision to cut defense, is to close bases that we do not need.

Now, I am aware that there is going to be an election in 1996 following these decisions. But the point is, we are talking about something that is vitally important to America's security. We are talking about something that is crucial. I believe that to halt the only smoothly coordinated part of this whole process, which has been the base closing commission, is a tragic mistake. I am going to do whatever I can to derail this attempt to delay it.

The Base Closing Commission is critically important because, under the old system, we all know what happened. Every Member of Congress had to oppose every base closure in their State or district. And so when the decision was finally made, it was only after every obstacle that could be thrown in its way was thrown in its way. As a last resort, a Congressman would instruct his staff, saying, "I'm am going out and lie in front of the bulldozer. Be sure that the camera gets a good angle on me. And just as I'm about to be crushed to death, run in with tears on your face and drag me from the front of the bulldozer."

But by setting up an orderly base review process, we have made it possible for all of us to vote on the broad recommendations of the commission.

I hate closing bases. My dad was a sergeant in the Army. I believe in a strong defense. I love the people that wear the uniform of the country. I love the communities that have supported defense. There is almost something unfair about penalizing the very communities that helped us win the cold war. But there is no alternative.

In my opinion, to sidetrack this nonpolitical process is a tragic mistake.

Finally, I wanted to come on the floor today and say not everybody agrees with all of these articles that are being written. Not everybody agrees with the people at the White House and the people in the Congress. I disagree. In this case, the law of the land says we are going through with this review and I intend to oppose any effort to derail that process.

Mr. STEVENS. Will the Senator yield for just a moment?

Mr. GRAMM. I am happy to yield.

Mr. STEVENS. I did not know whether my friend from Arizona wanted to speak.

Mr. McCAIN. Go ahead, please.

Mr. STEVENS. Madam President, I am happy to be here at the time the Senator from Texas mentions this, because I think I am one of those who raised the question of the 1995 round. I did so when the Appropriations Committee was informed that approximately 10 percent of the bases that were ordered to be closed in 1988, 1991 and 1993 have been closed. We now are carrying on the books and are financing the operation of a series of bases that theoretically were closed in those previous three rounds of base closures. The reason they have not been closed is in the process of closure environmental problems were discovered. There were transitional problems with regard to transitioning the bases from one place to another.

But in any event, of the literally couple of hundred bases, I guess, we have ordered to be closed, only 10 percent or less have been closed.

The problem is, if we start into another round of 1995 and we are asked to put up the money for that process, which is in effect putting a lot more bases in the pipeline, we are actually running up more costs today by the bases that were not closed than we could possibly save by trying to close more. I am not in favor of not continuing the process of closing bases. But if we are asked now to finance the closing of bases in 1995, we are going to have to cut troop strength and cut procurement to do that. Because the bases that were ordered to be closed have not been closed, cannot be closed because of problems that were not foreseen at the time those prior bases were ordered to be closed.

I agree with what the Senator has said, this should not be related in any event, in my opinion, to 1996 as far as what we are doing. We are looking at the costs. I do not think the Senator from Texas wants us to reduce the number of divisions down to nine divisions because we have to order and start the process of closing some more bases that will not be closed in their time either because these bases are still in the pipeline. They are not being closed because of horrendous problems, particularly in the environmental field.

I urge the Senator from Texas to look at some of those problems that are delaying these base closures. I am not for delaying any base closures, I am not for reversing any decisions. I just ask why should we add more to the list when we cannot close what we have ordered to be closed already? I think the cost of these, once you start the process of closing—you start immediately and you have problems of relocation of the forces there and disposal of the equipment there wherever you order a base to be closed. Today the cost of keeping up the utilities alone in some of these bases that were ordered to be closed in 1998 is quite excessive.

I think we should not incur the additional expenses of additional base closures when the result of that will be a further decline in the troop strength, a further decline in the steaming hours and flying hours, the operation and maintenance money, that we have to have to maintain our readiness. I urge the Senator to study the problem with regard to the cost of maintaining these bases until we will get the environmental clearance to close them.

Mr. GRAMM. Madam President, let me reclaim my time and respond. First of all, I am willing to look at any facts. I always try to enter these debates with an open mind but I am not entering this debate with an empty mind.

Basically, the bottom line is that our military bases do not match the size of the force that the Congress is willing to pay for. I would readily agree with the distinguished Senator from Alaska that in closing military bases—it is a hard thing to do—we have run into environmental problems. But as we continue to expand the environmental requirements, those problems are not going to be any easier in 1997. If anything, they are probably going to be worse.

If every business in America that had to make tough decisions simply looked at the immediate cost of closing a facility most of them would go bankrupt because they would conclude that in the short run it costs money to close a plant, consolidate, or relocate. But, instead, they try to look at the long-term benefits.

My concern—and I emphasize this—is I believe we are cutting defense too fast. I do not think the world situation justifies what we are doing. But if we delay this process, if we keep outmoded bases open, then we will be forced to spend scarce defense dollars on them. We are building down, and if I have to choose between a military with personnel that are well equipped and well trained, or one with more bases, I want the better equipped and trained military. If delays are a problem, then I am willing to work with the Senator from Alaska to smooth the process.

I am very fearful that if we stop this process we are going to end up with the kind of builddown we had after Vietnam, where benefits, pay, and modernization were sacrificed. All three Members on the floor at the moment on our side of the aisle have been strong supporters of defense. I am alarmed about the cuts that are being made. But I think in the midst of those cuts the worst thing we can do, when we are reducing the number of people, is not reduce the number of facilities.

We are asking for a disaster, and the longer we wait to do this, the harder and more expensive it will be.

Mr. McCAIN. Will the Senator yield?

Mr. GRAMM. Why do I not yield and let the Senator from Arizona get the floor. I yield the floor.

The PRESIDING OFFICER. Does the Senator from Arizona seek his own time? There are 8 minutes remaining on the time of the Senator from Texas.

Mr. McCAIN. I seek my own time, Madam President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

What amount of time does he seek?

Mr. McCAIN. I request 5 minutes.

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

The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. I understand the concerns of the Senator from Alaska. One of the unanticipated costs—and it probably should have been an anticipated cost of base closings—has been in the enormous environmental challenges we have faced. There is a base I believe in Indiana which used to be a place where ordnance was tested where no one knows when they will be environmentally clean and closed.

I take exception to the description of the Senator from Alaska as to what a closed base is. Because a base is not closed entirely does not mean that all military activity has not been removed from it and all the military personnel have left. So a large number of the bases that the Senator from Alaska is talking about have been closed as far as the practical aspect of it if not a technical aspect.

Also, the fact is that we have cut defense by 40 percent since 1987—by 40 percent. It will be another 5 percent under the Clinton budget which I have no reason to believe will be changed. In fact I have reason to believe in light of recent actions on the part of the Congress the cuts will be greater rather than smaller.

At the same time we have cut the base structure, the support base structure in this country by only 15 percent. That imbalance cannot last. That imbalance has to be addressed. Unless the Senator from Alaska has different information than I do, I suggest we have to match the base structure with the force itself. Otherwise we are going to pay this bill even more heavily over time.

The environmental problems that exist at bases that are going to be closed are not going to get better. In fact, I think some expert in the studies of the environments at these bases would make a strong case they are going to get worse the longer we leave these toxic things that have been spilled and unexploded ordnance and things. They become a worse situation rather than better over time.

The one aspect of the base closing commission concept was so the Congress would not have to carry out its responsibilities. As the Senator from Texas said, none of us could ever close a base so we gave the responsibilities to a base closing commission. They carried out their duties.

They are, according to the law, empowered to do it one more time, in 1995. And we all know that their decisions will be draconian in nature. In fact, the initial reports we have are they will be double the previous base closing commission's decisions. I am sure that is a very frightening prospect. But I do not believe we can tell young men and women that they have to leave the military, as we are telling them by the thousands, and at the same time say we are going to keep this base open because it is too expensive.

Today we are telling thousands of young men and women who joined the military for a career: I am sorry, you have to leave the military because we cannot afford to keep you in the military because we have not enough in the defense budget. By the way, we are going to keep all these bases open because we cannot afford to close them.

We are going to pay this bill for closing a base now or later. It is like the commercial which I believe is for mufflers: "Pay me now or pay me later."

Mr. GRAMM. Fram oil filter.

Mr. MCCAIN. Is it a filter?

"Pay me now or pay me later." I would rather pay now and go through this painful adjustment and start addressing these terrible environmental problems that we found at these bases, rather than delay it and delay it.

I will make one more comment from being around this organization, this body, for some years. Once we agree to a delay, once we break this chain that we have committed ourselves to by law, I have no confidence that we will then return to a base-closing procedure that will actually work.

I look forward to working with the Senator from Alaska and the Senator from Texas in trying to put a brake on these draconian cuts that we are seeing in defense spending.

On last Monday, the Senator from Ohio [Mr. GLENN], and I went down to Norfolk, VA. We met with Navy and Marine Corps personnel, both air and ship people. They are all very concerned. I would say to my friends: They are deeply concerned. They are worried. Readiness is starting to suffer already.

So I suggest that if we deviate from what we imposed on ourselves by law, that we will suffer significant financial and, perhaps, personal consequences in having to force more and more young men and women out of the military than we are already.

I respect enormously the views and knowledge of my friend from Alaska, but I suggest to him that if we are going to downsize the military in the post-cold-war era, we have to do it in a fair and equitable manner, with the first priority being to readiness, the second priority being to the welfare of the men and women in the military, and the third priority is the bases themselves.

I yield back the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Alaska.

Mr. STEVENS. Mr. President, I seek the floor in my own name.

The PRESIDING OFFICER. The Senator is recognized.

Mr. STEVENS. Mr. President, the strange thing is that the three of us, I think, are committed to the same concept of maintaining the strongest possible defense for the United States.

I say to my two friends that the Appropriations Committee has been notified that studies made by the General Accounting Office and by the Congressional Budget Office have indicated that the original estimates of the cost of closing bases was exceedingly low. It was an estimate, and we have now processed 1988, 1991 and 1993 bases to be closed. The difficulty with it is the environmental costs alone are such that it is now estimated that we will not break even in terms of the cost of closing the bases and the savings, until the turn of the century.

The problem that we have is, we anticipated these closed bases would be off the appropriations demand by 1996, and we find that is not the case. If we add to the list—already we are going to have to bring down, unless we get an increase in defense spending—we are going to have to bring down something in order to meet the added costs of closing these bases.

My point is that I believe in readiness so much that I believe we have to recognize if we add to this list of bases to be closed in 1995, if we start funding in 1995, by the turn of the century—it will be way into the turn of the century before we break even.

We all know in defense—the Senator from Arizona just said—despite the President's cut, there are going to be additional cuts demanded by some people in Congress. What is happening is readiness is being affected. We are going to have a hollow Army, hollow Air Force. We will not be able to, once again, man our ships. We will not be able to keep our airplanes flying. And we certainly will not have the people that we say we have in the divisions that are there.

All I am trying to do is alert my friends: Keep an open mind where this money is going to come from. We say, "Well, we'll have to pay the added cost." There is no place to pay the added cost from except the limited amount we have now, and that means something has to be decreased.

What has been decreased so far has been readiness, has been manpower, has been the number of airplanes we are replacing, has been the number of ships we can maintain. I think the public ought to know that if we continue to say we are closing bases and do not close them, the effect is reduced manpower, reduced equipment, reduced procurement and reduced readiness. We have to keep that in mind.

If you want to decide what bases to close in 1995, go ahead and do it. But if you try to spend money on closing them, you are going to take it from somewhere, and that will be from a reduced level of appropriations that is not currently enough to maintain readiness to defend this country.

My commitment is to maintain readiness. Particularly, I call the attention of my colleagues to the fact that we are going to double the amount of money put into the environmental account this year. Where is it going to come from? It is going to come from reducing the size of some of the units that we thought we were going to have. Instead of divisions, we are going to have brigades. Instead of brigades, we will have battalions. Instead of a 600- or 700-ship Navy, we are going to have a 300-ship Navy.

I have to tell you, we are the world's last superpower. I hate to be around here in the year 2000 when the world needs a superpower, because we are not going to be one if we keep spending the money for the process of closing, but we do not get them closed.

I predict the bases ordered to be closed in 1988 will not be closed until 1998. Those ordered to be closed in 1991 will not be closed until 2001. That is about the delay. It is about a 10-year delay.

I agree, they are not maintained at the same level they were before the base-closure order, but there are still people there to protect them, there are still utilities there, there are still ongoing costs of maintaining the Corps of Engineers.

Those costs alone, in terms of these bases that have not been closed, are mounting every year. I say to my colleagues, look at the reports of the GAO and the Congressional Budget Office and see what you can do to help us. We cannot stretch this dollar any further. The dollars available to us are decreasing, and the demands from the military people to not go any further are increasing.

I originally got in this because of a complaint from uniformed officers saying, "What are you doing to our services? The manpower is too low." I believe that this Base Closure and Realignment Commission concept should be examined once again in terms of the timing of spending money on closure of more bases that will not be closed until the next century.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be brief. I think the Senator from Alaska makes some very important points, especially in the area of his responsibilities in the Appropriations Committee.

First of all, it is a fundamental fact that we have an obligation to see that the Armed Forces of the United States are run in the most efficient manner. We cannot run the Armed Forces and conduct our operations in the most efficient fashion if we cut the defense budget by 45 percent and the support structure by only 15 percent. That is a fundamental imbalance which, over time, has to be extremely more expensive.

Until you get that balance between force structure and bases, then we will operate, with the taxpayers' dollars, in an inefficient and wasteful manner. Admittedly, it will be painful. Admittedly, the environmental problems were underestimated dramatically, but those are not going to change.

Now we come back to another question and a strong difference that I have had with the Senator from Alaska for a long time. I will fight as hard as I can to keep a level of defense spending which is appropriate to meet the national security requirements of this Nation. But I say to my friend from Alaska, if the Congress continues to cut, and the administration continues to propose these cuts, and we end up in the situation that the Senator from Alaska describes, at least I will have fought the good fight, and at least the people of this country will know who sounded the klaxon that this danger was upon us, and who did not go along and accept a premise that we have to go along with continued cuts in defense spending which will erode this Nation's ability to defend our vital national security interests.

It is just like the Grassley-Exon amendment that was going to cut the budget; therefore, automatically it was coming out of defense. I said, no, it does not have to come out of defense. It can come out of a whole lot of things, a list of which a mile long I can give the Senator from Alaska. But we accepted the premise that any cut in the budget was going to come out of defense.

I say no. I say we are rational, thinking people and understand that they cannot continue to come out of defense. They cannot, if we expect to defend this Nation's vital national security interests.

So I say to the Senator from Alaska, it is time we went to the American people and said we have to close these bases because we have to have a proper balance between force structure and the support structure which are represented by the bases. We may have to pay extra for it, but we do not necessarily have to throw men and women out of the military while we are doing it.

Why not cut some of these programs that the American people do not support anyway when they hear about them? Why not go at it from this direction rather than saying it is all going to come out of defense, guys, if we cut the defense budget. It does not have to. That is a conscious decision made by the Congress of the United States.

I will not support it. I will speak against it and sooner or later the voters of this country will recognize who stood up for a strong national defense and who did not, and, unfortunately, in my view, it may be in a time of national crisis. But I am not going along to get along.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I do not have a quarrel with our colleague from Alaska. I do not doubt the sincerity of his position, but here is the bottom line. Whatever it costs to consolidate bases or no matter how long it takes, we know that when defense has been cut by 40 percent and our base structure has been cut by 15 percent, we have a facility excess, and therefore we are going to have to continue the review process.

Nobody wants to do it. I hate to see bases closed in my State. I do not like seeing them closed anywhere. But there is something worse than not undertaking that assessment. What is worse is destroying our capacity to defend America and defend our interests. I know that we could get into a debate about how long it takes to recapture the money we spend to close bases, saying it will not happen until the end of the century. That sounds like a long time. But the end of the century is less than 6 years away. Closing bases is not going to get cheaper. It is not going to get easier. We know we have to do it if we are going to maintain defense. Does anybody believe we are going to have more money tomorrow than we have today given who is in the White House and given the makeup of the Congress?

I believe this is something that needs to be done. I feel the same way about base closings that I do about going to the dentist. I never went to the dentist until I was a teenager, and it was a shocking experience when I did. I hate going to the dentist. But when I find out I have to go, I want to get there and get it over with.

Finally, Admiral Boorda says, "There is not enough money to maintain infrastructure we no longer need."

Now, I think that is as clear a statement of this problem as you can have. The bottom line is, we have a lot of people in the Senate and the House, in the Pentagon and the White House—and I do not count the Senator from Alaska among them—who want to cut defense but act as if it does not have any impact; that their votes to cut defense do not affect their State, do not affect their bases.

Well, in reality we know what those votes do. What I want to do is make rational decisions. The Base Closure Commission process has helped us do what we hate to do but which we all know has to be done. Somebody may come forward with a rationale that could convince me the process should be halted, but I would have to say that as of today I cannot imagine it. I am afraid that if we stop the base closure review while we continue to drastically cut defense, we are going to end up with a military that cannot meet its missions. That is something I do not want and I cannot support.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I just want to make sure my friends understand. The Senator from Texas does not just have a toothache and needs a dentist. He needs a root canal, and it is a bad one and he needs some other experts to look at the situation. I have to let him know that the experts we have used so far have told us that while the Congress has said to close these bases and while the authorizers say in effect they are closed, we have not closed 15 percent. We have closed less than 5 percent.

The reason we have closed less than 5 percent is because Congress keeps passing environmental standards which must be met by the military, and these bases now are costing us more to close than they cost to operate. As a matter of fact, part of the problem is it was estimated that we could close some and sell them, and the revenue would be turned back into the Treasury and would be available to help sustain the military at the level we thought it would be sustained. The sales are abysmally low. No one wants to bid on this land because of the environmental problems. They are not willing to take them.

As a consequence, we have the situation where, although we have ordered about 15 percent to be closed, they have not even come close to that. We are now going to order some more to be closed, and we are going to increase spending on them. It will actually be more expensive to go into it than to let them be delayed for a couple years. You can go ahead with your force structure reduction, but if you add more bases to be closed, you are going to hire more people to close them; it is a different set of people that handle closing a base than handle opening a base.

I can tell the two Senators, from the best I can tell, the increased cost of closing bases is decreasing our military readiness; it is decreasing the amount of money available to do what all of us want to do, and that is maintain the highest capability we can. I agree we should not cut as far as we could. I agree we should have proceeded more rapidly.

My point is I think that the authorizing committee has to take a look at what is going on. Streamlining our base structure in connection with the declining force structure is absolutely necessary.

By the way, the Senator's estimate is, in my understanding, very conservative as to the number of bases to be closed in the next round. The number of bases to be closed in the 1995 round is equal to the number that were ordered to be closed in 1988, 1991, and 1993. As I said, of those—about 10 percent ordered to be closed so far have been closed. The forces are not there. But the base maintenance costs are there. I really do not want to see another group of base maintenance people get paid and have us reduce further the number of people we can maintain in our standing Army, standing Air Force, and standing Navy.

Now, if I am not being understood—and it sounds like I am not being understood—I think we are basically in agreement in goals. But I would ask you how do we get the money to order more bases to be closed and move in more people to deal with the local communities, to tell them the bases will not be available to them, start planning for sales, and then find, as we have in all the rest them, that the environmental costs and the transitional costs are so great that the estimated savings have been nil so far? We have not saved one dime so far from any base that was ordered to be closed. That has not netted out yet, and we are now 6 years into the process. Six years is a short time all right, but I have to tell you in terms of base closures it is not very long at all. And I would predict to you that these bases are going to be on our base operations list as long as there are environmental problems. The environmental problems are increasing, not decreasing, by the laws that this Congress is passing.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. I wish to make a very brief comment. The Senator from Alaska, I am sure, knows that the laws passed by Congress require us to clean up the environment on a base whether it is open or closed. The environmental cleanup has to be carried out whether that base is open or closed.

So the fact is that bases that are open, we are required to not allow them to be in violation of the laws of land.

Yes, it is true. And the fact is that if the Senator from Alaska believes that these environmental problems are going to be any better if we delay these bases from being closed 1 or 2 or 3 or 5 years from now, he has different information from that received by the Armed Services Committee.

These environmental problems are getting worse and worse and worse. They are going to cost more and more and more to get cleaned up. So the sooner we get about it, the better.

Where the Senator from Alaska and I are in disagreement is where the money comes from. The Senator from Alaska assumes that it comes out of defense. I say maybe it will. Maybe that is the reality. But it does not have to be. It does not have to come out of defense. It can come out of the Corporation for Public Broadcasting. It can come out of the pork barrel projects of which I identified—$4 billion worth of unauthorized appropriations which had no use whatsoever except to satisfy some Senator or Congressman's district. It could come out of the airplanes that we purchased for the Department of Defense that they neither could use nor wanted. We could take it out of the funds for the airplanes that we bought for congressional junkets.

We could take it out of the billions of dollars that the CBO identified for me which was total pork barrel spending instead of taking it out of what we are doing now, and that is telling men and women who join the military for a career that they have to leave because we cannot afford to keep them.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

DON'T DO IT, MR. PRESIDENT

Mr. HELMS. Mr. President, Deputy Secretary of State Strobe Talbott and Deputy National Security Adviser Sandy Berger briefed the Foreign Relations Committee on Tuesday regarding President Clinton's policy toward Haiti. They had previously briefed the Members of the House of Representatives last week on the same subject, and that testimony last week was widely reported in the media.

Under the circumstances, it therefore seems to me absurd that Tuesday's briefing, if you want to call it that, by Secretary Talbott and Mr. Berger, was declared to be a secret meeting, an action which I protested at the time. I mention the matter today because not one syllable was uttered by either Mr. Talbott or Mr. Berger or anybody else that has not already been reported by the media.

However, Mr. President, the American people have every right to be astounded that the Clinton administration is unable to answer even the most basic policy questions about Haiti. Small wonder then that the conclusion is inescapable that the Senate briefing was classified totally for political reasons, and the American people are entitled to know that.

First of all, Mr. President, I am absolutely convinced, beyond any peradventure, that there is no justification for Mr. Clinton even thinking about sending United States military personnel into Haiti—as he clearly indicated was an option in some of his recent public statements. The Wall Street Journal described the President as a man who "talks loudly and carries a twig."

Having said that, Mr. President, it is important to bear in mind that all this political pontification about "restoring democracy to Haiti"—and we hear that over and over again—this is pure nonsense because Haiti has never had any democracy to restore. The nearest thing to a democracy that Haiti has

ever known was when that country was occupied by the U.S. Marines.

Mr. Aristide did not rule democratically by any stretch of the imagination during the 7 months that he was president, nor did he even try to. I will not go into the necklaces, and all the other things that occurred. But he did not try to be a democratic president.

Nevertheless, the administration continues to orate about returning Aristide to power. Considering the fact that sanctions have failed miserably, just what is it that the administration is proposing? "Tougher sanctions," said Mr. Talbott and Mr. Berger, plus a foolish hope that they expressed that the Haitian military will somehow and for some reason take flight and give up. Sanctions have not even begun to work, and there is no logic to support or believe that sanctions will ever work.

So, Mr. President, speaking for myself alone, as ranking member of the Senate Foreign Relations Committee, my unyielding position regarding Haiti is that not one American soldier or sailor shall be put in harm's way in Haiti. Congress must continue to forbid this administration sending United States troops to Haiti.

The United States has only one national security interest in Haiti, and that is to stop the flow of illegal immigrants into the United States. The life of even one American soldier or sailor should not be put at risk in a vain attempt to restore—"to restore," and I am saying that with quotation marks surrounding it —Mr. Aristide to power.

Just remember, on October 21 of last year the Senate passed by a vote of 98 to 2 a nonbinding resolution urging that the President not send United States troops to Haiti without congressional approval. I seriously doubt that Congress will even consider approving risking the lives of American service men and women in Haiti to defend Mr. Aristide, who demonstrably is no friend of the United States.

There was an interesting irony this past Tuesday. While President Clinton's advisers were in room S–116 on the first floor just below the Senate Chamber testifying at that secret meeting of the Foreign Relations Committee, and talking only about tougher sanctions, the President of the United States was by no means ruling out sending United States Armed Forces to Haiti.

But, Mr. President, surely, Mr. Clinton has given at least some consideration to the cost of U.S. military intervention. How long for example would it last? Will United States marines have to occupy Haiti for 19 years as they did earlier in this century? How many American lives will the Clinton administration be willing to lose to defend Aristide? And what will the President say to the parents of American soldiers and sailors who may be killed in that action of folly?

The last time the United States intervened militarily in Haiti earlier this century, there were 208 casualties—with 36 U.S. marines killed or wounded in action.

The Congress must make clear that the President should not even think about a repeat of that disaster. In other words, I say to the President of the United States, with all due respect, do not do it, Mr. President. Do not do it.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The committee substitute to S. 1935.

Mr. HELMS. Is that further amendable?

The PRESIDING OFFICER. It is further amendable.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1677

(Purpose: To prevent Senators from receiving free elevator rides in "Senators-only" elevators)

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

Before the clerk reports it, I offer this amendment in the spirit of levity of the LEVIN legislation.

The PRESIDING OFFICER. The clerk will report.

Mr. HELMS. I ask that the clerk read it all.

The assistant legislative clerk read as follows:.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1677.

At the appropriate place insert the following:

"SEC. . Notwithstanding any other provision of law, Senators shall, from their personal funds, reimburse the U.S. Treasury fifty cents for each and every use of an elevator designated for the sole use of Senators in the Capitol building or Senate office buildings."

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

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

Mr. HELMS. Mr. President, several Senators have said that this is a good amendment and that we ought to vote on it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

Mr. HELMS. Mr. President, we have discussed this amendment. I do not want to hold the Senate here longer.

Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. HELMS. Mr. President, you can act on the amendment, if you like, on a voice vote.

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

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

The amendment (No. 1677) was rejected.

Mr. HELMS. I will accept the Chair's interpretation.

Thank you, very much, Mr. President.

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

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I would hope that those who voted "aye" on the last amendment would take upon themselves the honor code and put the 50 cents in a jar out there every time they use it, to show that the amendment was done in good faith, and perhaps we will start a treasury that will enable us later on to do some of the repairs that we occasionally have to do around the building.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 6 minutes as if in morning business.

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

SCRAP METRIC MANDATES

Mr. DORGAN. Mr. President, the importance of my remarks may not parallel the importance of discussing 50-cent fees for elevator rides in the Senate, but let me change the subject for a few minutes.

Yesterday, I introduced in the Senate a piece of legislation, dealing with the

metric system, I wanted to call to my colleagues' attention.

I have coauthored legislation with my colleague from New Mexico, Senator DOMENICI, on the issue of mandates. Our piece of legislation is called the Fair Act. We, like many of our colleagues, would like to see fewer unfunded mandates imposed by the U.S. Congress upon American business, citizens, and State and local governments. That is a separate piece of legislation.

One of the mandates comes from a law passed in the 1970's called the Metric Conversion Act which, while having some merit, in my judgment, does not have merit as a mandate. I do not object to this country moving toward and learning more about the metric system. I do object to a provision that would require State and local governments to tear down highway signs that tell us how many miles it is to the next rest stop and replace it with a sign that says how many kilometers it is to the next rest stop.

I have served in public life, both in the U.S. House and in the U.S. Senate, for a good number of years. I have never had a constituent of mine come to me and say, "One of our problems is our highway signs. We drive down the road and come to a sign and it says 12 miles to the next truck stop. We want that taken down and we want a new sign put up that says 20 kilometers to the truck stop."

It is not something I have ever heard a constituent request.

In my State, it is estimated it would cost somewhere between $2 million and $4 million in 1996 to take down our highway signs and get rid of miles and put up kilometers.

Our colleague, Senator KASSEBAUM, has introduced a piece of legislation relating to this issue as well. The piece of legislation I have introduced goes further and relates to all mandates that would come from the metric system, not just the highway program.

But it seems to me especially absurd, at a time when we have a crying need for resources to fund very important programs that would help people, that we would begin an approach in which we take down signs on our highways using the English system of measurement and replace it with the metric system.

The market system, it seems to me, ought to be the guide in where we use the metric system. If it is important in commerce and international commerce, especially, to use the metric system, let the market system convert to that. In fact, it already is doing that in a number of cases.

It is interesting, in some countries they are converting to our system of weights and measures in order to ship their goods to our country for sale in our marketplaces.

So I hope that some of my colleagues would agree with me that we ought not have mandates to apply to the metric conversion.

Yes, let us understand and learn about the metric system, but we do not need to mandate it. We do not need to spend money on absurdities such as change highway signs at a time when we are desperately short of money.

The prospect of going in and ordering a quarter pounder at a hamburger shop and instead referring to it as a 113-gramer with cheese is not a prospect I will probably ever get used to, nor will most of the American people.

We do use a system in this country that is a good system of weights and measures. The metric system is more international in scope. I respect and understand that. But it seems to me, especially for things such as highway signs, we ought not spend taxpayers' money to convert to kilometers in 1996.

I hope my colleagues will consider supporting my bill which will scrap metric mandates.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1678

(Purpose: To prohibit the provision of gifts and other benefits from non-lobbyists to members of Congress and their staff)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1678.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike line 8 on page 35 through line 9 on page 49 of the Committee substitute, and insert in lieu thereof the following:

"any gift provided directly or indirectly by any person.

"(b) 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.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) 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.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) 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.

"(5) Meals 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.

"(6) Food and attendance provided at an event sponsored by a political organization de-

scribed in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) 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.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar 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 his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(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 in which the Member, officer, or employee is a participant. 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 or the provision of food, refreshment, 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 meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(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 paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) 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 signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or 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 Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(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 that may not exceed 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 Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"any gift provided directly or indirectly by any person."

Mr. BUMPERS. Mr. President, this is a very simple amendment. I will be willing to enter into a very short time agreement or, if you want, to just describe the amendment, let the Members voice their opinions and then vote on it.

One of the strongest objections I have had to the Levin proposal is not that lobbyists are prohibited from making any kind of a gift or contribution to a Senator, but because all other gifts are limited to $20. I must say I do not understand an arbitrary figure of $20.

The principal objection I have had to both the Feingold-Wellstone and Levin proposals is the one that was voiced by the Senator from Kentucky, and that is: I think you are laying minefields where innocent Senators are going to get in big-time trouble, inadvertently and innocently.

What if a gift came into my office in a box and I ignored it, or did not think about it? One day, I say to somebody, "What is this gift?" They say, "I don't know." And you open it up and it is a Rolex watch.

I send it back, but maybe 31 to 60 days has gone by. And let us just assume that you have a political adversary and some staff member tells him about it. The first thing you know, you have a complaint lodged with the Ethics Committee because you did not return the gift within 30 days.

Or let us assume that you have dinner some evening, not with a lobbyist but with some other person, and the people at the next table hear the discussion about who is going to pick up the tab. You go through the bill and you say, "Look, I have to pay for everything in excess of $20." And he says, "OK, I'll get the tip." And let us assume that you have a $50 to $100 bill and the tip is anywhere from $15 to $25, whatever, and somebody hears that and reports that to the Ethics Committee, that a Senator received in excess of $20.

And, incidentally, I want to point out that my amendment does not change any of the exceptions that are listed in the Levin proposal, but I do want to read one thing here to you. "The substitute would also prohibit"—this is from the Democratic Policy Committee. It is not from the bill. "The substitute would also prohibit any other person, that is, other than a lobbyist, from providing gifts of more than $20 to Members and staff."

That means constituents, constituents coming into town. I had lunch with a good friend yesterday who was in the State legislature when I was Governor. He insisted on taking me to lunch. This bill did not have anything to do with that. But I took him to lunch. We all normally take constituents to lunch. But under this bill, if he took me to lunch I would have to either say let us go to McDonald's, where I could be reasonably sure if he insisted on picking up the tab that I was not going to get handcuffs put on me, or I would have to let him know that I would pay my own way, to which he would take some offense I think—or make a computation at the table after dinner or after lunch, to make sure he did not pay more than $20 for my lunch.

Here is my amendment. Every place in this bill where it says "$20," insert "zero." I know how much "zero" is. That means nobody can give you anything. I do not have a problem living with that. Through sheer inadvertence, there will probably be times when things come into my office that I am not aware of—maybe even staff is not aware of. But when somebody comes into my office and lays a bottle of wine on the table my Secretary is going to have to call every liquor store in town or just have an office policy of sending it back, which is probably what I will do if my amendment fails. Because I just do not want to get into this determining whether something is worth $20 or not.

It is bad enough in today's $100 proposal. I said this morning that I have a wonderful secretary. She is as ethically conscientious, as anybody I have ever known in my life. As I said she keeps the Ethics Committee and Rules Committee on autodial. And if something comes in that she has the least question about the value she calls all over town to make sure the value does not exceed $100. It is hardly worth the effort.

By the same token you do not like to hurt somebody's feelings, either, saying I am sorry I cannot take your gift.

Let me digress just a moment, Mr. President, just to tell you this. When I ran for Governor the first time, talk about naive, you talk about a country boy come to town, that is the first time I realized that campaigns operated on cash. I was just a country lawyer, but I had enough sense to account for every single dollar we took in, though the law didn't require it. I would say that well over 50 percent of our contributions were in cash. And we documented every penny of it—just a little native intelligence saved me.

I remember a woman handed me what I thought was a package of gum at a rally. She told me she was on welfare and this is all she could give me but she was hot for me for Governor. She handed me what I thought was a package of spearmint gum. When I got back to the office I took it out and looked at it. She had very carefully rewrapped every stick that had been gum, and in 2 of them, very carefully folded, a $1 bill.

We wrote down, "$2, anonymous gum wrapper," in our books.

But the story I was about to tell you is I got a $5,000 contribution in $100 bills. Things like that, I must confess, frightened me when I was running. I had no idea people gave money like that. I did not know campaigns dealt in cash.

One of my friends brought the money to me. I said, "I do not like this." There was nothing wrong with it, nothing illegal about it under our laws at that time.

He said—I know this sounds a little self-serving—he said, "I promise you this guy just wants good government."

Incidentally, I found out some people wanted a little more than good government after I was inaugurated. But, be that as it may—I took the money home that night. And I could not sleep. The next morning I took it back and I said, "You give it back. I do not feel comfortable with it, and I am not going to take money from anybody for any reason that I feel uncomfortable with, and I certainly feel uncomfortable and with that much cash."

The giver was a perfectly fine gentleman. There was nothing wrong with him. I just did not feel comfortable with it. But I can tell you one thing, "he has not liked me to this day."

If you think you can turn somebody's campaign contribution down and make them like it, I do not care what rationale you use, you are fooling yourself. You are effectively saying, "your money isn't good enough for me." And you do not win friends that way.

So there is a little of that in this bill. Some people are going to be offended without realizing that it is the law we are trying to comply with; trying to meet and dampen the cynicism that does indeed exist toward politicians in this country.

One thing that is disturbing is that the bill seems accusatory. Every Senator I know in this body does his very best to comply with every rule of the Rules Committee and every rule of the Ethics Committee. But my point is this: Here it says every year the Rules Committee would be authorized to change the $20 limit to the extent necessary to adjust for inflation. So if you think $20 is hard to figure out, is it more than $20 or is it $19 or is it $21, in 1995 you are going to have to figure out, assuming the inflation rate is 3 percent, is the gift worth more than $20.60 or less than $20.60? And, in 1996 is it worth more or less than $20.78?

What kind of nonsense is this? It will be infinitely easier, and if you want to allay the cynicism, the distrust of the people in this country just to say no to any and all gifts. If the purpose of this bill is to convince people that we are honorable people—all I am telling you is, it is a lot easier to compute something if it does not exist—we know the value of zero—than it is to try to figure out whether something is worth $19.95 or $20.05.

So all my amendment does, is leave the exceptions, leaves all the exceptions in of the LEVIN bill. But it would simply say: No gifts from anybody.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

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

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

Mr. STEVENS. Mr. President, I wanted to ask my good friend from Arkansas a question or two about his amendment so I can be sure I understand it. Does the Senator's amendment say you cannot take any gift from anybody? Or just from lobbyists?

Mr. BUMPERS. The LEVIN amendment prohibits a gift of any kind from a lobbyist. It limits gifts from others to a $20 value, with the exceptions which I am sure the Senator has seen. I am saying: Do not just make it for lobbyists; make it for anybody, with those exceptions.

Mr. STEVENS. Mr. President, let me ask my friend—and I understand what he is trying to do. In my office yesterday a young woman brought me a T-shirt from the association that she was here with. I think T-shirts are worth more than $20 now. What would happen under your bill to these things that people walk in our offices and bring to us. They are tokens, but they are gifts all right. Just today a young man came in from the job corps center. He was very proud of his role at the center. He brought me one of those baseball caps. This one is waterproof and lined. It is a very nice baseball cap. What about that? Is this covered by the amendment?

Mr. BUMPERS. Yes, of course.

Mr. STEVENS. We say no to that, too?

Mr. BUMPERS. It is better than asking the man the value of this cap or T-shirt, whatever it is. T-shirts are much more expensive than I dreamed of these days. I tried to buy one a couple of weeks ago and it was $15. But you can say in a nice, discrete way, "I know your intentions are honorable, but we have a hard and fast rule in the Senate that we cannot accept a gift of any value."

Mr. STEVENS. Does that interpretation apply to my daughter, too, who lives with me?

Mr. BUMPERS. It would not.

Mr. STEVENS. Your zero amount is a gift to a Senator.

Mr. BUMPERS. I am not sure—this only amends the Levin bill to the extent of the value of the gift. I think the Levin amendment only applies to Senators and staff, but I ask the distinguished floor manager, who is on the floor right now, if I am in error on that.

Mr. STEVENS. I inquire of the manager of the bill, does the pending bill affect the gift that my daughter, who lives at home and is underage, might receive?

Mr. BUMPERS. I think she would probably be exempt, but in our ethics report spouses are included. My office manager came in a moment ago and said, "I'm working on your ethics report." She wanted to ask me a couple questions. So it is that time of year again.

As you know, everything my wife owns and all her income goes on my ethics report. I will give you an illustration of how that works. Betty's father died in 1986. He was not a wealthy man, but he was not poor. He left her land and money, and in the following year my assets went up rather substantially on my ethics report. The local paper said, "Bumpers net worth goes up" so many thousands of dollars. Even though you put "S," you encircle an "S" in parenthesis in the ethics report for spouse, no reporter ever notices that. They just take the bottom line.

It looked as though somehow or another I enriched myself, but it was an inheritance Betty got from her father.

Mr. STEVENS. Do the managers of the bill have an answer to my question? The Senator now raises the question of spouses. Does this apply to my daughter who lives with me?

Mr. COHEN. It is my understanding it would, in fact, apply to any Member, officer, employee of the Senate, spouse, and dependent thereof. It applies to staff, Senators, spouse, and dependent children.

Mr. STEVENS. Mr. President, let me make sure I understand what this bill does then, because I might have voted for it before just now.

My daughter, who is in school, goes to a party—she has been going to a series of parties lately—and she comes back with a present. I have to tell her to take it back, she cannot take a gift, no matter what the value? Is that what we are saying?

Mr. BUMPERS. The Senator is correct. Bear in mind, under the Levin amendment, you have to determine the value.

Mr. STEVENS. I am just exploring that because I do not want to embarrass her, and when I get home, she is going to be embarrassed. She has been going to a series of bat mitzvahs in the Washington area these last 3 or 4 weeks where they give gifts to the young women who come to celebrate the event with them.

What am I supposed to do, tell her to take it back? Under the amendment of the Senator from Arkansas, I should tell her she cannot have it at all, and under the Levin amendment, I have to ask her what it is worth; is that right?

Mr. BUMPERS. Senator, I think that in the case of your beloved daughter, you would be quite secure if she came home with a gift of almost any value—well, I will not say that—but of nominal value, say, $20. You could be secure in that because there is an exemption for those "motivated by personal or family relationships." If she came home with something from school, that would certainly be a personal relationship.

Mr. STEVENS. I hope that is the case because I do not want to be embarrassed somewhere down the line.

I ask the Senator from Michigan, is that right? This bill purports to cover gifts to my daughter and gifts to my spouse, but if I see a gift, do I inquire where it came from, what its value is, what the personal relationship is of the person who gave it to them?

I sort of like to sleep indoors. I am not sure I like to sleep on the porch, but I am liable to have to if I start asking questions like that of my daughter.

May I inquire of the manager of the bill, what is his intent with regard to this coverage of our dependent children and our spouse with regard to this gift rule?

Mr. LEVIN. It is the same as under the current rule. The current rule provides that "no Member, officer, employee of the Senate, or the spouse or dependent thereof." It is the same.

Mr. STEVENS. I do not think it covers a gift from anybody, at least it did not when I was chairman of the Ethics Committee. At that time it did not cover a gift from anybody for any amount. It only covered a gift from lobbyists.

But with regard to the concepts we are dealing with now—the $20 limit has never been in any bill before. Not when the limit was $100 from lobbyist and now that the limit is $250 from anyone. I never had to ask my daughter when she came back from a party what someone gave her. I am a little worried about where we are going.

Mr. LEVIN. If the Senator will yield, I have been informed by my staff that since 1989, the rule has been it is a gift of any source.

Mr. STEVENS. Over a value of $250.

Mr. LEVIN. That is a different issue.

Mr. STEVENS. You want to make it $20 now.

Mr. LEVIN. You want to know does the rule apply to your daughter. The answer is, the rule has applied to your daughter since 1989 from any source. So the language "no Member, officer, employee of the Senate, or the spouse or dependent thereof" has been in the rule since 1989.

Mr. STEVENS. But you are putting $20 on that now, is that right?

Mr. LEVIN. That is correct.

Mr. STEVENS. And that applies to my daughter?

Mr. LEVIN. The rules apply to your daughter as they have since 1989. However, there is a personal friendship exemption which I know would cover the situation that the Senator from Alaska outlines.

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Mr. STEVENS. What does apply to my daughter then under your bill? What is the impact of saying it applies to my daughter?

Mr. LEVIN. If someone gave your daughter now something greater than—now—something greater than $250 from any source, she would be covered now, under current rules. So in terms of the coverage of your daughter, your daughter is covered under the current rules.

The $20 limit has many, many exceptions, so I cannot tell you what she can do. I can go through all the exceptions with the Senator from Alaska, which I would be happy to do, but the one you mentioned relative to the birthday party, she is fine, no problem; she gets it from a personal friend and there is no difficulty and there is no limit on that amount.

Mr. STEVENS. What about the spouse? Mr. President, I think this type of limited restriction on individuals outside of the Senate raises constitutional issues. Each of these people who live with me are individuals in their own right, and I am not sure that this Congress or this Senate has the right to tell them they cannot do something because I am in office or to put me in a position where my job is in jeopardy if they do it. It is one thing to include them where the restrictions are broad and not extremely burdensome but to include them under very strict restrictions that we chose to impose on ourselves seems unfair.

Why must it cover the child on one hand then provide all these exemptions on the other. What does it really mean?

Mr. LEVIN. It means the current Senate rule has the same problem which my friend from Alaska describes. The current Senate rule applies to spouses.

Do we have a constitutional right to apply that rule to spouses or to dependents? The answer is that is the same problem in the current Senate rule. That is not a new problem added by this language. That is the current Senate rule which says "no Member, officer or employee of the Senate, or the spouse or the dependent thereof shall knowingly accept," et cetera. But that is the current language.

Mr. STEVENS. There are exceptions under the Senator's amendment, a series of exceptions. For instance, a personal friendship. What if that personal friend happens to be a lobbyist, too?

Mr. LEVIN. The personal friendship exemption still applies.

Mr. STEVENS. How do we know which is the highest priority exemption? I thought there was an absolute prohibition of any gift from a lobbyist. Am I wrong?

Mr. LEVIN. There are certain exceptions to the lobbyist including personal friendship.

Mr. STEVENS. I can go out to dinner with my personal friend who is a lobbyist, but the Senator cannot go out to dinner with my friend who is a lobbyist but who is not a personal friend of my friend. Is that right?

Mr. LEVIN. It depends on the amount of dinner. Is the Senator saying that dinner is over $20.

Mr. STEVENS. I have to tell you, Mr. President, I rarely go out to dinner with lobbyists anyway.

Mr. LEVIN. The answer is zero from lobbyists, that is correct. And from other than lobbyists, there is a $20 rule. That does not mean you cannot go out to dinner. It means if it is over $20, you are going to have to either pay for it yourself, unless you are having that in your home State, in which case the Rules Committee is going to say meals and entertainment in your home State can be more than $20 and they are going to set the reasonable amount of what that can be.

Mr. STEVENS. As the ranking member of the Rules Committee, I thank you very much for that gesture and I am sure we welcome that duty.

I wish to get back to this lobbyist issue. Did I understand the Senator to say that there is no bar of a gift from a lobbyist to my daughter?

Mr. LEVIN. Is the Senator talking about a personal friend?

Mr. STEVENS. Personal friend lobbyist.

Mr. LEVIN. That is correct.

Mr. STEVENS. If it is a personal friend, the lobbyist can give a present to my daughter.

Mr. LEVIN. That is correct.

Mr. STEVENS. There is no limit.

Mr. LEVIN. That is correct.

Mr. STEVENS. No dollar limit.

Mr. LEVIN. That is correct.

Mr. STEVENS. There is a dollar limit under law currently which is $250. Are you changing that?

Mr. LEVIN. There is a dollar limit——

Mr. STEVENS. There is a dollar limit today, absolute dollar limit of $250. Are you changing that?

Mr. LEVIN. That is a proposed amendment, to have the same $250 limit in the bill before us, as currently exists under the rules. Someone has proposed that we have that same $250 limit subject to the waiver of the Ethics Committee which we have under the current rules. I am willing to accept that amendment. It seems to me that is reasonable. But as the language reads right now, there is no such limit.

Mr. STEVENS. This amendment applies to Members and staff, applies to Members' spouses and children. Does it apply to staff's spouses and children?

Mr. LEVIN. Let me read the exact language: "No Member, officer, or employee of the Senate, or the spouse or dependent thereof." It is exactly the same language as the current rule.

Mr. STEVENS. So if one of my young staff has a baby and someone, a lobbyist wants to give them a present, it is all right if they are a friend but it is not all right if they are not a friend?

Mr. LEVIN. The Senator is correct.

Mr. STEVENS. Is that right?

Mr. BUMPERS. Will the Senator yield for an observation?

Mr. LEVIN. Be happy to.

Mr. BUMPERS. I was busy before, but page 35 of the bill says, "No Member, officer, or employee of the Senate, or the spouse or dependent thereof."

Mr. STEVENS. It includes an employee of the Senate.

Mr. BUMPERS. Oh, yes, employees of the Senate are covered.

Mr. LEVIN. By the current rule. I am reading the current rule. The Senator is reading the bill.

It is the same language.

Mr. STEVENS. Let me review for a moment.

Mr. BUMPERS. Is the Senator telling me that staff members, wives and spouses and dependents are not affected by this?

Mr. LEVIN. They are covered under the current rule. I am reading the current rule which has got the exact same language as the bill.

Mr. BUMPERS. That is what the Senator from Alaska wants to know. What is the Levin proposal regarding Senate staffs?

Mr. LEVIN. It is the same as the current rule.

Mr. BUMPERS. The current rule is, "No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept"——

Mr. LEVIN. That is correct.

Mr. BUMPERS. So that answers the Senator's question.

Mr. LEVIN. It does not change the current rule.

Mr. STEVENS. Mr. President, at first it sounded like the language read by the Senator was broader but I understand that the current rule also covers them; is that right?

Mr. LEVIN. The Senator is correct. The current rule has the same language as the bill. There just is no change in that respect. If there is a problem, the problem is the current rule.

Mr. BUMPERS. Will the Senator from Alaska yield for this observation?

Mr. STEVENS. I will yield for an observation. I do have an inquiry to make of the Senator from Michigan. I really believe the current rule has a limitation that makes it really less—have less impact on employees and their spouses and children and the spouse and children of Members than the bill that is before us now. The proposed amendment seems more burdensome and complicated. I seriously question our right, constitutionally, to put these limits on our spouses, who have their own right to their own employment and their own lives, and our children similarly.

But I really question the impact on employees, the policemen, who are out

here to protect us, and their spouses and their children. Should they be covered by the same concept that we are?

I know the answer is going to be the current rule covers them, but the current rule has such a high maximum it was not as big a problem. I was about to support the amendment of the Senator from Arkansas, but the more I think about it, the more I think we ought to go back to $250 and stop the $20 nonsense. It seems to me that many of the people who work for us do not even know that when their wives have babies and someone gives them a gift they have to analyze who gave them the gift and its value and could be required to return it.

I yield to my friend——

Mr. LEVIN. Could I ask the Senator to yield for 1 second. The bill before us has an exception for personal friendship. The current rule does not.

Mr. STEVENS. I applaud the effort. But I am afraid the problem is that some future Ethics Committee chairman is going to say that there is a difference in these exceptions, and that being a lobbyist is a barrier. And I agree with the Senator from Arkansas, that a lot of future Senators are going to be very embarrassed over this bill.

I yield to my friend for his comment, though.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1678, AS MODIFIED

Mr. BUMPERS. I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify, and the amendment is so modified.

The modification is as follows:

Strike line 7 on page 35 through line 9 on page 49 of the Committee substitute, and insert in lieu thereof the following:

"or the spouse thereof, shall knowingly accept any gift provided directly or indirectly by any person."

"(b) 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.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) 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.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) 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.

"(5) Meals 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.

"(6) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) 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.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar 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 his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(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 in which the Member, officer, or employee is a participant. 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 or the provision of food, refreshment, 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 meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(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 paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) 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 signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or 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 Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(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 that may not exceed 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 Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse thereof, shall knowingly accept—

"any gift provided directly or indirectly by any person."

Mr. STEVENS. Does the Senator wish to explain the modification?

Mr. BUMPERS. The amendment has not been reported. The modification has not been reported.

The PRESIDING OFFICER. The practice in the Senate is not to report modifications.

Mr. BUMPERS. The Senator from Alaska has raised some very important issues, and my own feeling is that one of the objections he has raised is so legitimate, I have sent this modification to the desk so that the LEVIN substitute covers spouses only and not dependents. So you will not have to worry about your daughter ever coming home from school with a gift.

However, I do want to point out, and I want to summarize this and ask the floor managers whether I am correct or incorrect, because I want to draw a comparison between existing law and the Levin substitute.

Under existing law, you can take as many $100 gifts, go out to dinner with lobbyists as many times as you want, as long as the dinner is less than $100, and you can do that, as I say, as often as you choose to do it during the year. If the gift is over a $100, it has to be reported.

And then there is a limit of $250, above which there is an absolute prohibition. Is that not correct?

So right now you have a $100 limit which you do not have to report. You can go out to dinner with somebody and let them spend $100 on you every night, 365 days a year, and you are not violating anything.

You can take a gift of $150, but you must report that at the end of the year as a gift in excess of $100. And you must not accept a gift in excess of $250 from anybody. Is that correct?

Now, what this bill does, it makes a lot of changes, but as far as the monetary difference is concerned, this bill, the Levin bill says you can take $20 as often as you want, every night during the year, from anybody except a lobbyist, and you may not take any size gift from a lobbyist.

Now, that is essentially it. So the Senator from Alaska raises this question about dependents. Under the Levin proposal, if the Senator's lovely daughter comes home from a birthday party with a Timex watch which was given as a party gift to all of those who attended, under the LEVIN bill you will be obligated to check the value of that watch.

And if it exceeds $20, you will be required to send it back within 30 days. If it does not exceed $20, she may keep it. If she comes home with that same watch, under my original amendment, you would have had to send it back if it exceeded $20 in value, but under my modification, the watch would be exempt.

So if she comes home with a T-shirt or a baseball cap or any of those things, you do not have to worry. If she comes home with something that looks to you like it is going to be worth more than $20, though, you are going to have an obligation to check it out even under my amendment, which is essentially, so far as dependents are concerned the same as the Levin bill.

Mr. COHEN. As I understood the original amendment, the Senator took the $20 out and made it zero.

Mr. BUMPERS. That is right.

Mr. COHEN. Now the Senator is going to raise it to $20 for dependents only?

Mr. BUMPERS. Dependents only; the zero part of my amendment will still apply to Members, employees, and staff members.

Mr. COHEN. Spouses?

Mr. BUMPERS. And their spouses.

Mr. COHEN. And dependents are the ones with the $20 figure?

Mr. BUMPERS. Yes.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. LEVIN. Mr. President, I wonder if the Senator from Alaska will yield so I can respond to the Senator from Arkansas.

Mr. STEVENS. I will defer.

Mr. BUMPERS. I misspoke myself. Let me clarify. My staff tells me there is no limit on dependents. That is, of course, minor dependents. I want to think about that just a minute, to tell you the truth.

Mr. LEVIN. I wonder, while the Senator is thinking if I could respond to the Senator's points because there were a number of things which were not accurate in the summary of the Senator from Arkansas.

First of all, you do not have to report the meals or anything else until it exceeds $250. That was a difference.

Mr. BUMPERS. Even after the $20 limit.

Mr. LEVIN. Under current law, you do not have to disclose it. That was not accurately described by the Senator's statement.

Second, meals do not count at all under current law. They do not even count against the $100 or the $250. They do not count at all.

The Senator in his presentation of current law compared it to the bill and said meals do count. They do not count at all under current law.

Third, the Senator said that you could take all the meals that you want under the committee substitute which is before us. You can take one of these gifts, $19, every single night. The answer to that is probably not, or perhaps not, because the provision which is in the executive branch rules which we voted overwhelmingly to try to pattern our new rules after have language which prevents you from accepting gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe that the Member, officer, or employee is using public office for private gain.

So I want to throw that one element in there because that is a dual element. We ought to be aware of it. It is in the executive branch rules that, again, we voted a year ago that we would pattern our new rules after. But it is in the bill.

So it is unlikely that you could accept over, and over, and over again the $19 contribution, although I am not saying it is impossible. I am saying it could create some problems.

Finally, there is the exception for personal friendship which the Senator did not mention. That is a very key exception in the bill, that there is an exception for personal friendship. And you have to factor that in, be it your daughter, or anybody else. There is a personal friendship exemption which it is your judgment to apply, no one else's.

I think we can get carried away here. I doubt very much that when your daughter, or my daughter, comes home from a party, a birthday party, with a gift, that anyone is going to suggest that if she is invited as a personal friend to that party, which I assume she is, that the personal friendship exemption is not going to apply. So I think there were three or four errors in the presentation that summarized the committee proposal which is before us.

I have not had a chance to look at the Senator's modification which I would like an opportunity to do.

I had asked the Senator from Alaska if he would yield to me. He was kind enough to do that.

I yield the floor.

Mr. STEVENS. Mr. President, let me say I regret that we include our spouses and our dependent children in legislation like this. I know the current rule. But, times have changed. People keep telling us times have changed. Our spouses have a right to their own lives. Our children have a right to their own lives. I have to wonder about the statement made by the Senator from Michigan that the judgment will be strictly mine as to whether or not there is a personal relationship. It will not be at all.

As the Senator from Arkansas said, someone will bring a claim to the Ethics Committee that my spouse, or my child, took a gift that should not have been taken, and we will have to come forward with the defense that it was from a personal acquaintance based on personal relationship. The statute appears to prohibit such gifts. But then there is the exception.

What I am trying to convey is that if we are going to modernize the rule, I believe we ought to modernize our thinking and remember that our spouses are entitled to their lives. Our children are entitled to their lives. They did not run for the Senate. I did. They ought not to be burdened by the approach that is being taken in this bill.

My first five children that I raised here in Washington have some rather firm, fixed opinions about the Senate. Some of you ought to inquire from your own children their opinions on these types of rules. I know the impressions that my children have formed about this place. And, incidentally, none of them live in Washington, and none of them are seeking to succeed me.

Beyond that, I have a question that I want to ask the Senator from Michigan. I know that he mentioned earlier today the issue of home State products. This is a very serious issue to me.

My question is whether under the committee-passed substitute amendment Members will be able to accept donations of products from their home States for use primarily for promotional purposes such as display, advertisement, and other public relations activities including free distribution to the public, the trade, other press, Members of Congress, or other public officials. And, whether any Senator or public official may accept a home State product distributed by another Member of Congress. While other public officials would be governed by the ethics restrictions applicable to their branch or place of employment, I want to be certain that there is nothing in this bill which would prohibit me from being able to give those individuals a gift of a product from my home State of Alaska.

As many individuals here know, fishing—particularly salmon fishing—is a very important activity in Alaska and is a product that my State is proud to produce. On many occasions I bring back, or my friends or constituents bring to Washington fresh salmon. I want to be certain that this amendment will not prohibit me from giving fish—which averages $20 a pound—to other Members of Congress or cabinet officials.

When I was a whip, Mr. President, I used to have a press lunch twice a year, and I brought in the fishery products of my State to demonstrate them to the press. I have done that with Members of Congress. And I brought in fish that I have given to Members of Congress or to other officials or to people who are here in the greater Senate family, I would say.

I particularly am very proud of the salmon, halibut, and king crab I bring to Washington. My youngest son is a captain of a king crab boat and from time to time I bring some in to share with Members of Congress, or with public officials, and members of the military. I hope I can continue to do that.

This is not inexpensive fish, I hasten to explain. The average cost of the fish I bring in here—king salmon—is about $20 a pound. I am worried about that $20 figure. So my basic question to the Senator from Michigan is: Would this amendment allow me to give those individuals a gift of a product from my home State of Alaska?

Mr. LEVIN. The amendment would not prohibit the Senator from Alaska from receiving fish, or other home State products, and distributing them to the public or Members as he sees fit, just as under the current law. As to the disclosure requirement, it only applies

when you receive a home State product valued over $250, and that is not in this bill. That is under existing disclosure rules. That is not changed by this bill. So I do not think that the Senator has any concern in this regard.

Mr. STEVENS. It is my understanding that there is no limit on the value of home State products that I can accept as long as the value to any individual recipient is minimal.

Mr. LEVIN. That is correct except that the financial disclosure statute would still apply to the same extent that it does today.

Mr. STEVENS. I thank my friend for that.

As I speak here, I remember my friend Harry Byrd. I hope he is listening, because the original exemption for State products came because Harry Byrd used to share with us those wonderful apples he grew over in Virginia. I would not want the Harry Byrd exemption to be eliminated by this amendment.

Mr. LEVIN. It is not eliminated even inadvertently, or otherwise; it is still there.

Mr. STEVENS. I am going to yield, but I may come back to this spouse issue before we finish with this bill. I ask the Senator whether the sponsors of this bill received any input from spouses regarding the application of these complicated rules to them. There are several who are very much involved in the private sector here in Washington and I am curious if they have expressed an opinion about the inclusion of spouses in this rule at this time?

Mr. LEVIN. I say, first, to my friend from Alaska that spouses are covered under the current rule, so that we have some experience relative to the coverage of spouses and dependents under existing rules. That is not changed.

Have the spouses expressed themselves? This is what we did in that regard: We sent out to each of the Members a letter, twice, asking for comments on this proposed rule. Twice we have sent out a letter to every single one of our colleagues, and I assume that each of our colleagues would consult with his or her spouse, as I have consulted with my spouse. But we thought it was appropriate for each of the Members to consult with their own spouse, rather than for us to be doing any consultation directly. And we have solicited that response, and I might say that as a result of the two letters that went out to each Member of this body, we got a total of two responses.

Mr. STEVENS. My friend from Michigan, I think, may have misinterpreted that response.

My point is that under the current law—and we are currently filling out our disclosure forms—all a spouse needs to say is that they had income and specifically decline to state the amount of income. The Senator is familiar with that. They just state, yes, they did have income, but they state, no, they do not wish to disclose. I say to my good friend, why should we not have a similar concept here? Why should we not have a concept saying there is no reporting of gifts to the spouse because she declines to report them?

Mr. LEVIN. That would require a change in the current gift rule to do that.

Mr. STEVENS. It would require a change under the current gift rule as well as a slight modification to this bill. Would the Senator consider adopting on the gift rule amendment a concept similar to the disclosure rule?

Mr. LEVIN. I think it would be a mistake, because I think we have seen, from experience, that there are situations when spouses are given gifts, which become big issues with the Ethics Committee, and the committee would have to comment on the kind of change the Senator is suggesting. I would want to hear from the chairman of the Ethics Committee on the question of whether or not gifts to spouses, under current rules, with the restrictions on those gifts, have created problems, or have they helped to provide additional confidence in this body, that people will not be giving gifts to spouses in lieu of giving gifts to us, thereby getting around the gift rule, which has restrictions under current law for us.

But I am not in a good position to give the Senator a definitive answer. I can give my own opinion, but I think it would be worthwhile to hear from the Ethics Committee people as to whether or not the current rule, which covers Members, officers, employees, spouses, or dependents thereof, is creating problems in the regard that the Senator describes.

Mr. STEVENS. My memory is that the Ethics Committee has the right to waive some of the restrictions under the current rules. Does that waiver still pertain to the Senator's amendment?

I am particularly reminded, as I told the Senate the other day, of when I was remarried and my wife and I had to obtain waivers for certain wedding gifts. Would the committee's authority to grant waivers still exist?

Mr. LEVIN. There is a suggestion that we put in a limit of $250 on gifts, for instance, from personal friends. There is no such limit in my bill. So there is no need for that waiver from the Ethics Committee under my bill. However, there are a number of Members who feel there should be a limit of personal gifts, as under existing law, of $250, and that there then should be a waiver which is provided for by the Ethics Committee. That amendment has been proposed by a number of our colleagues, and I have no particular objection to it, if that is the will of the body.

Mr. STEVENS. Mr. President, I am indebted to the Senator for his patience with me. As I understand the Senator's explanation, I believe the exemptions, exceptions he has listed, have a different impact on spouses and dependents than I perceived when I first began speaking. I hope that I have understood correctly. If I have understood correctly, the waiver would not be necessary because the personal relationship exemption has no limit.

Mr. LEVIN. That is correct under the bill as it now stands.

Mr. STEVENS. I had a case brought to me where a daughter of an employee had a gift that she had received for a birthday which was in excess of $250. It was a very embarrassing thing really because the young lady did not realize she was even covered.

As I understand it now, if this amendment passes, if that was a personal relationship and did not involve obviously a lobbyist or some person attempting to get to the Senator—we still have that fear here—there would be no necessity for a waiver. Is that correct?

Mr. LEVIN. The Senator is correct.

Again, I want to alert the Senator that there is an amendment that has been proposed, which I am at least willing to accept, which would maintain the current limit of $250 on such gifts and provide the same waiver as exists under the current laws.

Mr. STEVENS. When that amendment comes, I will put an amendment on it that says that applies to Senators and staff but does not apply to spouses or dependents.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first, I want to apologize to the distinguished Senator from Michigan because I did misspeak myself when I was summarizing his proposal a moment ago. So let me try again so we get it right, and the Senator should interrupt me at any time I misspeak myself.

I can go to dinner with a friend as often as I want and if he wants to pick up the tab or she wants to pick up the tab and it is 50 bucks, that is not a violation.

Mr. LEVIN. The Senator is correct.

Mr. BUMPERS. Is that correct?

Mr. LEVIN. A personal friend, that is correct.

Mr. BUMPERS. I cannot go to dinner with a lobbyist at any price; is that correct?

Mr. LEVIN. Is that lobbyist a close personal friend?

Mr. BUMPERS. I heard the Senator from Michigan say to the Senator from Alaska that if a lobbyist is a personal friend then I can.

Mr. LEVIN. The Senator is correct.

Mr. BUMPERS. Only I can make that decision?

Mr. LEVIN. That is correct.

Mr. BUMPERS. And that can not be challenged by the Ethics Committee?

Mr. LEVIN. If the Ethics Committee wants to challenge the Senator's judgment who a personal friend is, I have more confidence in the Ethics Committee. I think the Senator from Arkansas does, too.

Mr. BUMPERS. Let me go from meals to gifts. If I take a gift from someone who is not a friend but not a lobbyist, I am limited to $20 on the value of the gift?

Mr. LEVIN. With certain exemptions.

Mr. BUMPERS. With those exemptions?

Mr. LEVIN. Other exemptions.

Mr. BUMPERS. If a gift is given to me by a personal friend, am I still limited to $20?

Mr. LEVIN. No.

Mr. BUMPERS. So I can take a gift of $500 from a personal friend, if I want to?

Mr. LEVIN. The Senator is correct, and that is what the Senator from Alaska and I were just discussing. It is that under our bill there is no limit on the amount of a gift you can take from a close personal friend.

Mr. BUMPERS. The Senator says a close personal friend. What is the difference between close and personal?

Mr. LEVIN. We give the definition in the bill. The Senator uses his judgment as to whether or not it meets that definition.

Mr. BUMPERS. OK.

Mr. LEVIN. There is a proposal, however, that is acceptable to me as one Member that we keep the current limit of $250 on a gift from any source with a waiver possible from the Ethics Committee. That is the current rule which is that you have a maximum of $250 from any source, but you can then go and get a waiver. That is acceptable to me if it is acceptable to the body. I have no problems with that.

Now, Senator STEVENS said he would want to be on the floor if that were offered so he could exclude the spouse and dependents.

But I can go either way on this one, either the close personal friend. You can have a gift without that limit if in your judgment it is a close personal friend, or we can restore the current limit of $250 and then have to go to the Ethics Committee for waivers over that $250.

Mr. BUMPERS. Well, let us assume somebody brings in a bottle of wine to my office that costs 20 bucks and then bring in a bottle every day. Does the $250 limitation kick in after the 12th bottle is brought in?

Mr. LEVIN. Under existing——

Mr. BUMPERS. No. Under the Senator's proposal. There is no $250, is there? There is no limit now, is there?

Mr. LEVIN. Now, under our proposal——

Mr. BUMPERS. No. Under the Senator's proposal, there is a $250 limit?

Mr. LEVIN. That is correct.

Mr. BUMPERS. So if someone wants to give me a $20 bottle of wine every day 365 days a year that is not a violation?

Mr. LEVIN. No. Let me now read the Senator the language.

Mr. BUMPERS. I am talking about nonlobbyist.

Mr. LEVIN. I understand.

Mr. BUMPERS. I am not talking personal friend. I am talking about anybody except a lobbyist.

Mr. LEVIN. Let me read the language that might apply.

Mr. BUMPERS. Wait a minute. Forget that language a moment.

Mr. LEVIN. I cannot. The Senator asked me a question whether or not that be would be OK. The answer is not if a reasonable person would be led to believe that you are using public office for private gain.

That is the same, I may say, as the executive branch rule. I want to emphasize this. I think it is really important that this body decided a year ago that we wanted in general to pattern our gifts on stricter executive branch rules.

The same question can be asked of Secretary Bentsen, the exact same question under executive branch rules: Can someone walk into your office every day and drop off a bottle of wine worth $20 without violating the executive branch rules. And the answer is under the Senator's hypothetical situated there not a registered lobbyist, and so forth. If that does not create this impression, then they can do it.

Mr. BUMPERS. If I may, let me say I am not here to debate whether the executive rules are stricter or more lenient than ours. I am really not concerned about them.

I am concerned about the ones that my colleagues and I in the U.S. Senate are going to have to comply with. The question was: If someone leaves a $20 bottle of wine in my office every day with the exception of subparagraph 3 of rule 25(1)(3), I could do that. And we get to the personal thing.

What controls here the language says gifts having a value of less than $20. I assume that is $20 or less, is it not? Do I have to limit the gifts to $19.99?

Mr. LEVIN. It is $20. The Senator is correct.

Mr. BUMPERS. This paragraph says gifts having a value of less than $20. Do you really mean $20?

Mr. LEVIN. It is $20 or less.

Mr. BUMPERS. So gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person is led to believe the Member or officer or employee is using the public office for private gain.

Let me go back up to the second sentence—"the same or different sources." What if 20 different people who do not even know each other just happen to leave a bottle of wine in my office on, say, five different occasions. That is 100 bottles of wine, but not one of those people know the other or know that the other has left a bottle of wine in my office on that same day, because this says $20 from the same or different sources. And then it goes on to say on a basis so frequent that a reasonable person—I know the Senator from Michigan is a lawyer, I am a lawyer, and we always know that the reasonable-man rule is a jury determination; correct?

Mr. LEVIN. That is a factual determination. It could be for a judge or a jury.

Mr. BUMPERS. The judge instructs the jury.

Mr. LEVIN. Whoever the fact finder is. It could be a judge. It is a factual question.

Mr. BUMPERS. Reasonable is like beauty, being in the eye of the beholder.

Mr. LEVIN. My friend, who is an awful good lawyer—I do not think I have known a better one—does he not agree the reasonable person test is used all the time in factual determination all the time? The reasonable person test is throughout our rules, throughout the laws. We use it all the time and you are under a factual situation. You would make a judgment. The Senator would make a judgment.

Mr. BUMPERS. My judgment may be wrong, and the Ethics Committee may say, "Senator, are you telling me that you thought it was reasonable to take a bottle of wine from 20 different people on 5 different occasions each for a total of 100 bottles?"

Mr. LEVIN. The issue is really the same today, because the Senator could take gifts now under $100. The question is, does that create any kind of impression? If you really had a problem with that, if you in your good conscience, and you have a good conscience, had a problem with that kind of situation you can do what hundreds of people do today. They ask the Ethics Committee.

As a matter of fact, we heard earlier today that there are so many people asking the Ethics Committees for opinions that in the first year under the new rule there was something like, if I remember the figure was thousands of inquiries under existing rules of the Ethics Committee to get opinions on whether or not we should do things.

Mr. BUMPERS. You are going to increase that to tens of thousands.

Mr. LEVIN. That is one of the questions, whether or not it will increase or not. I do not think there will be that big of an increase.

Let me answer my friend's question. We now ask the Ethics Committee, if we are uncertain about something, for their judgment. We do it all the time. I do not think that factual situation is a real one. But if it were——

Mr. BUMPERS. I am being a devil's advocate on that. Obviously, I am not

going to let somebody bring that many gifts to my office. I am talking about possibilities.

Mr. LEVIN. I understand that. If that is a real possibility, if I wanted to accept a bottle of wine every single day worth $20 or less, I would ask the Ethics Committee, can I do it?

But I have to tell you, there is an easy answer to that. I would not accept it, and I do not think the Senator from Arkansas would either.

Mr. BUMPERS. Senator, let us get back to my amendment.

Can you quarrel with the premise of this amendment, which says that, under your provision, I am going to have to be very careful to keep a value of a gift under $20?

As I say, that is tough enough under $100. It is simply not worth it for $20.

And in order to keep from laying the minefields that the Senator from Kentucky alluded to yesterday, which is my principal objection to this, in order to alleviate that problem and eliminate those minefields, everybody in the United States Senate can understand that he or she is not to accept a gift, period.

Now why is that not an easier determination than whether it is worth $19.95 or $20.05?

Mr. COHEN. Will the Senator yield?

Mr. BUMPERS. I have been promising to yield to my friend from Kentucky. Let me yield to him first.

Mr. MCCONNELL. I would say to my friend from Arkansas, from an Ethics Committee point of view, it is certainly a lot easier to interpret that. I think it is also, for each Senator seeking to avoid inadvertently destroying his career over a $25 gift, a much easier determination to make.

I have been listening to the discussion. I must say to my friend from Arkansas, given the difficulty of enforcement of the Wellstone-Levin proposal, as I outlined last night and again today, I would say, Mr. President, that the Bumpers amendment is clearly the direction at this point in which we ought to go.

I think it is going to be an administrative nightmare for the Ethics Committee and a complete disaster for every Senate office to try to determine what is or is not worth $20, dealing with all of these exceptions which the Bumpers amendment does not touch. But even that is going to be troublesome in terms of what is a friend and what is not a friend.

But at least, it seems to me, in order to try to have some simplicity, something at least understandable to the reasonable person, and also to cut down, from a selfish point of view here, to cut down on the workload of the Ethics Committee, it seems to me we ought to go down to zero.

So I think the Senator from Arkansas has a good idea here, given where we are in the course of this debate. So I want to commend him for his amendment. I think it is a step in the direction of simplicity.

And it will, of course, address the concerns of those out there in the land who think that we might be for sale for $19 or $15 or for $5. And so let us just put everybody's mind at ease. And those who believe that we wanted the perception problem as the most important thing confronting the Senate—the perception, not the reality, because I asked last night for reports of anybody who had sold their vote around here for 100 bucks. I have not gotten any. I am still waiting for the reports. I was hoping somebody would come and confess so we could determine what to do with somebody who had been selling his or her vote. I did not get any takers. So I am assuming that nobody here has been selling their votes under the existing rule.

And so I guess the only reason we are engaged in this debate is the perception question.

So it seems to me, Mr. President, that the distinguished Senator from Arkansas is right on the mark here.

On the question of perception, what is the difference between $21 and $19? A Senator who could be bought for $21 might be purchased for $19, as well.

And so it seems to me what we ought to do now is just go ahead and take it down to zero, make it simple, make it understandable, and make it, maybe, enforceable.

And so I commend the Senator from Arkansas for his suggestion. It seems to me at this point in the debate that it is the appropriate thing to do. I support his amendment and I urge the Senators who cast a very tough vote earlier because they felt the Levin-Wellstone measure was simply just impossible, unworkable, to now opt for a more simple approach. Let us just take it down to zero.

I thank my friend from Arkansas for his amendment. I think it is a very good amendment at this stage of the debate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Arkansas, Senator BUMPERS.

Mr. BUMPERS. I am immensely complimented by the kind words of the Senator from Kentucky and certainly welcome his support. I thought his presentation yesterday afternoon was right on target. It is not that anybody in the Senate wants to quarrel with tightening the ethics rules. That is not the debate. The debate is how do you do it without ensnarling people, innocent people, possibly ruining their careers, through sheer inadvertence. I am a trial lawyer. It can happen. I have seen it happen so many times.

Now, having said that, I am ready to vote any minute here, but I would like to say, if I could have the attention of the distinguished Senator from Michigan, the distinguished Senator from Michigan knows that my wife is an activist. She is an activist for peace and she is an activist for immunizing children.

Peace Links is an organization she founded back during the height of the cold war. I thought she was going to get me beat with that, but it turned out it was a very popular thing and everybody thought it was a great idea.

But one of the ways they raise money is just like the political committees. Every December, Peace Links has a big gala. Every year they shop for a corporate sponsor to pick up the tab for their galas, and then they sell tickets, I do not know, for $250 apiece. But those galas have been immensely successful.

One of the reasons they have been profitable, and I think Peace Links has been very successful, is because of the money they raise at their silent auction and sale of tickets for Peace Links.

But let us just assume that Betty calls the Chrysler Corp. and says, "How about you all sponsoring our gala this year?" She explains carefully to them what their purpose is, what they have done, what they propose to do in the ensuing years. And the cost of the gala will be $25,000.

Chrysler says, "Well, that sounds like a winner to us. Do we get any publicity out of it?"

"Yes, we will announce at the gala that you are the corporate sponsor of this gala."

Betty has labored as long and hard and ventured for peace as anybody I have known. If I had her tenacity, I would run for king. She does not take a salary. She has never taken a dime during the 12 years of the existence of that organization, except for travel and meals when she travels.

They have a staff and they are paid, but she is not. She is president.

So, can she recruit a corporate sponsor for that gala in the future?

Mr. LEVIN. The answer is yes.

Mr. BUMPERS. She can?

Mr. LEVIN. Yes.

Mr. BUMPERS. Even if they have a big PAC?

Mr. LEVIN. Yes. The answer is, "That is correct."

Mr. BUMPERS. Tell me precisely, because I want to make sure she does not get handcuffs put on her. Why is she exempt?

Mr. LEVIN. You can solicit. You can solicit from a charity. So could she. You cannot solicit from a lobbyist.

So the answer to your question——

Mr. BUMPERS. I have to tell you, she is not going to call the president of Chrysler. She is going to call their local lobbyist.

Mr. LEVIN. If you want her to solicit from a lobbyist, or if she does solicit from the lobbyist—if you mean under your hypothesis from the corporation—that is also permitted.

Mr. BUMPERS. Say that again, Senator?

Mr. LEVIN. She can solicit a lobbyist for a charitable contribution. You cannot. Both of——

Mr. BUMPERS. Is that distinction made in your bill?

Mr. LEVIN. Yes, it is, on page 36.

Mr. BUMPERS. OK.

Mr. LEVIN. Both of you can solicit a charitable contribution from a nonlobbyist.

Mr. BUMPERS. The same thing—excuse me?

Mr. LEVIN. I just wanted to—that is OK. I wanted to comment on the amendment itself.

Perhaps I could do this now. Is it the Senator's intent to have the same exceptions as are in the pending substitute?

Mr. BUMPERS. Absolutely.

Mr. LEVIN. May I suggest, then, that we have a quorum call so the Senator can take a look at his modified amendment? Because I believe it does not have that effect, which I think is his intent.

If this is going to be voted on and perhaps approved, it should carry out the intent. I would like, if there is no objection—there might be—but after other Senators who wish to speak, speak, I would like to put in a quorum call and go over the technical aspects with you.

Mr. BUMPERS. That is fine, Senator. I am willing to do that. But let me ask you a second question.

Betty Ford and Rosalynn Carter have an organization called Every Child By 2. They have been circling this country for about 4 years, trying to raise the awareness levels of people all over the country about the necessity of having the children immunized. Foundations, lobbyists, corporations—all contribute to Every Child By 2.

There again, she does not take a salary. Only travel and so on. I do not know—I assume it is a 503(c) corporation. Let us just assume for a moment that it is, a charitable corporation. I know Peace Links is.

Is it the same situation? Would it make any difference if she took a salary? What if she is getting $50,000 a year as director?

Mr. LEVIN. It would make no difference.

Mr. BUMPERS. Still no problem? Now, Senator, let me ask you, before we put in a quorum call, so we can all understand this, what is the Senator's concern about the modification?

Mr. LEVIN. That if it is the Senator's intention to keep the exceptions that are in the bill before us, the substitute of the Governmental Affairs Committee, that we believe that intention is not implemented in the way in which the substitute is framed; that there are many technical problems with the substitute in carrying out what I believe the Senator's intent to be and what he stated his intent to be. We would like to just spend a few minutes with my colleague going over his substitute and going over his modified amendment to show his staff and the Senator from Arkansas where the problem is, technically, in implementing his intent. That is the only reason for doing that.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island.

Mr. PELL. Mr. President, once again we have ventured into the treacherous shoals of self-regulation.

In my 33 years in the Senate, we have ventured into this area many times, and I have always tried to support reforms that will benefit the Senate as an institution.

In my view, the Senate is a group of honest, hard-working people who have no desire to use their office for personal gain. And I have always believed that the best way to monitor our integrity is through public exposure.

Today, as in the past, we are responding to the public's perception of the political process and the public's presumption of what our standards and motives may be.

These perceptions and presumptions should be honored and dealt with, to be sure, but we should be under no illusion that they can be neutralized or satisfied by legislative fiat.

In the final analysis, the only way to change or disprove public perceptions and presumptions is for each of us to demonstrate integrity in all our actions.

Guidelines and rules are helpful, to be sure. But it seems to me that the best guidelines are the simplest.

I always liked the simple, basic rule on gifts that was propounded by our late colleague, Senator Paul Douglas: "Don't accept anything unless it can be eaten, drunk or smoked within a week."

I am troubled by the fact that the legislation before us today is 28 pages in length, including line after line of complicated exceptions.

The Senator from Kentucky [Mr. MCCONNELL] was quite persuasive, I thought, when he described the possible burdens that may accrue to the Ethics Committee as a result, including such minutia as interpreting the definition of a doughnut.

It was for this reason that I voted in favor of the McConnell amendment, and would have preferred it to the Levin substitute.

But now we are left with that more comprehensive underlying measure. I wish it were simpler.

The Levin substitute does have redeeming features. One of the most significant, to my mind, is the prohibition on acceptance of elaborate and luxurious recreational trips at lobbyists' expense.

And the basic intent of the legislation certainly is praiseworthy, namely to remove extraneous and improper influence from the legislative process.

In doing so, however, I fear that the sponsors would cast far too fine a net, which could result in unduly intrusive enforcement.

I hope the conferees, in their wisdom, will move us a few steps closer to the precepts of Paul Douglas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

TAX FREEDOM DAY

Mr. GRASSLEY. Mr. President, today is Tax Freedom Day—the day when the average American can stop working for the Government and start working for themselves and their families. The taxpayer has to work 125 days in 1994 to pay for all those taxes—two days more than last year. Sadly, this is the latest date for Tax Freedom Day since the Carter administration.

Fortunately, yesterday the taxpayers finally had a victory. Senator EXON and I were successful in reducing the deficit by $13 billion over the next 5 years. We had to fight the White House, the big spenders, and the Chicken Littles to succeed, but with the support of many grassroots organizations, representing millions of taxpayers, we finally won.

While the deficit must be cut more, this is a good victory that we can build on for next year.

Unfortunately, there was some very bad news for the taxpayers in the budget bill. The administration has decided that it is not enough to raise our taxes by a record amount. They also want to unleash 5,000 more IRS agents on the American people, without any more specific taxpayer protections.

This is the same administration that, during the campaign, claimed they could find $45 billion from foreign companies. Well, now that they are in office they cannot seem to find even 10 percent of that $45 billion.

The administration does not even want to pay for these new agents on-budget. Instead, they want to pay for them through smoke-and-mirrors, off-budget, under the claim that they will actually save money. I wish I had a nickel for every time I have heard someone tell me in Washington that this program or that regulation was actually going to save money. There is no objective evidence that these agents will collect substantially more money.

I decided not to oppose this proposal during Senate consideration only because the sponsors and the Department

of the Treasury agreed that the new agents would not be brought on board unless the Taxpayer Bill of Rights II, sponsored by Senator PRYOR and myself, was enacted.

The Taxpayer Bill of Rights II, builds on the original Taxpayer Bill of Rights sponsored by Senator PRYOR and myself passed in 1988. This new bill would establish a special Taxpayer Advocate office outside the control of the IRS. Right now, taxpayers under IRS attack have nowhere to turn but the IRS itself. The new setup would allow the Taxpayer Advocate to act independently on behalf of upstanding taxpayers.

The bill would also remove limits on recovery of civil damages from the current cap of $100,000, and establish recovery for negligent action by the IRS. In the bill, taxpayers would be given a cause of action against the IRS for wrongful liens. It would also protect taxpayers who act in good faith on the guidance they get from IRS publications. These are just some of the many provisions that protect the taxpayer.

Unfortunately, the Department of the Treasury and this administration decided not to honor its agreement with me and my colleagues. Treasury did all it could to undermine the requirement that the Taxpayer Bill of Rights II be law before we have more IRS agents—and they were successful. It is my understanding that while the Treasury was negotiating an agreement on the Senate side, they were conspiring on the House side to remove these key provisions.

It appears that this administration wants the new IRS agents and no additional protections for the taxpayers.

Mr. President, we in the Senate, and the American people, have been misled by the Treasury Department. How can trust among the American people be instilled, when Treasury and the IRS have misled elected representatives? It is disgraceful.

I am committed to working with Senator PRYOR and others to make this bill law. I am so much more determined to succeed now because of this blatant action by Treasury. My hope is that in the next few years Taxpayer Freedom Day will be earlier, and taxpayers will be much safer from the tender mercies of the IRS.

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

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

The Senator from Wyoming is recognized.

HAITI

Mr. SIMPSON. Mr. President, at any point the managers of the bill wish to proceed, I will certainly yield the floor so that we might proceed. But in this gap in the proceedings, I wish to make a statement on Haiti. Of course, others have done that over the past weeks.

I address it from a little different aspect. Obviously, the situation in Haiti has been deteriorating, and that deterioration has severely accelerated in recent weeks. We read of these attacks by armed Aristide supporters on military outposts and of soldiers retaliating by indiscriminately shooting people on the beach and in boats. At least a dozen persons have been reported killed over a previous weekend. Press reports describe the hacked and mutilated bodies of Haitian citizens lying in the streets and alleys, and we read of rampant smuggling and profiteering by the military and its supporters. It is now very clear that General Cedras and the other military leaders have no intention at all of complying with the Governors Island agreement.

I do support the administration's interdiction policy. I supported the policy when the Reagan administration instituted it in the 1980's, I supported it when the Bush administration broadened it in the 1990's, and I continue to support the Clinton policy today. It is the only rational and sensible—but not politically correct—method of dealing with illegal immigration from Haiti under all of the present circumstances.

I believe it is most unwise to bring into the United States the 406 Haitians who were rescued from a wooden freighter near Florida on Friday, April 22, on the same day we returned another boatload to Haiti. And according to news reports, we allowed another boatload to land yesterday. We must certainly be consistent if we expect interdiction to be effective. It is not fair, in my mind, nor is it conducive to a sound policy, to bring some of the boat people to the United States and return others to Haiti. Our policy must be comprehensible and understandable. If we screen some of the boat people at sea or in the United States, then we should screen all of them at sea or in the United States.

Mr. President, I have supported, and continue to support, the interdiction policy because without it hundreds of thousands of Haitians, fleeing social and economic turmoil in Haiti, would try to make their way to the United States. Many would die on the voyage. Many more would reach Florida. Such a heavy flow of unauthorized aliens into the United States would add to the economic burden of immigration which Florida already claims to be unbearable. And it would, I surely believe, further seriously erode public support for a historically generous immigration and refugee policy.

However, I do certainly acknowledge that it is difficult to defend our Haitian policy in the face of this country's wholly uneven and ragged record with regard to refugees. The Refugee Act of 1980, which was crafted by our good colleague from Massachusetts, Senator KENNEDY—one of the first projects that he and I became involved with in our work in immigration and refugee and asylum, a continuing labor—contemplated a case-by-case examination of each applicant for refugee status in order to determine whether or not that person had a well-founded fear of political persecution.

You cannot be a refugee or an asylee unless you have a well-founded fear of persecution based on race, religion, national origin, or membership in a political or social organization, period. We are not talking about economic refugees or political refugees of some other order.

Despite the clarity of the refugee law, we annually admit approximately 50,000 persons from the former Soviet Union, who are presumed to be refugees simply because they are members of specific religions. We accept nearly every person who can make it to the United States from Cuba, no questions asked, simply because Cuba is a Communist country. We admit scores of thousands of southeast Asians who are treated as refugees not because they have fled political persecution but in most cases only because they have relatives in the United States. And then we offer green cards to tens of thousands of Chinese students who were in the United States at the time of the Tiananmen Square incident and claim they can never safely return home again, although many thousands of them return to China for visits during their school vacations.

Our refugee policy is simply "gimmicked" to death. And that does make it highly difficult to defend the Haitian boat person policy, although I still do believe it is the correct policy under all the circumstances.

If the President should determine that a current interdiction policy does not provide a reasonable opportunity for a person with a credible—credible—claim of asylum to be heard, what else could be done? I believe the three most likely alternatives are these:

One, we could allow Haitians to enter the United States to present their asylum claims. In my opinion, this should be considered only as a very last resort. Such a policy would not be in the national interest. It would encourage hundreds of thousands of Haitians to attempt illegal entry into the United States, and it would do great harm and damage, in my opinion, to public support for our current, most generous immigration and refugee policy.

A second alternative would be to resume screening of the Haitian boat people aboard the Coast Guard cutters which rescue them. That was our policy for many years, and it worked well.

Despite its detractors, the fact is a U.N. asylum expert visited the cutters, observed the screening process, and found it acceptable. However, this process does not lend itself to processing a large outflow of boat persons. It became necessary to discontinue it after the boat flow increased so dramatically following the OAS embargo which was instituted several weeks after Aristide was overthrown.

A third alternative would be to establish a refugee processing facility "somewhere in the region," to which all rescued boat people could be taken for screening.

Now, such a processing facility should be operated by the U.N. High Commissioner for Refugees to ensure a credible screening process. Those who are found not to have a well-founded fear of political persecution should be returned to their homeland, while those who do present a well-founded fear of persecution if they were to return could be resettled in third countries or allowed to remain in the processing center until it is safe to return. If third-country resettlement were required, the United States should accept its fair share of these true refugees. And this alternative, of course, is the most desirable solution to the problem. It should be pursued without delay.

Both the Bush administration and the Clinton administration have "dropped the ball" on the establishment of a regional processing center. Both administrations claimed that no country in the region was willing to have such a facility established in its territory, and that was, under the previous administration, and is, under this one, "a copout." What these two administrations were really saying is that they were not willing to expend the foreign policy capital so clearly needed to convince one or more of our neighbors in the region to provide the location for a refugee processing facility.

There is a very good reason why such a processing center should not be established on U.S. territory. We have demonstrated over and over again in this body and in the Congress that there is no such thing as a "temporary" status or a "temporary" stay in the United States. Every time we have allowed any group of undocumented aliens or "refugees," particularly a group from a Western Hemisphere nation, to remain in the country "temporarily," we have found they stay permanently.

We just do not have the stomach to carry out our "temporary safe haven" policies with the use of enforced departure when it is safe for the aliens to return. We will not deport people after the "horror" has ended. And all of those persons and, of course, their legal counsel take advantage of these policies, and you may be darned sure of it. In fact, the workload for American immigration lawyers in this area is, as we say in the trade, "significant."

Nicaraguans who came here in the 1970's during the fighting between the Samoza forces and the Sandinistas are still in the United States. After free elections were held in their country, Salvadorans who poured into the United States in the 1980's and who were given temporary protected status in this country remain right here, although the fighting has ended and the democratic elections have been successfully held in their homelands.

The Poles who sought "temporary" protection here during the repression of the solidarity movement remain riveted in this country although their original leader, Lech Walesa, has now been President of that country for years. How can this be? I believe that all fair-minded observers must agree that "temporary" safe havens have just not worked, you cannot have fled Poland during the time when they were crushing solidarity and stay now that the leader of solidarity is leading the country. If you were really a refugee, you would go back.

I have not heard of anybody that wanted to go back. In El Salvador they came here because five factions were going in and chopping each other to pieces. And now that is all over. You have democratic elections. Have one of them gone back? Not one.

Remember, we gave them the temporary status because we said, "We know you need this, and when conditions improve in your country, we know that you will go back like you said you would." Watch. None of them go back. And we do not deport anybody. That is not the way we are. That is against our heritage.

But let us not keep fooling ourselves. Nicaraguans have free elections. Did they go back? Not one.

So, the Bush administration was able to put together a broad international alliance to deal with Kuwait. It seems to me they could have done a broad international alliance to deal with the processing center in that part of the world, and I think Warren Christopher and company have some crucial work to do in this hemisphere, for a volatile situation is boiling away only a few hundred miles off the Florida coast.

As I say, it was extraordinary what the Bush administration put together, the broadest international alliance ever known in history to deal forcefully with Saddam Hussein's misadventure in Kuwait. But that administration was not willing to have its own State Department make a diplomatic effort necessary to establish an offshore refugee processing center in the Caribbean-Central America region.

The Clinton administration has surely done no better. It as well is unwilling to spend the diplomatic "chits" required to get one or more of our neighbors to provide the location for a processing center.

I have very reluctantly supported the administration's determination to return Jean-Bertrand Aristide to Haiti to head the Government there. I disagree with those who say we must send Aristide back in order "to restore democracy in Haiti." Democracy was nearly as difficult to find there during the Aristide administration as it was during the previous cruel administrations in Haiti.

President Aristide was "freely elected," and that is, in my mind, the only justification for further efforts to return him to his office. Aristide showed us he was not a democrat during the months he presided in Haiti. When a freely elected Parliament would not cooperate with his administration, he used the mob to bully Haitian parliamentarians. Aristide encouraged his followers to employ "necklacing" to intimidate his opponents, and indeed, his followers did execute members of the Haitian military in this manner, an horrid activity which, I believe, had much to do with precipitating the coup which resulted in his exile. Perhaps President Bush is right and we should discontinue our effort to return him.

We are now considering the imposition of a full blockade of Haiti. I doubt that blockade will be effective. To be successful we would have to have the full cooperation of the Government of the Dominican Republic, which we have not had thus far with the current lesser embargo. Nevertheless, a blockade is preferable to military action, and I believe we should first pursue that option.

However, if the full blockade is not effective in bringing down the current military government, I believe we should consider military action. I believe humanitarian intervention to curb extreme human rights violations will support military action. It will not always be easy or "clean," as we learned so dramatically in Somalia, but it is an option available to us.

But again, before any military action can be considered, the Clinton administration must do its diplomatic work with a vigor and purpose we have not yet seen in this hemisphere—or in the world. The President must also do his political work on the Hill. As the Republican leader reminded us earlier today, President Clinton must first convince the Congress that military action is in the national interest. Any use of troops must have bipartisan support.

While it is likely necessary for U.S. troops to provide the initial intervention, those troops must be withdrawn as soon as possible, certainly within 6 months. A U.N. or OAS force must then be prepared to move in—and stay in—until democracy has been established in Haiti, democratic institutions built up, a responsible police force developed, and an effective judiciary established. This might mean 2 years, or 5

years, or 10 years—however long it takes—for we must assure that whatever force replaces the American troops is committed to remaining until the job is done.

Mr. President, I believe that the United States will have to provide sufficient financing of an operation as I discussed for the people of Haiti and for the people of the United States.

I firmly believe it would be far less expensive than allowing the current situation to deteriorate further. The situation demands that the United States and the international community take action now. We must lead, and we must act decisively without further dalliance and delay.

CONGRESSIONAL GIFTS REFORM ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I thank my good colleagues, Senator LEVIN and Senator COHEN, for their work on this legislation which so vexes all of us, and we will return now to that remarkable project.

I thank the Chair.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I withdraw the modification of my amendment that I previously sent to the desk.

AMENDMENT NO. 1678, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that privilege.

The amendment is modified accordingly.

The amendment (No. 1678), as modified, is as follows:

Strike line 7 on page 35 through line 25 on page 51 of the Committee substitute, and insert in lieu thereof the following:

"or the spouse thereof, shall knowingly accept (1) any gift provided directly or indirectly by any person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

(2) any gift from any other person.

"(b) 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.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) 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.

"(e) The restrictions in clause (2) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) 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.

"(5) Meals 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.

"(6) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) 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.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar 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 his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(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 in which the Member, officer, or employee is a participant. 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 or the provision of food, refreshment, 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 meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(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 paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) 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 signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or 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 Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(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 that may not exceed 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 Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"(A) any gift provided directly or indirectly by any person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(B) any gift from any other person; or

"(2) 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 service, 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.

"(3)(A) The following items are gifts subject to the restrictions in subparagraph (1)—

"(i) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(ii) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(B) The following items are subject to the restrictions in subparagraph (1)(A)—

"(i) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(ii) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(iii) a charitable contribution made on the basis of designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee, and

"(iv) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(4) The following items are not gifts subject to the restrictions in subparagraph (1):

"(A) Any item for which the Member, officer, or employee pays the market value.

"(B) A contribution, a defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(C) Anything provided under circumstances that clearly indicate, in accordance with paragraph (b)(1), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(D) Items which are not used and which are promptly returned to the donor.

"(E) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(F) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(G) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(H) 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.

"(5) The restrictions in clause (B) of Subparagraph (1) shall not apply to the following:

"(A) Meals, lodging, and other benefits—

Mr. BUMPERS. Mr. President, will the distinguished floor manager yield, either floor manager, for a question? I understand that we cannot vote until 10 minutes later. Is that correct?

Mr. LEVIN. It will be later than that. We are trying to figure that out now. We cannot figure out when to set a vote. That is what we are trying to clear on both sides.

Mr. BUMPERS. Mr. President, let me ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN. Do we have a copy of the amendment of the Senator from Arkansas as redrafted?

Mr. BUMPERS. We will certainly get a copy. It is precisely the same amendment. It was a technical thing that we were working on to make sure the paragraphs were numbered correctly.

Mr. COHEN. I understand that. We have one Member who would like to see a copy of the amendment as drafted before we can agree to vote soon, hopefully.

Mr. BUMPERS. We will get it for the Senator in a minute.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, in deference to the floor managers, I would like to advise them that I have two amendments that I am prepared to bring up at an appropriate time.

Mr. LEVIN. Would the Senator from Arkansas yield just for a question as to his amendment?

Mr. BUMPERS. I would be happy to.

Mr. LEVIN. How much debate does he want on his amendment?

Mr. BUMPERS. None.

Mr. LEVIN. We can be very brief in terms of your amendment, and then perhaps you could lay it aside if there is no further debate on your amendment. I would try to figure out when we can vote on it. And we will turn to the amendment of the Senator from Alaska. Would that be agreeable?

Mr. COHEN. I think once we have the amendment and we take this time to debate it, we ought to vote on it before we proceed to the amendments of the Senator from Alaska or anybody else.

Mr. LEVIN. In that case, we will need to put in a quorum call so we can get that amendment duplicated.

Mr. COHEN. Can we discuss it now while we are waiting?

Mr. LEVIN. If the Senator from Arkansas can stay on the floor, I want to see if we can understand the purpose of the amendment. It is to basically eliminate the $20 rule to go to zero so that no gifts would be allowed of any value except for the very same exceptions which are in the bill as presently before the Senate.

Mr. BUMPERS. The Senator is correct. We did not change the substance of the amendment. We only drafted it so that it was more technically correct.

Mr. LEVIN. I do not believe that not being able to accept gifts under $20 meets my test of what we were trying to achieve here, something which is tough, simple, and rational. I think the reason for the $20 exception was precisely the same reason as the Senator from Arkansas uses in saying that he wishes to eliminate it. I believe we will get far more Members tripped up when they have to figure out whether an exception applies to all the gifts that we get under $20. But the will of the body obviously is that we eliminate the $20 gift limitation. I can live with that gracefully. I think it is going to create more difficulties for us than it is going to solve. I think it will be more complex, not simpler.

The Senator from Arkansas seeks simplicity. When he eliminates the possibility of getting a hamburger and a Coke from somebody, unless a certain test is met, I think he is going to do exactly opposite of what he purports to do, which is to have simplicity for all of us.

So I do not think it is a simple or even a rational approach, frankly. It is not as rational as having a $20 rule. The proof of this I believe is that the executive branch has had a $20 gift rule in effect. It has worked. It has worked for Cabinet officers. It has worked for other people in the executive branch.

There is no reason why it cannot work for us. It will save us an awful lot of headaches in trying to figure out whether or not all exceptions apply for all the little things. That was the same argument used earlier today as to why we ought to have a $75 gift limit instead of a $20 gift limit.

So the question then is where do we draw the line? That is the question for all of us. I think that the proof of the pudding is in the executive branch edict, and that is the best guideline that we have as to what is workable without getting us into figuring out whether or not exceptions apply every time we get a commemorative cup from a constituent.

But I understand what the Senator is trying to do. While I do not think it meets the test of being simple and rational as well as tough, nonetheless, if that is the will of the body, we go down to zero and apply the exceptions in every single case when we get a cup or a pin. So be it. If that is what it takes to get gift reform, so be it. I am for tough gift reform. It surely meets that test—the toughness part of it. If that is what it takes to get tough gift reform, then let us get on with it.

Mr. COHEN. Will the Senator yield? I am prepared to entertain his original unanimous consent request to set aside the amendment of the Senator from Arkansas temporarily because I am now advised that we will not be able to vote probably prior to 8:30 at least. So why do we not go ahead with other amendments?

Mr. BUMPERS. Reserving the right to object, if the Senator will allow me just to make a quick response to the Senator from Michigan—and I understand precisely what the Senator is saying. We just come to different conclusions about this. If a gift comes into my office, and I do not know what its value is, therefore, I do not know whether to keep it or return it. I know my secretary. She will call Woodies. Let us just assume that they say that gift sells here for $18.95. Then she calls Hecht's. Then she calls Hecht's, and they say, "We sell that for $24.95."

I do not want to get trapped because there is one below $20 and one above $20. It is infinitely easier from a time standpoint to just send it back, with a nice letter, saying that under the rules we are not permitted to accept gifts.

Mr. LEVIN. That is true wherever we draw the line.

Mr. BUMPERS. That is much simpler, and I have not laid a minefield for myself. I am not going to be criticized for receiving $20, which somebody might do under the case I just gave you.

Mr. LEVIN. Except the Senator would have to see whether all the exceptions apply to every pen and cup—

Mr. BUMPERS. The Senator is arguing against his own bill.

Mr. LEVIN. We have to draw a line somewhere. You draw a line, and you keep all the exceptions.

Mr. BUMPERS. I am giving an illustration where none of the exceptions apply, where somebody sends a gift to my office, it does not meet any of the exceptions under the Senator's bill, and I have to determine whether to hurt the guy's feelings by sending it back, or going all over town trying to figure out what it is worth, and making sure somebody does not put the handcuffs on me because it turned out to be worth $25 instead of $19.

Mr. LEVIN. Wherever the line is drawn, you are going to have the same thing.

Mr. BUMPERS. I have no objection to the unanimous-consent request.

Mr. LEVIN. I ask unanimous consent to temporarily lay aside the amendment of the Senator from Arkansas, and that the Chair recognize the junior Senator from Alaska who, I believe, is ready with an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DECONCINI. Reserving the right to object. Can you tell us when we are going to vote here? Is it that nobody wants to vote on the Bumpers amendment?

Mr. LEVIN. That is not the problem. There are schedules being aligned here. There is a request to see the Bumpers amendment on the other side before there is a vote. Copies are being made now so that persons who want to see that amendment before they vote on it will have an opportunity to do so.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. The answer is that it is going to be a while.

Mr. DECONCINI. It would be nice if somebody could tell us how long "a while" is so we might do something

else. I realize that would be really quite a phenomenon in this body to know that.

Mr. COHEN. It is approximately $20 or under.

Mr. DECONCINI. Can I interpret that to be minutes?

Mr. LEVIN. I agree with the Senator. I wish we could tell him. There is a request to look at the amendment before an agreement is made as to when to vote. Until Senators have a chance to look at the amendment and make that decision, we cannot get a unanimous consent agreement for a fixed time.

The PRESIDING OFFICER. Is there objection to laying the amendment of the Senator from Arkansas aside so the amendments by the Senator from Alaska can be taken up?

Mr. LEVIN. Can we take up one amendment at a time?

Mr. MURKOWSKI. I would like to discuss both, and then I will introduce one.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I have two amendments that I intend to offer. The first amendment would prohibit all political contributions from political action committees. The legislation would specifically prohibit a Senator from accepting any gift, directly or indirectly, from a political action committee.

The other amendment that I will offer would strike from the committee substitute, provisions which prohibit Members of Congress from receiving private reimbursement for travel, food, and lodging, in connection with a charitable event.

It is my understanding that the committee managers have accepted an amendment allowing honoraria to be directed entirely to charity. We have a situation under my amendment where such reimbursements would be permitted, as long as the reimbursement was not made by a registered lobbyist or a foreign agent.

Mr. President, the apparent motivation for the committee legislation is, in my opinion, the mistaken belief that lobbyists and so-called special interest groups exercise undue influence on Members of Congress. That is a perception that the American public has. To counteract this so-called undue influence, the committee amendment would bar Members from receiving anything of value from a registered lobbyist. But the exception, Mr. President, is not political contributions; political contributions can still come in. And the bill restricts gifts from individuals, or other entities, in an amount not in excess of $20. So when we pass the bill that is before us, we can now go to the American public and let them know that we can no longer receive gifts from lobbyists and corporate interests.

Well, I ask the question: Is that really what we are doing? Let me ask: Is there anything in this underlying bill that would prohibit a lobbyist from sponsoring a $500 personal political fundraiser for a Member of Congress? The answer is clearly "no."

Travel can be paid in the case of a contribution coming in for a $500 political fundraiser. Is there anything in this bill, the underlying bill, that would prohibit an individual who is not a lobbyist from making a contribution of several hundred dollars to a Senator or a Congressman's legal defense fund? No. We have protected ourselves in the underlying bill.

Mr. President, this legislation is not going to do a single thing, in the mind of the Senator from Alaska, to change the public's perception of Congress with regard to the influence of lobbyists and PAC's. And I am quite sure of that, because if you look at the underlying bill, we have exempted our political fundraisers.

Also, we have protected ourselves by allowing contributions, when necessary, for our legal defense fund. So if we pass this underlying legislation in its current form, we are going to make it even more difficult for a very legitimate group of recipients—and that is charitable organizations—to arrange events that serve to raise money for their specific causes.

Mr. President, under the committee substitute—and this is what is so unfair about it, and I urge my colleagues to reflect on this—large charitable organizations that have the resources to have their fundraisers here in Washington, DC, will be able to invite Members of Congress to their events, because under the underlying committee amendment, a Member of Congress may accept an offer to attend such an event, even if the event is a $1,000-a-plate dinner to raise funds for research on a particular worthwhile cause, an illness, or what have you. But in my case, if there is a small nonprofit organization trying to raise money in my State of Alaska, such as the charitable event I discussed this morning, raising money for a new mammogram machine so Alaskan women can receive adequate screening, Senators cannot come up to my State, because the cost of traveling and staying in Alaska cannot be paid or reimbursed by a private entity.

Earlier today, other Senators discussed charitable events they have been associated with, but they no longer will be able to attend. My amendment is very narrow and very similar to the amendment that was accepted by the committee and offered by my friend from Wyoming. My amendment would allow reimbursements for lodging and transportation in connection with charitable events only. These events obviously have to be cleared by the Rules, and the Ethics Committee. These events do not benefit Senators, specifically, as do political fundraisers, and legal defense funds.

We are protecting those, but we are not allowing charitable events. These charitable events are worthwhile and I believe to be in the public interest.

I cannot understand, Mr. President, why we seem to have a double standard around here. One standard is for political events where travel and lodging can be reimbursed, and another standard is for charitable events where expenses cannot be reimbursed.

I would be interested in the floor managers addressing the justification for that.

Mr. President, the amendment that I will propose is narrowly crafted, unlike the broad amendment that we voted on this morning, the Johnston-McConnell amendment which was rejected. That amendment would have permitted Senators to receive gifts up to $150, would have permitted Senators to receive meals without any limit on the cost of the meal. And it would have allowed Senators to receive gifts such as tickets to the Redskins game.

My amendment simply affects the ability of Senators to assist charities in raising money. It has no impact on the committee substitute's limits on gifts to Senators.

So, Mr. President, I reiterate that what we have is a double standard. The logic of that continuing when there are worthwhile charities that we can assist and help should convince my colleagues to support my amendment.

The other amendment would prohibit all political contributions from political action committees. This legislation prohibits a Senator in this body from accepting a gift directly or indirectly from, as I have said, a political action committee. The amendment merely adds this prohibition to include what some would consider a very important type of gift, a political contribution from a political action committee.

I would anticipate the support of my colleagues with regard to the underlying bill and those who have expressed concern about special interests and influence peddling that we have heard so much about in this body. We have heard the Senator from Arkansas say Senators should not take any gifts of any kind. Then let us include political action committees and be done with it.

This is a logical extension of the purpose of this bill.

AMENDMENT NO. 1679

(Purpose: To prohibit PAC contributions)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its consideration at this time. The amendment would prohibit all political contributions from political action committees. I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1679.

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

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

The amendment is as follows:

On page 36, after line 24, add the following:

"(E) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or political action committee to a Member.

On page 37, line 7, before the period insert "except as provided in subparagraph (c)(2)(E)".

On page 50, between lines 16 and 17, add the following:

"(v) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or political action committee to a Member.

On page 50, line 23, before the period insert "except as provided in subparagraph (3)(B)(v)".

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. LEVIN. Mr. President, I ask unanimous consent that the vote on Senator BUMPERS' Amendment No. 1678, as further modified, occur at 9:30 p.m. with no amendments in order to the Bumpers amendment or the language proposed to be stricken by the Bumpers amendment.

Mr. DANFORTH. Mr. President, reserving the right to object, I am not sure that I heard this request right.

The Senate has conducted one vote today. That vote was held at 1:58 this afternoon. Now we are at almost 10 minutes after 8, and there is a unanimous-consent request, never announced before, never hinted at before, that we are not going to be voting until 9:30 p.m.

May I ask the distinguished manager of the bill if there is any conceivable explanation for this kind of scheduling?

Mr. LEVIN. I think the request is from the Senator's side. We need 15 minutes or so. If he would check with the manager on his side, I think he can give the Senator the answer to the question. He would have to ask him for his reasons.

Mr. DANFORTH. I will ask the manager on my side if there is any possible explanation for the Senate having one vote at 1:58 in the afternoon and then at 10 minutes after 8 having a unanimous-consent request to hold the next vote at 9:30 at night?

Mr. STEVENS. I might say to my friend I cannot tell him why there has not been a vote since the time he just said, around 1 o'clock. I can tell him why the vote is not going to take place until 9:30. That is because there is a very distinguished visitor to our country who has asked several Members of the Senate to attend a dinner. That is where they are, and they will be able to come back at 9:30.

Mr. DANFORTH. If I may inquire, could this have been announced at some point before 10 after 8 so that other Senators could have gotten in on the news and perhaps have gone home for dinner and then returned?

Mr. STEVENS. We were prepared to vote prior to 8 o'clock. Since it could not take place at 8 o'clock, they asked if they could go to that event and they can be back by 9:30. We asked that the vote take place at 9:30 as a convenience to those Senators who accepted that invitation. They are going and they are going to excuse themselves and come back and be here for the vote at 9:30.

Mr. DANFORTH. If I could inquire further, could there be any thought of perhaps holding the vote tomorrow morning during daylight hours?

Mr. STEVENS. I would be pleased to give it a thought, but I do not think I was asked to consent to that.

Mr. LEVIN. That was at the request of the leadership.

Mr. DANFORTH. Could I ask the distinguished manager of the bill, or either of the managers of the bill, but particularly the Senator from Michigan, if that inquiry might be put to the leadership?

Mr. LEVIN. The inquiry can be. But we are debating the Murkowski amendments right now, so this time will be well utilized.

Mr. DANFORTH. Why not debate the Murkowski amendments right now and then have votes tomorrow morning?

Mr. LEVIN. Well, the delay of the vote until 9:30, I believe, was an accommodation to someone on your side. That may be inaccurate.

In any event, we are happy to debate the Murkowski amendments right now. We are going to fully use this time as soon as we can get to the Murkowski amendments.

Mr. DANFORTH. Would the Senator consider the possibility of debating the Murkowski amendments right now and then having votes tomorrow on the Murkowski amendments?

Mr. LEVIN. I am not scheduling the Senate. That is up to the leadership to schedule the Senate. I am happy to debate the Murkowski amendments right now.

Mr. DANFORTH. Has the Senator from Michigan inquired of the leadership about this matter?

Mr. LEVIN. I have not. I am sure the leadership is listening.

Mr. DANFORTH. I am not sure the leadership is listening.

Mr. LEVIN. I think the leadership is listening now.

Mr. DANFORTH. I might suggest to the Senator from Michigan, it is enough to persuade the yet unpersuaded to retire.

Mr. LEVIN. Are there such left in the Senate?

Mr. DANFORTH. Not many.

Mr. DEECONCINI. Would the Senator from Missouri yield?

Mr. DANFORTH. Yes.

Mr. DECONCINI. I have the same problem, sitting around here for all this time, when now we find out why. I mean I understand sometimes you want to accommodate people so they can go to a dinner, and next year they will not be able to go to these dinners.

Mr. STEVENS. That is not what I said. They were prepared to vote and stay until 8 o'clock.

Mr. FORD. I think the galleries ought to be kept in order, the same as the Senate floor.

Mr. DECONCINI. The point is, we obviously run this body for the convenience of a few Senators, and probably that has happened for me. I cannot remember it ever happening for me, but I will just say it has.

But it seems to me not unreasonable to say at 6 o'clock, if we do not vote before 8 o'clock, then we cannot vote until 9:30, so then somebody would have some idea of what in the world we are doing around here. Because it was pretty clear to me we were not going to vote before 8 o'clock, the way the debate was going.

Now the Senator from Missouri raises really a valid question. If we are going to hang around here for another hour and 15 or 20 minutes, why not do it tomorrow? We have been told there very likely will be votes on this or other subject matters. I just think the legislation is so darn silly anyway, in many respects, but the actions out here are even worse; that we cannot find out until 8 o'clock that, by gosh, the vote has to be at 9:30 now. And why? Because other Senators have to go to dinner with some dignitary.

I mean, there are a few Senators who would like to go to dinner without some dignitary; maybe with their families, maybe with their friends, or maybe just by themselves, but they cannot. They have to sit around here and wait until this kind of scenario is played out.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DANFORTH. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Let me ask, then, the manager if he anticipates that the 9:30 vote will be the final vote tonight?

Mr. LEVIN. I do not anticipate it will be the final vote tonight. I believe if

this unanimous-consent request is agreed to, we will vote on the Bumpers amendment at 9:30. Hopefully, we will have completed debate, or be close to the completion of debate, on the Murkowski amendments by then. I would hope we would then vote on the Murkowski amendments. It would be up to the leadership, not up to me, as to whether we go later tonight and dispose of the other amendments.

But it would be my intention, subject to the agreement of the leadership, that we dispose of at least the Bumpers amendment, the Murkowski amendments, and any other amendments we can.

Mr. DANFORTH. I might suggest, instead of voting at 9:30, as long as we are shooting the night, we vote at 10, and then those who want to go out to dinner now can have a little window and go out to dinner and be back at 10.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan retains the floor.

There is a unanimous-consent request pending. Is there objection?

Mr. DECONCINI. Yes, reserving the right to object.

I would like to see the time changed, also. As long as we are going to change it for a few Senators who are going out to dinner with some dignitary and cannot get back here until 9:30, I would like to go out with some nondignitary and not get back until 10 o'clock, or tomorrow morning for that matter.

The PRESIDING OFFICER. Does the Senator from Arizona object?

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. I have no objection to 10 o'clock. I understood it to be 10 o'clock tonight.

The PRESIDING OFFICER. The Senator from Michigan retains the floor.

Mr. MURKOWSKI. If I may make a point to the floor managers.

The PRESIDING OFFICER. Does the Senator from Michigan yield?

Mr. LEVIN. I am happy to yield for a question.

Mr. MURKOWSKI. The question is, I do not know whether the floor manager was invited to the dinner that the Senator from Maine has gone to, but the Senator from Alaska was invited to that dinner and, in the interest of full disclosure, rejected the invitation so I could be here to debate my amendment.

So I defer to the Senator from Arizona who has suggested that there is some inequity here, and the Senator from Missouri who suggested there is some inequity. But there is mixed bag here with regard to dinner. I am probably as hungry as the Senator from Arizona.

But the record should note that, while there is inconvenience to all, it is for all kinds of different reasons.

With that profound statement, I thank the Senator.

Mr. STEVENS. Will the Senator yield?

Mr. LEVIN. Yes.

Mr. STEVENS. I have been here for 8 years as assistant leader and I think I have protected, at some time or another, every Senator for a similar request, a very important engagement, for a period of an hour and a half. I do not really understand this.

I ask the time be extended to 10 p.m.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the vote on the Bumpers amendment occur at 10 o'clock instead of at 9:30, under the same terms and conditions as previously set forth in the unanimous consent request.

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. Reserving the right to object.

Mr. FORD. We will just stay here for awhile.

The PRESIDING OFFICER. Objection is already heard.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I suggest everybody go out to dinner and then come back and report whether a lobbyist paid for it or not.

Let me renew a request—and I am not managing the bill, but I would like to move it along and I think everybody else would, too.

Let me renew the request that the vote on the Bumpers amendment occur at 9:45, and that at 5 minutes after 10, we vote on the Murkowski amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska has proposed an amendment. Does he seek recognition?

Mr. MURKOWSKI. The Senator from Alaska has submitted his amendment. It has been read by the clerk. I have discussed it. I would be happy to enter into a debate on the merits, but I see nobody rising, so I will continue to make a few points that I feel are appropriate.

Again, let me share with my colleagues the effect of the amendment which would prohibit all political contributions from political action committees.

Mr. President, the legislation is very simple in prohibiting Senators from accepting any gift directly or indirectly from any political action committee. I think it is fair to say that, as we look at how this body is perceived, it is seen as under the influence of lobbyists and political action committees.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

I think we would all agree we have been spending a good deal of time discussing the role of influential groups, lobbyists and political action committees.

So, in view of the theme that we seem to be pursuing tonight on doing away with all gifts of any kind, I think it is quite appropriate that we go all the way and address the concerns that we all anguish about. And one of them, of course, is the continued contributions of political action committees and the influence of lobbyists, as well.

So my amendment, Mr. President, merely adds the prohibition to include what some would consider, again, a very important type of gift, and that is a political contribution from political action committees. I think it is a logical extension of the discussion that we have had on the floor today. I can talk further, at length, about the inconsistencies we seem to continue to foster here as we address how to improve some of the standards within the Senate.

Again, I reflect on the reality that we have a double standard here. We have standards for political events where travel and lodging can be reimbursed, and another standard for charitable events. As a consequence of this self-searching effort to bring about substantial reform, I think it appropriate that political action committees be included in the prohibition.

It is a very simple amendment, and I recognize it is going to cause some of our colleagues, perhaps, some distress. But if we are talking about true reform, then this should be included. It is appropriate, I think, it be recognized for its merits.

Mr. President, I do not have any extended remarks because the amendment is self-evident. I would be happy to debate my colleagues who may have strong feelings about the merits of the amendment. But I think it certainly has a place in the dialog and the general considerations of the themes before us. So I have no further statement. I will be happy to respond to questions from my colleagues on the justification for the prohibition.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. MURKOWSKI. I am happy to.

Mr. DECONCINI. Will you tell me a little bit about the dinner tonight you are missing? I am really intrigued about that. Is it for the Prime Minister of Malaysia? Is that right?

Mr. MURKOWSKI. I believe that is correct. I believe it was a dinner invitation. I know the honored guest was the President of Malaysia.

Mr. DECONCINI. It is none of my business. If the Senator feels he does not want to answer or does not know,

I understand. Does he know who was paying for the dinner, just out of curiosity?

Mr. MURKOWSKI. In response to the Senator from Arizona, I did not ask and did not think to ask. But in the future I am going to be reminded to ask, because the Senator from Arizona raises a very appropriate point, whether it was a friend who was paying for the dinner——

Mr. DECONCINI. Friend, yes.

Mr. MURKOWSKI. Lobbyist, political action committee, or maybe it was the Malaysian President himself. I do not know.

Mr. DECONCINI. If the Senator would yield, does the Senator know—I think the Senator sits on the Foreign Relations Committee, does he not?

Mr. MURKOWSKI. The Senator does.

Mr. DECONCINI. Does the Senator know, do we give any foreign assistance to Malaysia?

Mr. MURKOWSKI. I think there is some foreign assistance to Malaysia. The Senator raises an interesting point,

whether that would be a conflict of interest.

Mr. DECONCINI. I am not accusing anybody of anything, of course. I was just speculating.

Mr. MURKOWSKI. The Senator from Arizona sits as head of the Intelligence Committee. Maybe the Senator from Arizona and the Intelligence Committee could look into that.

Mr. DECONCINI. I thank the Senator. He, having been on the Intelligence Committee, knows how much we can do in that area.

Let me ask the Senator something else, if it is not inappropriate, and I will rely on the Senator's judgment. How many Senators were invited or how many were in attendance, does the Senator know?

Mr. MURKOWSKI. The Senator from Alaska has no idea how many were invited. The Senator is under the impression it was a relatively small group. Maybe we can get the answer for the Senator from Arizona by a show of hands of who was not invited.

Mr. DECONCINI. I do not know if we can do that without a motion. I thank the Senator.

I do not mean to shortchange his amendment by any means. It was just curiosity here. While we sit here, there are 4, 5, 6, 7, 8, 10 or whatever, Senators having dinner with the Prime Minister of Malaysia and we knew that—somebody knew that was going to happen. The Senator from Alaska did, and elected to stay here and offer his amendment. I commend him for doing that.

While the rest of us could have gone out or gone home and had dinner and done something, it would have been very easy for us just to be told that between 8 and 9:30 there is going to be an effort here that no votes occur, instead of telling us at 8:20 or whatever it is, it is not going to occur. They might have told us at 6 o'clock, and I am sure it would have made life a little bit different for me and maybe other people here. But I realize the quality of life is not the motivation of this body by any means—or maybe by Senators. I thank the Senator.

Mr. MURKOWSKI. In the interests of full disclosure to the Senator from Arizona, I might admit, had I known the Senate would be in this particular predicament, I might have accepted the invitation of the Prime Minister of Malaysia, enjoyed a nice dinner, and still have been able to come back and debate my amendment.

Mr. DECONCINI. Let me say to the Senator, I want to compliment the Senator from Alaska for his extra effort in full disclosure. How many Senators have you heard get up on the floor and fully disclose that they were invited to a dinner, and that the Senate now has been set aside and nothing is going to happen while some of them did not go, and you could have gone and been part of that imposition on the rest of us, and you elected to stay here and offer your amendment.

I am sincere about this. I do not want the Senator to think I am spoofing. I want to thank him for his diligence.

Mr. MURKOWSKI. Clearly the Senators that are at the dinner had some advanced knowledge, or at least a premonition, of what we might be doing at approximately 8:25 tonight. They chose to try and arrange for a unanimous consent for a vote at a later time. It looks like they have been successful in that regard. So perhaps all the Senator from Alaska can reflect on is that I have not missed too many meals lately. This one will probably not hurt.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1680 TO AMENDMENT NO. 1679

(Purpose: To reduce the pay of Members of Congress by 15 percent)

Mr. BURNS. Mr. President, I send a second-degree amendment to the MURKOWSKI amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], proposes an amendment numbered 1680 to amendment numbered 1679:

At the appropriate place, add the following:

Notwithstanding any other provision of law the pay of Members of Congress shall be reduced by 15% effective immediately.

Mr. BURNS. Mr. President, I think we have looked at the accumulation of debt, as was reported by the Senator from Iowa. This date is noted across the country as Tax Freedom Day and the deficit continues and the accumulation of debt continues. This is the latest it has ever come in the year, the 4th day of May, 2 days longer than a year ago. So I think what we are looking for here is, if we are really serious about taking not only what the subject of this bill has been, but also some fiscal responsibility—I have long believed that if Congress really and earnestly is concerned about accountability and responsibility, there are two things that should be done. This is what I am told when I go home.

First, any legislation that is passed by Congress and signed into law by the President, and as a result, that law goes to a faceless bureaucracy to write the administrative rules—once the rules have been written and they are entered into the Federal Register they become the law of the land. So Members of Congress go home and one day they find out from their constituency, "Look at this law that you have passed. Look what it has done to me."

So Members of Congress look at it and they say, "When we passed it, that was not the intent of the law."

I suggest on some pieces of legislation, after those rules are written, they should come back to the Congress for the final OK by the Congress. That is one.

For responsibility and accountability—for what we have said was a pay raise here a couple of years ago to bring some more accountability to this body—if we want to vote late at night and worry about who is going to dinner, and who is not—then I think maybe that should be reflected in the pay of the people who serve in this body.

The other day I raised a little Cain about bonuses that went to the Social Security people, bonuses that went to people who have not worked in the Social Security but for 2½ to 3 months and end up with a $9,000 bonus.

Do you think they earned it? I do not think so, especially when Social Security comes to Congress asking for more money so they can catch up on the backlog of disability payments. So as a result of that, they are not showing their responsibility. Maybe we who are elected should show ours.

So I offer this amendment as a 15-percent pay cut for Members of Congress as a second-degree amendment to the Murkowski amendment.

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

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I would like to speak very briefly on the second-degree amendment offered by my friend from Montana.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think our friend from Montana has brought up an appropriate consideration relative to the realities that we

live in, and that is this Nation has accrued approximately $4.5 trillion of debt.

The significance of that is often overlooked because it is pretty hard to comprehend that kind of a number. But let me share with my colleagues a certain reality associated with that, and that is, about 14 percent of our current budget is interest on our accumulated debt.

That does not mean much, but let us take it one step further and recognize that we are committed to fund interest on that debt. The question legitimately is, how are we funding that interest on the debt? We are borrowing that interest on the debt. Think of the significance of that. We are borrowing in excess of $213 billion to pay interest on our $4.5 trillion worth of debt.

We are not addressing entitlement growth because we simply do not have the self-discipline to address it in a responsible manner, either through caps or freezing it at some level. So it continues to grow.

But let us look at the merits of what we mean when we talk about borrowing somewhere in excess of $212 billion for interest. That does not increase inventory, it does not provide jobs, it does not provide any social programs. It does not provide any defense budget.

If you went to your banker, Mr. President, and said, "I need a loan because I have to make a payment," you might get the loan if you said you wanted to make the payment to pay a portion of your principal down. But if you asked him or her for a loan so you could pay your interest, you probably would not get it because you would be a very poor credit risk.

That is the harsh reality of the condition of this Nation today. We are borrowing money to pay interest, and we are talking about the amendment of the Senator from Montana in the second degree cutting salaries. But we are continuing to expend more than we raise in revenue.

There is a very simple process here, Mr. President. We have one or two alternatives: We either raise revenue or cut spending. The appropriate alternative, obviously, is to cut spending, but we do not have the discipline to do it.

So I think as we address the merits of measures to cut spending, we should look at all measures and the amendment by the Senator from Montana relative to cutting salaries. At least he is cutting somewhere, and he is cutting pretty close to the heart when he proposes to cut Members' salaries 15 percent.

We, as individual Senators, have to meet our obligations, but the Federal Government simply adds to the deficit for whatever else it needs. That is fiscal irresponsibility, Mr. President, and I think we should give more time and attention to the merits of it.

There is a book out that some of my colleagues have read. It is "Bankruptcy 1995" by a gentleman by the name of Figgie. He may be off a few years, but he is right on target with what is happening in the United States, what happened in Central and South America in monetizing the debt.

We are approaching a time in the future, perhaps, but nevertheless it is inevitable, where a bigger portion of our budget goes for interest on the debt. That is like owning a horse that eats while you and I sleep. It goes on and on and on and on. Unless you address it by paying down the principal, it simply gets bigger. When you borrow to pay the interest solely, you are digging a grave for this country step by step.

So, Mr. President, I think this body should look at all provisions that suggest control of costs and particularly the merits of expanded collective debt, as we look at it today, $4.5 trillion.

I thank the Chair and yield the floor.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the amendment of Senator BUMPERS be allowed to be further modified.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, how is it being modified?

Mr. BUMPERS. If I may explain this to the Senator from Texas, I have an amendment at the desk right now with a modification which covers the Senate rules only. In order to cover the House rules, too, which we must do, I would have to offer an amendment to that to amend the bill in two places, which as the Senator knows someone could object to, if we do not get a unanimous-consent request that I be permitted to amend the bill two places.

Mr. GRAMM. The Senator wants to apply the same thing to the House?

Mr. BUMPERS. Absolutely. That is all it does.

Mr. GRAMM. No objection.

Mr. BUMPERS. That saves us an additional vote also.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1678, AS FURTHER MODIFIED

Mr. BUMPERS. Mr. President, I send the modification to the desk and withdraw the existing modification.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1678), as further modified, is as follows:

The committee substitute is amended as follows:

(1) On page 35, strike lines 7–19 of the committee substitute and insert in lieu thereof the following:

"or the spouse thereof, shall knowingly accept—

"(1) any gift provided directly or indirectly by any person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(2) any gift from any other person."

(2) Strike line 21 on page 48 through line 9 on page 49 of the committee substitute and insert in lieu thereof the following:

"of Representatives, or the spouse thereof, shall knowingly accept—

"(A) any gift provided directly or indirectly by a person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(B) any gift from any other person."

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 9:40 p.m. the Senate vote on the Bumpers amendment as just modified; that following disposition of the Bumpers amendment, Senator STEVENS, or his designee, be recognized to move to table the Murkowski amendment relating to PAC contributions; that if a motion to table is made, a vote occur on that motion to table; and that following disposition of that amendment, the Senate proceed to vote on the Murkowski amendment relating to reimbursement for travel to and lodging at charitable events; that if a motion to table the Murkowski amendment regarding PAC contributions is not made, the Senate then proceed immediately to vote on the Burns second-degree amendment to the Murkowski amendment, the Burns amendment relating to pay cuts; and that following the vote on the Burns amendment, the Senate proceed to vote on the Murkowski amendment regarding PAC contributions, as amended, if amended; and that following disposition of that amendment, the Senate then proceed to vote on the Murkowski amendment regarding reimbursement for travel to and lodging at charitable events.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. DOLE. Mr. President, reserving the right to object, if the Senator from Alaska, Senator STEVENS, should decide not to move to table, then the procedure the Senator outlined will follow. There would be a separate vote on the Burns amendment and followed by the vote on the Murkowski amendment?

Mr. MITCHELL. That is correct.

Mr. MURKOWSKI. Mr. President, reserving the right to object, and the Senator from Alaska does not intend to

object, but I would like reasonable time to talk on both my amendments following the process that the majority leader has drawn out. It would be a short time.

Mr. MITCHELL. Yes.

Mr. President, my request would have the first vote occur at 9:40. So there would be time for debate between now and 9:40. I would suggest that it be equally divided between the Senator from Alaska and the manager of the bill, or his designee. Is that agreeable to Senator MURKOWSKI?

Mr. MURKOWSKI. The Senator from Alaska would like at least 10 minutes.

Mr. MITCHELL. He would have more than that.

Mr. MURKOWSKI. He has two amendments. I have not offered my second amendment. So I would like to have at least 10 minutes on my second amendment which I would offer after the vote on the Bumpers amendment and the disposition of the Burns-Murkowski amendment.

Mr. MITCHELL. I have no disagreement with that.

I yield to the Republican leader.

Mr. DOLE. Why not proceed as the majority leader suggests and following disposition of the three amendments then the Senator would offer his second amendment?

Mr. MURKOWSKI. Yes. And I would like to talk on the second amendment for 10 minutes.

Mr. DOLE. Then we could debate it.

Mr. MURKOWSKI. That could be equally divided.

Mr. MITCHELL. The agreement I proposed contemplated voting on both of his amendments in succession.

Mr. DOLE. I see.

Mr. MITCHELL. I believe he wants 10 minutes between the vote on his first amendment and second amendment.

Mr. MURKOWSKI. The majority leader is correct.

Mr. MITCHELL. In addition to the debate time between now and 9:30.

Mr. MURKOWSKI. Yes. That would be on the pending amendment.

Mr. MITCHELL. I inquire of the Senator, if the manager were willing to divide the time between now and 9:40 so the Senator from Alaska would have 18 minutes and the manager 5 minutes, would that be agreeable to the Senator? Then we could have the votes as suggested.

Mr. MURKOWSKI. The Senator from Alaska would appreciate the majority leader accommodating him for at least 10 minutes prior to the vote on the second Murkowski amendment which would be the transportation issue.

Mr. MITCHELL. Then, Mr. President, I modify my request to have a period of 15 minutes between the last vote on the second Murkowski amendment and the immediately preceding amendment with 10 minutes of that allocated to the Senator from Alaska and 5 minutes to the manager or his designee.

Mr. LEVIN. It better be evenly divided. There are a number of speakers.

Mr. MITCHELL. I am now advised others want to speak. We have 20 minutes equally divided between the last vote and immediately preceding vote to accommodate the Senator from Alaska.

Mr. DECONCINI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection to the modified request of the majority leader?

Mr. DECONCINI. Mr. President, reserving the right to object, yes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. After that time the bill is open to further amendment or final passage?

Mr. MITCHELL. The bill is open to further amendment.

Mr. DECONCINI. So not necessarily final passage tonight.

Mr. MITCHELL. Mr. President, if I may respond to the Senator, we have been attempting to get a finite list with a time for finishing the bill.

I have been advised by our colleagues that no such agreement is possible until these votes occur but that after these votes occur it may be possible to get that. That is why I am doing it that way.

Mr. DECONCINI. Mr. President, I suggest that we call the Four Seasons restaurant and be sure that the Senators there with the Prime Minister from Malaysia will be through with the dessert and coffee by 9:30. We do not want to rush them because we have been sitting around here for several hours now to accommodate them in a few minutes.

Mr. MITCHELL. I will see to it that such a call is made.

Mr. EXON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I probably shall not, but I would like to inquire of the leader and the minority leader, I assume the parliamentary situation is that the Burns amendment to reduce salaries by 15 percent is a second-degree amendment to the Murkowski amendment, is that correct?

Mr. MITCHELL. I believe that is correct.

Mr. EXON. I am making an inquiry, I guess, as to the situation with regard to what can and cannot be done under the rules. I am considering an amendment, I must tell the leader and the minority leader, possibly—if it is possible to work this in before the vote on the Burns amendment—to offer a sense-of-the-Senate amendment that all of those voting for the amendment offered by the Senator from Montana should, regardless of the outcome of the vote, agree publicly tonight that, even if the vote fails, they would indeed cut their salary by 15 percent.

It seems to me that would be a totally reasonable proposition that we could offer.

I have cosponsors to that, Mr. Leader.

We are going through gyrations around here. It seems to me that, I will just advise the leader and the minority leader, if it is possible for me to offer such a sense-of-the-Senate resolution before the vote, the courageous vote to cut the salary by 15 percent, then I think it is time maybe that the U.S. Senate stand up.

I will not use the word on the floor of the U.S. Senate that I would like to use in that regard, but I think many of these votes are put up strictly for political reasons. And I think maybe the best way to stop that would be to have a sense of the Senate, at least for those voting for the amendment to cut salaries by 15 percent by the Senator from Montana, to agree publicly, as they vote for that amendment, that they will cut their salaries by refunding that amount of money in some form for as long as they serve in the U.S. Senate. Maybe that would be one of these times when we could see how serious some of these amendments are.

Possibly—I cannot do that right now; I will not object—but if the opportunity presents itself, I intend to offer such an amendment, hopefully, before the vote on the amendment being offered by the Senator from Montana.

I do not object.

I thank the leader.

Mr. MITCHELL. Mr. President, the Senator should understand that if the request I proposed is approved, then a vote may occur on the Burns amendment prior to the time that he would be able to offer a sense of the Senate.

I am grateful for his consideration. May I suggest to the Senator that the bill, after completion of these votes, will still be open to amendment, and he may then offer an amendment. It may not be as desirable as doing it before, but I think it would have the same effect.

Mr. DOLE. Would the Senator yield?

Mr. MITCHELL. I yield to the Republican leader.

Mr. DOLE. I think if you could extend that sense of the Senate to apply to those who voted earlier today on the gift ban—I mean, I cannot believe any politics was involved in that at all. Certainly that was all statesmanship, and the midnight pay cut is something else.

But there may be a way to construct a sense-of-the-Senate resolution we could all vote for, including the pay raise and the gift ban and all the shenanigans that have been going on all day here.

Mr. EXON. Reserving the right to object, the Senator from Kansas makes a very good point, although there is some difference between gifts. I intend to support the gift restraints, in all

sincerity, as I have supported them for a long, long time. There is some kind of a difference. You can accept a gift and keep it a secret and not say anything about it. Not so with your salary in the U.S. Senate. If people want their salary cut, and if they so vote but it fails, then I think that they should voluntarily agree to make their tax return, or that portion of their tax return, public each and every year to indicate the seriousness of their convictions.

Mr. MITCHELL. Mr. President, I renew my request.

Mr. DECONCINI. Mr. President, reserving the right to object.

I would like to ask the majority leader, if the majority will indulge me for a moment, does the majority leader anticipate we will be in tomorrow with votes?

Mr. MITCHELL. Unless we finish this bill tonight.

Mr. DOLE. And we have Bosnia.

Mr. MITCHELL. And we have the Bosnia matter.

Mr. DECONCINI. Is the answer, more or less, that we are going to be in tomorrow, with votes? Is that what it appears to be now?

Mr. DOLE. If the majority leader will yield, I assume there is going to a considerable amount of debate on Bosnia. I am not certain there will be a vote tomorrow.

Mr. DECONCINI. The reason I ask—it seems to me it is late —why do not we put these votes off until tomorrow morning?

Mr. MITCHELL. Mr. President, I will respond to that. We have had a lengthy delay here for three reasons.

First is that discussions were occurring regarding the substance of the bill in an effort to reach agreement on various provisions that would obviate the necessity of having votes to dispose of the matter. The second was, as the Senator has noted, to accommodate a group of Senators who left to have dinner with a foreign head of government who is in Washington at this time. And the third has been to try to resolve this issue of when we vote.

It is not uncommon. It occurs all the time.

There is a large number of Senators who want to finish the bill tonight and have no votes tomorrow. There is an equally large number of Senators who want to leave tonight—maybe a smaller number of Senators, but a number of them—who want to have no more votes tonight and put all the votes off until tomorrow morning.

I am trying very hard to reconcile what are almost irreconcilable interests.

Mr. President, I renew my request.

The PRESIDING OFFICER. If there is no objection, the majority leader's modified unanimous-consent request is agreed to.

Mr. MITCHELL. Mr. President, Senators should be aware, and I hope all will be notified, that the votes tonight will begin at 9:40 p.m. on the Bumpers amendment, and there will be at least three votes, and possibly four, depending on what occurs during the votes.

I thank my colleagues for their patience and cooperation.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, Mr. GRAMM is recognized.

Mr. MITCHELL. Would the Senator yield for just one moment?

Mr. GRAMM. I am glad to yield.

Mr. MITCHELL. Mr. President, I neglected, in making my request, to ask consent that no second-degree amendments be in order to Senator MURKOWSKI's amendment regarding reimbursement for travel to and lodging at charitable events. I now ask that my request be further modified to incorporate that.

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

Without objection, the unanimous-consent, as further modified, is agreed to.

The Chair recognizes the Senator from Texas, Mr. GRAMM.

Mr. GRAMM. Mr. President, I have remained silent all day during this debate in the hope that no one would remember that I was here. But I would just like to make a couple of comments about what we have been doing all day long.

It seems to me that there are Members of the Senate who have concluded that the American people are unhappy with us. And indeed they are unhappy with us because we have raised their taxes, squandered their money, regulated their business, refused to provide quality services in education and law enforcement and, in short, they are just outraged that we are doing a bad job.

Now, there seem to be some people who think that if we brutalize ourselves a little—first, by saying, well, if somebody gave you a Christmas tree and it was worth more than $20, you had to give it back.

Now we have an amendment saying if the Christmas tree is worth a nickel, you cannot take it.

My point is this: If you want to take a Christmas tree as a gift, take it. If you do not, do not. But I do not think the American people are going to be impressed, because it is not what we are doing to ourselves that they are mad about, it is what we are doing to them.

I do not think they are going to feel better if we slap ourselves around a couple of times because we will still be slapping them around. What we ought to be doing is trying to undo the bad things we do to the people. But penalizing ourselves in this fashion simply makes us look silly. I am sure there are people who thought when we started this debate that somehow it was going to make us look good. I think, frankly, it has made the whole institution and every Member look silly.

I hope there is a good baseball game on television tonight that somebody is watching. I hope my mama is not watching this process when we are debating silly, trivial things, so many that are unbecoming to the U.S. Senate, when there is so much real work to be done, when there are so many fundamental issues that ought to be decided and on which we should be concentrating.

I do not know in the big picture if today's debate will make any difference, but so much of it seems to trivialize the greatest deliberative body in history. I just wanted to get up and say that I do not think the U.S. Senate has covered itself in glory today. I think it is too bad. Again, I do not think that in the process of conducting this silly debate that we are making people like us more. They want us to stop doing bad things to them and nothing we do to ourselves will change that.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I will only say, with respect to comments made by the Senator, that what is silly or trivial, is of course a subjective judgment that is in the eye of the beholder. I think what the Senator has said about silly and trivial things coming before the Senate is true as to many things other than what has occurred today. We spend a lot of time on things that I feel are silly and trivial and others feel are silly and trivial. I respect his point of view. Perhaps it will lead us to think about some of the other things we do in this Senate that many of us regard as silly and trivial.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I thank the Chair. I want to make sure my colleagues understand the amendment before us. My amendment is to prohibit all political contributions from political action committees. I think it is important for the record to note that, since the passage of the Federal Election Campaign Act, the number of PAC's has grown from 680 in 1974 to 4,192 in 1992. Think of that growth when you look at the impact of political action committees as we reflect on the merits of reform legislation. PAC contributions increased from $12.5 million to $180 million, which is an increase of more than 400 percent in real terms. In 1992, 55 percent of the House winners received more than half their contributions from PAC's.

The situation is worse than is reflected by these numbers, because almost all corporate and trade PAC money, 90 percent, went to incumbents. Almost all won reelection.

So I encourage my colleagues to reflect a little bit on how the American public is going to view this vote. Are they going to view it as business as usual where there is an effort to vote down or table my amendment to prohibit political action committee contributions coming in? This legislation would prohibit a Senator specifically from accepting any gift, directly or indirectly, from a political action committee. Banning PAC contributions was really a key part in the Republican campaign reform bill. I simply extend that concept to ban contributions from lobbyists as well.

I might add, this proposed amendment would apply to both the House and Senate. Campaign reform legislation is now in conference. We hear it will be brought to the floor but oftentimes these things get bogged down in conference. My amendment provides Senators the chance to block this special influence of the PAC's, as well as the lobbyist. It is basically 2 for 1. We get an opportunity with this vote to ban both the PAC's and the lobbyist. Perhaps it is poetic justice that Members who insist on banning all gifts, all gifts from lobbyists, many of whom are facing reelection in the near future, but are against extending it to political action committees.

Mr. President, I think we have before us an opportunity to address this forthrightly, recognizing that the American public feels there is too much influence from PAC's and this is a way to address that influence as we look at the vote we are about to initiate from the Senator from Arkansas, which would prohibit all gifts. That is the question before us. Following that will be my amendment to prohibit all political action committee contribution, contribution from political action committees.

I have not heard any of my colleagues speak against the amendment proposed by the Senator from Alaska, which I find rather interesting. It will be equally interesting to see the vote count on this amendment when the time is up.

I have no further comments at this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, the amendment of the Senator from Alaska is an amendment which I personally support. I do think the fact that PAC contributions are made and are easily connected—and I think wrongly connected—but nonetheless easily connected to people's votes in the media has undermined confidence in this Government. When people read that someone gets a $5,000 contribution from a PAC and then votes in a way which that PAC supports, people jump to a conclusion that there is a connection between the two. That creates a problem in terms of public confidence and public credibility. I think we have to correct it by eliminating those PAC contributions. So I support the Murkowski amendment. I think he is right in terms of trying to raise the level of public confidence in this country.

The same thing is true with gifts from lobbyists. It is a serious issue, because most people think the lobbyists control the Federal Government. In the most recent public opinion poll—when a scientific cross-section of Americans was asked "Which of the following do you think really controls the Federal Government in Washington?"—7 percent say the President; 22 percent say the Congress; 50 percent say the lobbyists and the special interests, 50 percent.

We have to do whatever we reasonably can to inspire public confidence in Government. One of the ways we can do it is to control the gifts of meals, of tickets, of travel by lobbyists. That is what this gifts bill is all about. That is why it is serious business. It is serious business because it involves the public confidence. And in a democracy you better have public confidence because if you do not, your democracy is going to be a lot weaker.

That is what the gifts bill is about—trying to promote public confidence in Government by controlling what the public knows happens around here, which are tickets coming from lobbyists, meals paid for by lobbyists, travel paid by lobbyists. That is what we are trying to end in this gifts bill. It is serious business. It is not trivial business. It is not a waste of this Senate's time to be debating this today—quite the opposite. If we can control some of the gifts which have created this impression in the public mind that this Government is run by lobbyists, we will be making a significant contribution, I believe, to this great democracy of ours. So let us get on with it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator WALLOP is recognized.

Mr. WALLOP. Mr. President, I had thought when I announced that I was not going to run for reelection, that it would be a sad moment for me. Mr. President, I have decided that it was perhaps the wisest decision of my political career.

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

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

VOTE ON AMENDMENT NO. 1678, AS MODIFIED

The PRESIDING OFFICER. The hour of 9:40 having arrived, under the previous order, the question now is on agreeing to amendment No. 1678, as modified, offered by the Senator from Arkansas [Mr. BUMPERS].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—90

Akaka	Faircloth	Mathews
Baucus	Feingold	McCain
Bennett	Feinstein	McConnell
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Boren	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Grassley	Murkowski
Breaux	Gregg	Murray
Brown	Harkin	Nickles
Bryan	Hatch	Nunn
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Reid
Campbell	Hollings	Riegle
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Conrad	Johnston	Sarbanes
Coverdell	Kempthorne	Sasser
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dodd	Leahy	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Exon	Mack	Wofford

NAYS—3

Gramm	Levin	Metzenbaum

NOT VOTING—7

Bond	Kassebaum	Shelby
Cohen	Packwood	
Durenberger	Pryor	

So the amendment (No. 1678), as modified, was agreed to.

Mr. STEVENS. Regular order.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The question now occurs on amendment 1680 offered by the Senator from Montana [Mr. BURNS].

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 34, nays 59, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—34

Bennett	Heflin	Nickles
Brown	Helms	Pressler
Burns	Hutchison	Simpson
Coverdell	Kempthorne	Smith
Craig	Kerrey	Specter
Dole	Kohl	Thurmond
Domenici	Lautenberg	Wallop
Faircloth	Lott	Warner
Gorton	Mack	Wellstone
Gramm	McCain	Wofford
Grassley	McConnell	
Hatch	Murkowski	

NAYS—59

Akaka	Dodd	Lugar
Baucus	Dorgan	Mathews
Biden	Exon	Metzenbaum
Bingaman	Feingold	Mikulski
Boren	Feinstein	Mitchell
Boxer	Ford	Moseley-Braun
Bradley	Glenn	Moynihan
Breaux	Graham	Murray
Bryan	Gregg	Nunn
Bumpers	Harkin	Pell
Byrd	Hatfield	Reid
Campbell	Hollings	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Conrad	Kennedy	Sarbanes
D'Amato	Kerry	Sasser
Danforth	Leahy	Simon
Daschle	Levin	Stevens
DeConcini	Lieberman	

NOT VOTING—7

Bond	Kassebaum	Shelby
Cohen	Packwood	
Durenberger	Pryor	

So the amendment (No. 1680) was rejected.

The PRESIDING OFFICER. The question now occurs on amendment 1679 offered by the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Madam President, I would like to very briefly explain the intent of the amendment. The amendment offered by myself prohibits the Senate——

The PRESIDING OFFICER. The Chair will note to the Senator that debate is not in order.

Mr. MURKOWSKI. I ask unanimous consent that I may express the intent of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent?

Mr. DECONCINI. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senator from Alaska be recognized for 30 seconds to explain the intent of his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Madam President, I ask for the yeas and nays and will make a brief explanation.

The amendment would prohibit the Senator from accepting any gift directly or indirectly from a political action committee.

We are talking about trying to ban gifts here. My amendment merely adds this prohibition to include what some would consider a very important type of gift, a political contribution from a PAC.

I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1679

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 66, nays 29, as follows:

{Rollcall Vote No. 104 Leg.}

YEAS—66

Baucus	Faircloth	Lugar
Bennett	Feinstein	Mack
Bingaman	Gorton	McCain
Bond	Gramm	McConnell
Boxer	Grassley	Moseley-Braun
Bradley	Gregg	Murkowski
Brown	Hatch	Nickles
Bryan	Hatfield	Nunn
Burns	Heflin	Pressler
Campbell	Helms	Reid
Chafee	Hutchison	Rockefeller
Coats	Jeffords	Roth
Cochran	Kempthorne	Simon
Cohen	Kennedy	Simpson
Coverdell	Kerrey	Smith
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
Danforth	Lautenberg	Thurmond
Dodd	Leahy	Wallop
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Exon	Lott	Wofford

NAYS—29

Akaka	Feingold	Mikulski
Biden	Ford	Mitchell
Boren	Glenn	Moynihan
Breaux	Graham	Murray
Bumpers	Harkin	Pell
Byrd	Hollings	Riegle
Conrad	Inouye	Robb
Daschle	Johnston	Sarbanes
DeConcini	Mathews	Sasser
Dorgan	Metzenbaum	

NOT VOTING—5

Durenberger	Packwood	Shelby
Kassebaum	Pryor	

So the amendment (No. 1679) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to offer an amendment.

The Senator from Alaska.

AMENDMENT NO. 1681

(Purpose: To permit reimbursement for travel and lodging at charity events)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1681.

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

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

The amendment is as follows:

On page 43, line 22, strike "not".

On page 57, line 11, strike "not".

The PRESIDING OFFICER. There will now be 20 minutes of debate equally divided.

Mr. MURKOWSKI. Madam President, the amendment I presented would strike from the committee substitute the provision which prohibits Members of Congress from receiving private reimbursement for travel, food and lodging in connection with a charitable event.

Under this amendment such reimbursements would be permitted so long as the reimbursement was not made by a registered lobbyist or foreign agent. We have seen charitable events such as Senator Garn's Ski Cup, which goes for the Children's Hospital in Salt Lake City. It would be prohibited for Members supporting that event as a consequence of the underlying amendment.

In my State of Alaska, were we to attempt to have a charity event, we would be prohibited because transportation is not provided. The injustice of this is that under the committee substitute large charitable organizations that have the resources to have their fundraisers in Washington, DC will be

able to invite Members of Congress to their events because, under the committee amendment, the underlying amendment, a Member of Congress may accept—and this is the injustice—a Member of Congress may accept an offer to attend such an event, even if the event is a $1000 a plate dinner to raise funds for whatever purpose. But we who are out in the west, out far away, simply are excluded from that opportunity.

My amendment would allow reimbursement for lodging and transportation in connection with charitable events only.

Madam President, these events do not benefit Senators, as do political fundraisers and legal defense funds. I would like to point out that we have protected ourselves on political fundraisers, and the American public is going to question our wisdom, to say the least. We have done the same with regard to our legal defense funds, as well as political fundraisers.

One would ask and the American people will ask each of us why we have a double standard: One for political events where travel and lodging can be reimbursed and another standard for charitable events where expenses simply cannot be reimbursed.

Madam President, the inequity is obvious. I would like to refer specifically to our rules under Interpretive Ruling No. 193. The question is: May a Senator accept travel expenses from an official of a district's political party organization in return for his or her appearance at a rally sponsored by that organization?

Rule 35 excepts from the definition of "gifts, anything of value, including transportation for which consideration of equal or greater value is received. Travel incident to a political appearance would appear to meet this consideration."

So there we have it, Madam President. I ask the manager of the underlying amendment if I understand that under the provisions of the underlying bill in the Senate rules, any Senator can attend a political fundraiser and accept reimbursement for travel and lodging expenses? I ask that of the floor manager. Perhaps the floor manager was in conversation.

Mr. LEVIN. Perhaps the chairman of the Rules Committee could respond relative to existing rules, but for whom is the reimbursement you are referring to in your question?

Mr. MURKOWSKI. I am referring to Interpretive Ruling 193 and the reimbursements would be to a fellow Senator.

Mr. LEVIN. I think you have to check with the Ethics Committee.

Mr. MURKOWSKI. I just read the ruling and, indeed, it is reimbursable. The example specifically is if a Senator could attend a fundraiser for, say, the California Democratic Committee in Los Angeles, including a movie preview and an expensive dinner surrounded by lobbyists, and have his or her hotel and travel and all other expenses paid for by the California Democratic Committee. The answer, of course, under the rules, is absolutely yes, we are not prohibiting ourselves from that through this revolution of so-called gift legislation.

But the same Senator could not have his or her expenses reimbursed for participation in a fundraising event for a charitable organization that was raising money for, say, cancer detection for poor people. There is the inconsistency, and that is the justification for my amendment.

The American people are going to see through this if, indeed, we do not support and recognize that we have a legitimate contribution to make to charities in this country and it can be made in an honorable manner in spite of the opinion of some who have criticized some of the charities and particularly that of Senator Garn's ski cup where they have participated for an extended period of time. I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. WELLSTONE. If I can have 3 minutes.

Mr. LEVIN. I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Madam President, I have not had a chance to see this amendment, and I cannot speak to the interpretation to which the Senator from Alaska spoke, but I do think this goes to the heart of Senator LEVIN's amendment and what we debated in the earlier part of the day.

Clearly, Senators should be able to contribute to charities. We can do that. We can travel to gatherings on our own resources, and we can do all that. That is not really the issue. If the Senator will let me finish, that is not really the issue. The issue is what, in fact, has all too often been something that just does not seem at all credible, which is that we go to charities but it is at those gatherings—whether it is golf, tennis, recreation, plus whatever else we do—they may not be paid by lobbyists, but it is paid by the lobbyists' clients.

That is what the Senator is talking about. To the extent you have some other party that is paying your expenses, then we run right smack back into the very problem to which I think this reform is trying to speak. I think this really goes very much against the Governmental Affairs Committee amendment. I think it is a huge mistake. I think it becomes a huge loophole.

It is the very thing, quite frankly, if we are going to talk about perceptions—and that is what we have been talking about throughout the day—that has really gotten us into a lot of trouble. There is no reason why we need to have clients of lobbyists or other people paying for this. There is no reason we cannot do this on our own. I think it is a huge mistake.

So I think the Senator's amendment really does very much undercut what Senator LEVIN had been proposing and what I think we have been supporting. I will let the Senator from Michigan expand on the remarks.

Mr. MURKOWSKI. Madam President, I intend to yield time to my friend, the senior Senator from Alaska. The fact is, I will respond to the Senator from Minnesota. Under the provision of the underlying bill and the Senate's rules, any Senator can attend a political fundraiser and accept reimbursement for travel and lodging expenses, but he cannot do it for a charitable event. That is what is wrong with it.

I yield some time to my friend, the senior Senator.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I think Senator MURKOWSKI has a point. I believe every Senator here has attended political fundraising events that have included the same kind of entertainment that has been criticized so harshly. Whether it is to go to a movie in Los Angeles or go to a golf event in Florida, if it is for political purposes, a Senator may go and have the amount completely reimbursed by the candidate's political action committee or the party that is raising money for another Senator or for any other candidate, and it is deemed to be acceptable. But if we have the same kind of event in Alaska, as Senator MURKOWSKI has arranged this year, to raise money for a new breast cancer device for our State, that is not allowed.

I do not believe that that duplicity should be carried forward in this bill, and I support Senator MURKOWSKI's concept that if it is legal to have such allowance for travel for hotel bills, for expenses and for entertainment for political purposes, it is just as legal to do that for charitable purposes.

I challenge any one of you. You all have participated in it. Why suddenly say, OK, right here in Washington, it is all right here in Washington, but it is not all right when you have to travel to the West to do it?

Any one of you know what it costs to travel to our State. These people are willing to participate and support the charities of our State, just as they are yours here. Why should we not have the same considerations that you have here?

I do believe this amendment is a valid one.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. I yield myself 3 minutes.

Madam President, the rule which the Senator from Alaska is referring to is existing law and existing interpretation which is not touched by this bill. The reimbursement which he is referring to, as I understand it, in his amendment is not reimbursement which is permitted under this bill. It is an interpretive ruling, No. 189, of existing rules and laws.

If the Senator from Alaska thinks that that should be changed so that people cannot be reimbursed from their own campaign funds to go to a political function, then the Senator from Alaska should offer an amendment to tighten that restriction.

But to throw out the key provision of this committee substitute, which is to end the kind of so-called charitable, but very significant, recreational trips which are taken by Members of Congress and paid for by the interests in this country that want to hobnob with Members of Congress at those events, would be a total reversal of what we did this morning.

The Johnston amendment permitted this kind of recreational travel to a so-called charitable event. Our committee substitute does not do it.

If you want to know what the issue really is—I have these at the desk; we do not have the time to debate it—read the transcripts of the TV shows that describe these events. Each of us has to decide in our own conscience whether or not we believe credibility is contributed to with these kinds of events. That is a decision for each of us. We made that decision, I thought, this morning with a very clear vote on the Johnston substitute to the committee amendment.

That is what the issue is here with the Senator from Alaska. Do we wish to provide for this kind of recreational travel to a so-called charitable event. This morning we said no. And I think we based that to a significant degree on what we see happening at those events as portrayed in the national media.

If we are comfortable with it, if we are not embarrassed by it, if we think it contributes to the credibility of this institution to have these events, then I presume people will vote that way. I do not. I have seen these events on the TV shows. I think we undermine public confidence when there is that kind of recreational travel to a so-called charitable event which typically—typically—will have half the money going to pay for the room and travel of Members that are going, and the other half roughly—and this is just a rough estimate—going to the charity.

I yield myself 1 additional minute.

Mr. MURKOWSKI. Madam President, could I inquire how much time is remaining?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The floor has been yielded. The Senator from Alaska is recognized.

Mr. MURKOWSKI. May I ask how much time we have on this side, Madam President?

The PRESIDING OFFICER. Two minutes 26 seconds.

Mr. MURKOWSKI. I yield myself 30 seconds.

I ask my colleagues to recognize what we are doing. We are setting two standards here. We are setting a standard for our political activity and another standard for our charitable activity. Who are we trying to kid? The group that hobnobs at a charity event is not that the same group that is going to hobnob at a political event, the lobbyists and the PAC's. Let us not kid ourselves. A charity event is just that. The proceeds go for charity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. A political event is a political event, but you have people wearing the same hats at both.

I yield my friend from Utah 1 minute.

The PRESIDING OFFICER (MR. GRAHAM). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I wish to say as the Senator from a State where one of these events has gone on, that prior to the time the Senators started coming to Utah for the ski event, the Primary Children's Hospital was unable to raise the sums that have been raised since then. There is no question but that crippled children have benefited tremendously by the Senators coming there.

Second, I have seen the television and I have attended the event, and I find no correlation of truth between the television view and what actually went on.

I think the time has come for the Senate to stand up and be serious about this. Charitable events are, indeed, charitable. And if we let our lives be run by the scandals that are run on television, we will all be forced to retire at some point or other.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Who yields time? The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, if no other Senator wishes to speak—I yield 1 minute to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Alaska yields to the Senator from Vermont.

Mr. JEFFORDS. I was one who also, Mr. President, attended the events in Utah. I have never been so moved as when I saw Jason this last time, who came to us limping and on crutches and thanked us for making his life to be a little bit brighter because of the efforts that went on at that event. I think we were all moved to tears. And to think that I no longer can go there because of the scandal sheet, and the TV portrayed something which never happened to me—I never was lobbied once in all the time I was there, never once by any lobbyist—and yet, it was a beautiful event, a beautiful expression of kindness and thanks.

The PRESIDING OFFICER. The Senator's time has expired.

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

The PRESIDING OFFICER. The Senator from Michigan controls the remaining time, 4 minutes 48 seconds.

Mr. LEVIN. I yield 1 minute to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I think this debate has pointed out the difficulty we are all trying to come to grips with. We are looking for symmetry between what we can do as candidates and what we can do as Senators.

But there is no symmetry. The Senate has gone on record in favor of the Bumpers amendment to reduce the value of a gift that can be given down to zero. If you follow the logic and apply it to campaigns, then you eliminate all contributions to campaigns other than through public financing. We have yet to take that step, and there are very few who are willing to take that step.

Bumpers says no gift of any kind. Yet, contributors, lobbyists, PAC's, and CEO's can all contribute substantial amounts to our campaign funds. So we have a great disconnect. We are not going to resolve that issue here tonight by saying we should have one rule for campaigns, but another for gifts and charitable events. I agree with Senator LEVIN; this amendment would in fact amount to a reversal of what we did this morning, and I would argue we ought not to accept it.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey, 2 minutes.

Mr. LAUTENBERG. I thank the Chair.

I, too, attended for a few years the ski cup in Utah, had a very good time, and was convinced that the Primary Children's Hospital was a wonderful place. And the last time I went I brought a check from me, personally, to the hospital because I thought it was so good.

But when you do the accounting and you look at what is spent on travel and entertainment and lodging and ski lifts and ski instructors, and you count the net, I think that we could do just as well for the Primary Children's Hospital if we all said to the companies that sponsored it, give it direct and we will salute you out here in front of the Capitol. Give the money direct and forget about all of the other stuff, the entertainment. It was fun while it lasted, but its time has passed, Mr. President.

Mr. MURKOWSKI. Will the Senator from New Jersey yield for a question?

Mr. LAUTENBERG. On whose time?

Mr. MURKOWSKI. On the Senator's time.

The PRESIDING OFFICER. The Senator from Alaska has no time to yield.

Mr. LAUTENBERG. I had 1 minute. Is my minute used?

The PRESIDING OFFICER. The Senator had 2 minutes. He has 1 minute remaining.

Mr. LAUTENBERG. I had 1 minute.

The PRESIDING OFFICER. The Senator has 1 minute remaining of the 2 minutes that were yielded the Senator by the Senator from Michigan.

Mr. LAUTENBERG. Sure.

Mr. MURKOWSKI. I would ask my good friend from New Jersey, since he obviously is an expert and has attended the Jake Garn ski event on many occasions, why it took him so long to find out it was not a worthwhile event?

Mr. LAUTENBERG. I never said it was not a worthwhile event. I said that things have changed.

The Senator asked me for an answer. I am going to give it to him. Things change. People expect different things from us. We used to have free gyms, we used to have free doctors, we used to have free this and free that. Why did we vote to change them? Because the public expects more of their public servants than to be out on a ski trip or a golf trip or a tennis trip.

What they expect is that if we are going to do our business, it is going to be done primarily here. And when we go some place like that, I submit to you, pay for it and go and show how serious you are about the Primary Children's Hospital.

The PRESIDING OFFICER. The time yielded has expired.

Who yields time?

Mr. MURKOWSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If I have any time, I yield it back.

The PRESIDING OFFICER. The Senator from Michigan yields back the remaining time.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

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

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—37

Bennett	Domenici	McCain
Bond	Dorgan	McConnell
Byrd	Faircloth	Murkowski
Campbell	Gramm	Nunn
Chafee	Gregg	Pell
Coats	Hatch	Rockefeller
Cochran	Helms	Simpson
Coverdell	Hollings	Smith
Craig	Inouye	Stevens
D'Amato	Jeffords	Thurmond
Danforth	Johnston	Wallop
Dodd	Kempthorne	
Dole	Lott	

NAYS—58

Akaka	Glenn	Mikulski
Baucus	Gorton	Mitchell
Biden	Graham	Moseley-Braun
Bingaman	Grassley	Moynihan
Boren	Harkin	Murray
Boxer	Hatfield	Nickles
Bradley	Heflin	Pressler
Breaux	Hutchison	Reid
Brown	Kennedy	Riegle
Bryan	Kerrey	Robb
Bumpers	Kerry	Roth
Burns	Kohl	Sarbanes
Cohen	Lautenberg	Sasser
Conrad	Leahy	Simon
Daschle	Levin	Specter
DeConcini	Lieberman	Warner
Exon	Lugar	Wellstone
Feingold	Mack	Wofford
Feinstein	Mathews	
Ford	Metzenbaum	

NOT VOTING—5

Durenberger	Packwood	Shelby
Kassebaum	Pryor	

So the amendment (No. 1681) was rejected.

Mr. DOLE. Mr. President, it is my understanding that the bill reported by the Government Affairs Committee would prohibit contributions by registered lobbyists to an entity that is maintained or controlled by that Member. Is this correct?

Mr. LEVIN. Yes.

Mr. DOLE. As my colleagues know, I am currently chairman of the Dole Foundation, a tax-exempt non-profit organization established to expand employment opportunities for persons with disabilities. Assuming that I maintain or control the Dole Foundation, the committee-passed bill would prohibit registered lobbyists from offering monetary contributions or other items of value to the Dole Foundation. Is this correct?

Mr. LEVIN. Yes, it is correct. The committee-passed bill prohibits contributions by registered lobbyists to foundations or charities maintained or controlled by a Member, officer, or employee of the Senate.

This prohibition, however, does not apply to contributions to a foundation or charity by anyone other than a registered lobbyist. The prohibition applies only to contributions by registered lobbyists.

Under S. 349, the Lobbying Disclosure Act, a registered lobbyist is "an individual who is employed or retained by another for financial or other compensation to perform services that include lobbying contacts." The term "registered lobbyist" does not cover "an individual whose lobbying activities are incidental to, and are not a significant part of, the services provided by such individual to the client."

In the committee report on S. 349, we interpret this level of activity to mean more than 10 percent of a person's working time. This definition is obviously not intended to cover the overwhelming majority of corporate chief executive officers, other corporate officers, or members of corporate boards. For example, a CEO who visits Washington, DC, four times a year to talk to Members and staff, or a person who serves on a board of directors who infrequently calls a Member on behalf of the company for whom he serves, or an officer or employee of a company who engages in lobbying activities in a manner incidental to his normal duties, would not be considered a lobbyist.

Mr. DOLE. In other words, if the committee-passed bill became law, it would still be permissible for me to request contributions on behalf of the Dole Foundation from most corporate executives, and it would also be permissible for these executives to make contributions to charitable foundations like the Dole Foundation.

Mr. LEVIN. That is correct.

Mr. DOLE. I thank the distinguished Senator from Michigan for his comments.

AMENDMENT NO. 1674

Mr. DODD. Mr. President, in recent years, many Americans have expressed dissatisfaction with Congress. It seems that every other day there is an opinion poll in which Members of Congress are ranked at the bottom of the list of trusted professions.

I am concerned about the way in which Americans will view this debate. It seems to me that we are almost promoting the perception that every Member of Congress is being corrupted by lobbyists. Certainly, that is not an accurate reflection of reality. We must restore the public's confidence in Congress, but we need to find careful solutions that do not create more problems than they solve.

During my years in the Senate, I have fought to reform the political system. In 1988, I introduced a bill to ban honoraria—the speaking fees that Members of Congress were receiving from special interest groups. That measure was eventually enacted into law and now those fees go to charities. That measure was a step toward ensuring that Members of Congress are responsive only to those paying their salaries—the taxpayers.

Senator LEVIN deserves commendation for his more recent efforts to craft gift reform legislation. However, I am concerned that his gift ban bill may actually create more uncertainty as Members of Congress try to determine what is permissible.

Some of my colleagues have already discussed the problems with the lack of clear definitions in the bill. If the bill is not modified, Members would have to determine who is a "friend," what constitutes a "widely-attended" event, and what types of activities are "substantially recreational." Consideration of these issues could be humorous, except that someone's reputation would be at stake. The ambiguity of such provisions could also create a large bureaucracy at the Ethics Committee, as additional staff spends hours attempting to apply these rules.

The Levin bill would also limit the time and energy that Members of Congress and their staff could devote to fund-raising for charities. Instead of suggesting that such activities are somehow inappropriate, we ought to

In my view, Senators JOHNSTON and MCCONNELL have crafted a more practical alternative. Their amendment would change current law to limit the types of gifts Members and staff could accept. It would also require disclosure of any gifts over $75 and any privately funded trips. With better disclosure requirements in place, the public can judge for itself whether Members are being faithful to the electorate. Finally, the amendment contains a severe penalty—expulsion—for any violations.

In the long run, the best way to reform the political process is through campaign finance reform. The problem is not that a Member of Congress receives an occasional gift from a constituent, or takes a trip to a foreign country to help expand economic opportunities for American businesses. The problem is that candidates must spend too much time trying to raise the ridiculously large sums of money that it takes to run a campaign. Although practical limitations on the activities of professional lobbyists are important, we must also move comprehensive campaign finance reform through this Congress.

Mr. SIMPSON. We earlier passed a managers amendment which banned the current practice that allowed registered lobbyists to write checks to charities designated by Senators who have delivered a speech for an honorarium. This prohibition, however, is limited only to lobbyists and registered foreign agents. Honoraria speeches can still be made under this bill. Appropriate charities can still be designated by the Senator making the speech. The major change in the law is that the payments must not be written or tendered by lobbyists or foreign agents. Of course, 100 percent of any honoraria must go to the charity. I wish to direct this inquiry to the author of the bill, Senator LEVIN. On February 13, 1992, Senator KENNEDY and I received a ruling from the Senate Ethics Committee in regard to our participation in a series of broadcasts known as Face Off on the Mutual Broadcast System. As a result of our participation on Face Off, we are able to direct $25,000 per year to various charitable causes. We are, of course, prohibited from personally keeping one cent of that money. The checks to the selected charities are received from the broadcast group which produces "Face Off." The broadcast group is neither a foreign agent or a registered lobbyist. Would the bill, as amended, in the view of the Senator from Michigan, have any adverse effect on this arrangement?

Mr. LEVIN. If the broadcast group is neither a registered lobbyist nor a foreign agent, it is my opinion that this bill would not in any way change, alter or amend the earlier Ethics Committee ruling on that subject.

Mr. SIMPSON. Mr. President, in the year 1992 our Senate colleagues directed over $500,000 to go to charities as a result of speeches which they made. By current law, not one cent of those funds went into any Member's pockets. In 1991, the amount was over $762,000. These funds go to organizations such as the Girl Scouts, the Boy Scouts, the American Cancer Society, universities, community colleges, environmental and Conservation causes, scholarship programs, veterans groups, and many other worthwhile charitable and educational institutions. I believe this kind of work which Senators do to benefit charities is most commendable. This bill would have banned that type of activity entirely. I was prepared to offer an amendment which would have continued current law regarding charitable honoraria. Since my amendment became known to my old friend, Senator CARL LEVIN, the author of the legislation, he and I and our respective staff members have engaged in fruitful negotiations. I think we have achieved a solution which will allow these types of worthwhile organizations to continue to receive proceeds from honoraria. However, since this bill is mostly about appearances, and the perceived influence of registered lobbyists, we have agreed to modifications of the current system. I commend Senator LEVIN and his staff for their work in helping to draft this resolution.

As I understand it, provisions in the managers' amendment would prohibit charitable contributions in lieu of honoraria if those contributions are made directly by a lobbyist or a registered foreign agency is that correct?

Mr. LEVIN. That is correct.

Mr. SIMPSON. However, I understand that nothing in the managers' amendment which includes the provisions I requested would prohibit a Member from entering into an agreement to make a speech, and then to direct that an honorarium for the speech go to appropriate charities so long as the person who writes the check to the charity is not a registered lobbyist or registered foreign agent. Is that correct?

Mr. LEVIN. That is correct. It is not our intention to prohibit Senators from directing honoraria proceeds to worthy charities. However, we do not want the perception to be that lobbyists are seeking to influence a Senator by contributing to his or her favorite charity. The entire focus of this bill is to avoid that sort of perception. Accordingly, the prohibition extends only to lobbyists or foreign agents.

Mr. SIMPSON. I very much appreciate the outstanding cooperation I have received from my fine friends, Senator LEVIN and Senator COHEN, in arriving at a satisfactory solution to this matter.

AMENDMENT NO. 1682

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. DECONCINI, Mr. KERRY, Mrs. BOXER, Mr. LAUTENBERG, Mr. DASCHLE, Mr. REID, Mr. WELLSTONE, and Mr. BRADLEY, proposes an amendment numbered 1682.

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

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

The amendment is as follows:

At the appropriate place add the following:

It is sense of the Senate that any Member who voted May 5, 1994, to amend S. 1935 to reduce the pay of Members of the Senate by 15%, should return to the U.S. Treasury the full amount of any pay that would not have been received had the amendment been enacted into law and that such Members should provide evidence to the public on an annual basis that they have done so.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, we have had several discussions involving a large number of Senators in an effort to devise a procedure to complete action on this bill and to take up other matters. The Republican leader and I have reached agreement which has not been reduced to writing and, therefore, I am not prepared to formally present it as a unanimous consent request.

But, in view of the hour, so as not to inconvenience Senators, what I will do now is describe the terms of the agreement and, if agreeable to Senators, then to state that there will be no further votes and Senators could leave and we will remain and put this into

the formal language necessary for an agreement.

The agreement contemplates the following actions, which involve the time between now and next Wednesday.

With respect to the pending bill, there would be only five amendments remaining in order: The managers' package of amendments; an amendment by Senator MURKOWSKI, which will require that reimbursement for political travel be treated in a form identical to reimbursement for travel to charitable events. And these amendments will be taken up, when we do take them up, as I subsequently describe in the order stated.

Then an amendment by Senator D'AMATO, regarding the use of racial justice statistics in the application of the death penalty. Then an amendment by Senator EXON, which would require that any Senator who voted for the reduction in pay earlier today be required to accept a lower rate of pay, even if the amendment offered earlier does not become law. Then an amendment by Senator DOLE, requiring that any Member of the Senate who has previously voted against an increase in pay which became law and then accepted the increase be required to refund that amount.

Those will be the only amendments in order to the pending bill and there will be no second-degree amendments or motions to recommit in order. Those will be the only amendments in order to the bill and they will have to be offered and debated tomorrow in order to be in order.

Upon the completion of that debate, the Senate will take up tomorrow the environmental technology bill. Any amendments to be offered to that bill will have to be offered tomorrow to be in order.

Following that, the Senate will then proceed to the Bosnia legislation for debate only.

The votes that are required on either the pending bill or the environmental technology bill will not occur tomorrow but will be stacked to occur beginning next Wednesday afternoon.

So that there will be no votes tomorrow but there will be debate and amendments offered on the pending bill limited to the 5 amendments I have just described, all first-degree, no second-degree amendments or motions to recommit in order. And the votes on the environmental technology bill as necessary will also be stacked to occur beginning on Wednesday afternoon.

The Bosnia matter will be before the Senate. That will be for debate only and no votes will be stacked with respect to that as of tomorrow.

On Monday, the Senate will proceed to consideration of the Safe Drinking Water Act for debate only, and the offering of amendments. If any amendments are offered and votes will be required, they will be stacked to occur on Wednesday afternoon. On Tuesday, the Senate will resume on the Bosnia resolution and it is expected that debate will take up all or much of that day.

On Wednesday morning it would be my intention to proceed to the Budget Resolution Conference Report. Any votes that are required with respect to Bosnia will occur not earlier than Wednesday afternoon, if debate has been completed by that time. But this does not require the completion of that debate by that time. And the same is true with respect to the budget resolution.

So there would be no votes until next Wednesday afternoon. In the meantime we would complete action on all amendments relating to the pending bill and final passage, of course, would occur also. The same is true with respect to the environmental technology bill. We will have begun debate on Bosnia, perhaps completed it; begun debate on the Safe Drinking Water Act; and also have begun, and hopefully completed, debate on the Budget Resolution Conference Report.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I understand this has not been formally propounded yet, but I rise on behalf of half a dozen Senators who have spoken to me relative to the potential racial justice amendment. If it is put in, and if there is no ability to amend that or second degree that amendment, I would have to object to any unanimous consent agreement.

I am delighted to vote on racial justice if that is what my friend from New York wishes to do. I have not seen it. I do not know what it is going to be and it is a very important matter. I am unwilling, though, in the blind—and I do not think in 22 years I have ever objected to a unanimous consent agreement, but I would be unwilling to—I would be forced to object unless I could reserve a place. I have no second degree necessarily. I do not know. But I would like to reserve a place for the possibility of a second-degree amendment on the amendment of the Senator from New York on racial justice. If he would not object to that I have no objection to proceeding on voting on that issue. But I would like to reserve that right.

Again, I speak not only for myself, but a number of my colleagues have come to me to ask me to protect them in this regard if that is to occur.

Mr. MITCHELL. I inquire of the Senator from New York whether that is agreeable to him?

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not wish to obstruct the proceedings either. But I do believe it is a very straightforward amendment. I would be willing to share it. Possibly if the Senator has any objections at that point we could discuss it. It is very simple. It simply says,

> It is the sense of the Senate that the upcoming Senate-House conference on omnibus crime legislation should reject the Racial Justice Act provisions contained in title IX of the crime bill passed by the House of Representatives on April 21, 1994.

I do not know how you could provide for a second-degree, in all due candor. It is a pretty straight issue. Really an up-or-down vote on it would be appropriate. If my colleague would like to provide—and I might suggest to the leaders, it would seem to me we might want to save some additional time Wednesday, for example—maybe a half-hour or 20 minutes to be debated on Wednesday as well or whatever time one might feel appropriate, I certainly would not object to that.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I appreciate the comments of my friend from New York. I suggest there are several ways that have been discussed about amending the amendment of the Senator from New York. For example, there are those who have suggested that it be amended in such a way as to suggest the Racial Justice Act, as contained in the House crime bill, be modified to apply only to Federal—only apply federally. There are those who suggested that there be instructions to vote to amend it for purposes of deleting additional provisions in the House bill. So there are a number of ways it can be amended.

I have not made any such judgment to amend it. But I know, whether it is Senator KENNEDY or Senator MOSELEY-BRAUN or a half a dozen other of my colleagues, since this, as they say, happens on my watch, I am not prepared to agree to a unanimous consent agreement that does not give me or anyone else the right to come with a second-degree amendment.

It is not the time. I am willing to limit the debate. I cannot speak for everyone, but for me, I am willing to limit the debate on a second-degree amendment as well as the underlying amendment to a relatively short amount of time. I am not looking for hours. I would look for minutes—40 minutes or 60 minutes divided.

But I am not willing to agree to a UC if that does not allow me to have the right to attempt to amend the amendment of the Senator from New York. This issue, as we all know—we have debated it many times on the floor—is incredibly contentious. But it is also incredibly important. The Senator from New York feels very strongly about it but the Senator from Delaware feels equally strongly the opposite way.

So I do not want, in the spirit of getting us out tonight—and I can think of no better reason to leave tonight than what happened today—but I think ev-

eryone would be anxious to end this session and end the misery. But I, for one, am not prepared to agree to an UC that does not give me the opportunity, if I choose to, to amend in the second degree the racial justice amendment of the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. If I might suggest a possible way to deal with this? I just make this in the spirit of a suggestion to accommodate all.

Would the Senator from Delaware's opportunity to put forth his views on this be protected if he were to reserve a place to offer an amendment after my amendment, so we could each have a vote, up or down? We could have a vote on this and then if he chooses to go forward with another amendment dealing with this area, then so be it. And he would have the same right, subject to no second-degree amendment, so the Senate could vote. It might vote inconsistently on one or the other but the Members would then have a right to vote.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. That would satisfy an apparent sense of equity but it may put me at a disadvantage in terms of being able to defeat the Senator's amendment, and on this matter I feel very, very strongly about this racial justice provision and I do not wish to yield any rights I have on the floor that could enhance the possibility of my being able to. I realize the Senator has had the votes in the past. I am not one to tilt at windmills. That is why I am willing to limit the time.

I realize the last time we had a vote on this the Senator from New York, his position, won roughly 70 to 30. But I would like to have the opportunity to use the rules of the Senate in terms of amendment to be able to make it more difficult for the Senator to win.

As the Senator knows, we have always had a great relationship. I have never had anything but respect for him. I will do everything in my power at this moment under the rules to make it difficult for the Senator to win, or at least to decrease his margin. So I will not agree to a UC unless I have the opportunity, if we choose, to second degree the amendment.

I apologize to the majority leader. I know how hard he and the Republican leader worked on this. As I said, I do not think in 22 years I have ever done this but this is too important to me.

Mr. D'AMATO. I respect my colleague's decision.

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

The PRESIDING OFFICER [Mr. MATHEWS]. 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.

Mr. MITCHELL. Mr. President, I am going to renew the request, or make the request in the form that I described earlier with the following modifications, and they all relate to the pending bill and the amendments to be offered to the pending bill.

First, the order of the amendments will be changed so they will be in the following order tomorrow morning: The first amendment by Senator EXON, the subject matter as I have previously described; the second by Senator DOLE, again as previously described; the third amendment by Senator D'AMATO, the subject matter as previously described; and the fourth amendment by Senator MURKOWSKI, the subject matter as previously described.

In addition, there will be a managers' package of amendments to be offered at the discretion of the managers. The amendments by Senator EXON and DOLE will be in the nature of sense of the Senate.

The amendment by Senator D'AMATO will be subject to a relevant second-degree amendment to be offered by Senator BIDEN, if he chooses to do so.

In addition to the debate on that amendment tomorrow, there will be an additional 30 minutes of debate equally divided prior to the vote on that matter on next Wednesday when the vote occurs.

I believe I have stated all of the changes. But I invite the Republican leader to either confirm that or correct anything that I have stated that is not correct.

Mr. DOLE. That is correct. The remainder of the previous requests would be the same.

Mr. MITCHELL. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is noted.

Mr. BROWN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Do I hear further objection? Is there any further discussion on the unanimous consent?

Mr. MITCHELL. Mr. President, I have not yet formally presented the request. But hearing no objection from any Senator, I am taking this as an assent to the proposed schedule as I have described. And we are now going to present it formally for approval by the Senate. But having received that assent—and I note no objection by any Senator to this proposal—I, therefore, will take that assent, and the obtaining of the agreement, the formal approval of the agreement, will merely be to confirm that to which we have all now agreed upon.

Accordingly, there will be no further votes this evening. And we are going to try to get the agreement in place before we leave this evening, and once the agreement is obtained, the next record vote will occur on next Wednesday afternoon.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I want to make a note for the RECORD. Apparently, earlier this evening at least one Member of the Senate made an accusation directed toward the majority leader concerning his attempt to accommodate me and another Member.

I would like the RECORD to reflect that at no time did I seek any accession or window of time from the majority leader nor did he ever grant me any. As a matter of fact, I was meeting with a head of state, and it would have been enormously embarrassing to have left that head of state under the circumstances.

I made it very clear to the minority leader that I wished to have no accommodation made on my behalf, and I felt it was more important under the circumstances not to embarrass a head of state.

So any accusation directed toward the majority leader was completely wrong. But nonetheless, it was made, and should be clarified as the majority leader did absolutely nothing to accommodate me because I did not ask him to.

I have tried over the years not to tread upon his generosity. This was one case in which that was true.

With respect to why we are deferring any voting until next Wednesday, I think it is clear. There are a number of Members who have travel plans that we would like to accommodate. They are going on a very important mission, and we would like to accommodate their schedule.

There are also intervening elections, and for that reason, there is no objection to postponing any voting on this measure until next Wednesday. But I do think it reflects the attitude on the part of some who would unknowingly or carelessly make accusations which are completely untrue.

I wanted to clarify the record. My friend from Maine, the majority leader, at no time tried to accommodate this Senator by virtue of our friendship and the fact that we have shared the same constituency.

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

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

Mr. LEVIN. Mr. President, I send to the desk a managers' amendment and ask that it be considered at this time.

AMENDMENT NO. 1683

(Purpose: To make technical amendments and to prohibit lobbyists from making gifts in violation of the rules of the Senate and House of Representatives)

Mr. LEVIN. Mr. President, I send a managers' amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1683.

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

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

The amendment is as follows:

On page 36, line 13, after "client" insert "or firm".

On page 36, line 21, strike "and" and insert "or".

On page 37, line 6, insert "Election" before "Campaign".

On page 37, lines 19 and 20, strike "business or employment" and insert "business, employment, or other outside".

On page 37, line 21, strike "have not been offered" and all that follows through the end of the sentence and insert "are customarily provided to others in similar circumstances."

On page 38, line 18, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 41, between lines 14 and 16, insert the following:

"(14) A plaque, trophy, or other memento of modest value.

"(15) An item for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

On page 42, line 6, beginning with "family member or friend" strike all through line 16, and insert the following: "individual providing the item—

"(A) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(B) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(3) For purposes of clause (2), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 42, line 21, after "similar event," insert "provided by the sponsor of the event,".

On page 44, line 4, strike "to the event" and insert "to the event,".

On page 44, between lines 16 and 17, insert the following:

"(d) 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, shared within the recipient's office, or destroyed.".

On page 45, lines 10 and 11, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman).

On page 45 lines 24 and 25, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 46, lines 7 and 8, strike "clauses (1) and (2)" and insert "paragraphs 1 and 2".

On page 47, lines 19 and 20, strike "government organization" and insert "government or organization".

On page 48, line 8, before "with participation" insert a period and "No Member, officer, or employee may accept funds in connection".

On page 48, line 18, strike "Rule XLIII of" and insert "rule XLIII of the Rules of".

On page 50, line 5, after "client" insert "or firm".

On page 50, line 13, strike "and" and insert "or".

On page 50, line 22, insert "Election" before "Campaign".

On page 51, lines 10 and 11, strike "business or employment" and insert "business, employment, or other outside".

On page 51, line 12, strike "have not been offered" and all that follows to line 14, and insert "are customarily provided others in similar circumstances."

On page 52, line 7, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 53, lines 4 and 5, strike "Committee on Rules and Administration" and insert "Committee on Standards of Official Conduct".

On page 55, between lines 4 and 5, insert the following:

"(M) A plaque, trophy, or other memento of modest value.

"(N) An item for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

On page 55, line 19, beginning with "family member or friend" strike all through page 56, line 4, and insert the following: "individual providing the item—

"(i) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(ii) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(C) For purposes of clause (B), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 56, line 9, after "similar event," insert "provided by the sponsor of the event".

On page 57, line 18, strike "to the event" and insert "to the event,".

On page 58, between lines 6 and 7, insert the following new subparagraph:

"(4) When it is not practical to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.

On page 59, lines 2 and 3, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, lines 16 and 17, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, line 25, strike "(A) and (B)" and insert "(a) and (b)".

On page 60, lines 10 and 11, strike "Ethics Committee" and insert "Committee on Standards of Official Conduct".

On page 62, line 8, strike "Committee on House Administration" and insert "Committee on Standards of Official Conduct".

On page 36, strike lines 1–8 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 36, line 20, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 36, line 24, strike "employee." and insert the following:

"employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 49, strike lines 17–24 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 50, line 12, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 50, line 16, strike "employee." and insert the following:

"employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 37, line 13, strike the period and insert the following:

"(subject to prior approval by the Ethics Committee in the case of a gift to a Member, officer or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship)."

On page 51, line 4, strike the period and insert the following:

"(subject to prior approval by the Committee on Standards of Official Conduct in the case of a gift to a Member, officer or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship)."

On page 63, strike line 11 and insert the following:

SEC. 5. REPEAL OF OBSOLETE PROVISION.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

SEC. 6. PROHIBITION ON LOBBYISTS.

No person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute shall provide a gift to any Member, officer, or employee of the Senate or the House of Representatives, or a spouse or dependent of the Member, officer, or employee, if the lobbyist or foreign agent knows that the acceptance of the gift by the Member, officer, employee, spouse, or dependent would violate Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives.

SEC. 7. EXERCISE OF CONGRESSIONAL RULEMAKING POWER.

Except for sections 4, 5, and 6, this Act is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, 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 ex-

tent 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. 8.

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.

SEC. 9.

No provision of this bill shall be interpreted to limit a contribution or other payment to a legal expense fund established for the benefit of a member officer, or employee by any person other than a lobbyist or a foreign agent.

SEC. 10.

The rules on acceptance of meals and entertainment provided to a Member or an employee of a Member in the Member's home State prior to the adoption of reasonable limitations by the appropriate Committees shall be the rules in effect on the day before the effective date of this bill.

SEC. 11. EFFECTIVE DATE.

Mr. LEVIN. Mr. President, this amendment contains a number of technical clarifying changes on behalf of the managers, as well as several amendments that have been worked out with Members from both sides of the aisle.

In particular, it would clarify that:

Gifts based on outside activities of a Member's spouse may be accepted to the same extent as gifts based on outside activities of the Member himself or herself;

Commemorative items and mementos of modest value may be accepted from anybody other than a lobbyist;

A gift may not be accepted on the basis of the personal friendship exception if the friend seeks reimbursement or compensation for the gift from a client or firm;

The bill would not limit contributions to legal defense funds by anyone other than a lobbyist or a foreign agent;

Free attendance at a widely attended event may be accepted from the sponsor of the event, but not from an outside party that may have purchased tickets to the event; and

When it is not practical to return a gift because it is perishable, the gift may be given to charity or shared within the recipient's office.

In addition, the amendment would make it unlawful for a lobbyist to provide a gift to a Member of Congress in knowing violation of the new rules; provide for Ethics Committee waivers of the rules in unusual cases and require advance authorization for gifts to Members in excess of $250 on the basis of personal friendship; and clarify that this bill is an exercise of congressional rulemaking authority. It would also authorize the Rules Committee to accept certain gifts on behalf of the Senate and revise the provision on charitable contributions in lieu of honoraria, so that it would apply only to lobbyists and foreign agents.

I believe that these changes are all consistent with the underlying purpose of the bill and the committee's intent in adopting the substitute.

Mr. President, I think this is acceptable to both sides.

Mr. COHEN. The minority accepts the managers' amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1683) was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only amendments remaining in order to S. 1935 be the following, with no second-degree amendments in order, except where noted; and that they must be offered on Friday, May 6, and in the order listed, and that no motion to recommit be in order:

An amendment by Senator EXON, sense-of-the-Senate, regarding a pay cut; an amendment by Senator DOLE, sense-of-the-Senate, regarding a pay cut; an amendment by Senator D'AMATO regarding racial justice, with a relevant second-degree amendment by Senator BIDEN or his designee to be in order to the D'Amato amendment; an amendment by Senator MURKOWSKI regarding political travel.

I further ask unanimous consent that there be 30 minutes total for debate on Wednesday on the D'Amato amendment and the second-degree amendment by Senator BIDEN, or his designee, related to racial justice, with the time equally divided and controlled in the usual form.

I further ask unanimous consent that on Friday, May 6, following completion of debate on amendments to S. 1935, the Senate proceed to the consideration of calendar No. 227, S. 978, the National Environmental Technology Act of 1994, and that the bill be considered under the following limitations, and that no motions to recommit be in order, and that the only first degree floor amendments in order to the bill be the following, with relevant second-degree amendments in order to the first degree to which it is offered, and that the listed amendments must be offered by the close of business on Friday, May 6:

An amendment by Senator BAUCUS and others in the nature of a substitute; an amendment by Senator MCCAIN regarding overflights; an amendment by Senator FORD regarding overflights; an amendment by Senator STEVENS relating to sewage; an amendment by Senator KERRY of Massachusetts that is relevant; an amendment by Senator KERREY of Nebraska that is relevant; an amendment by Senator CHAFEE that is relevant; an amendment by Senator MCCAIN regarding wastewater treatment; an amendment by Senator BAUCUS that is relevant; that immediately after the bill is reported, Senator BAUCUS be recognized to offer a substitute amendment, and that the amendment be agreed to as original text for the purpose of further amendment; that upon disposition of the list of amendments, the committee substitute, as amended, be agreed to, and the bill read the third time.

I further ask unanimous consent that on Friday, upon completion of all debate on the listed amendments to S. 978, the Senate then proceed to S. 2042, the Bosnia arms embargo bill, for debate only.

I further ask unanimous consent that on Monday, May 9, at 3:30 p.m., the Senate proceed to Calendar item No. 412, S. 2019, the Safe Drinking Water Act.

I further ask unanimous consent that on Tuesday, May 10, at 10 a.m., the Senate resume consideration of the Bosnia Arms Embargo Act.

I further ask unanimous consent that on Wednesday, May 11, at 10 a.m., the Senate proceed to the consideration of the concurrent budget resolution conference report, and that no rollcall votes occur before 5 p.m. on Wednesday, May 11.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their patience and cooperation. I think the order is self-explanatory. Tomorrow we will complete action on the remaining amendments on S. 1935. Any votes which are required will be set over until next Wednesday, no earlier than 5 p.m.

We will then take up and complete action on the Environmental Technology Act, and all amendments thereto must be offered tomorrow, and any votes on that will be set over until next Wednesday. Then we will begin debate on the Bosnia Arms Embargo Act.

On Monday we begin discussion on the Safe Drinking Water Act. There will be no votes on that day. On Tuesday we resume debate on the Bosnia Arms Embargo Act with no vote on that day.

On Wednesday at 10 a.m. we will begin consideration of a budget resolution conference report. Votes will occur on that day beginning at no ear-

lier than 5 p.m. It is my intention to have the votes begin at 5 p.m. So there will be a number of votes on next Wednesday beginning at 5 p.m. This accommodates the maximum possible number of Senators.

I thank my colleagues for their cooperation, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank the majority leader as always for his magic.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

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

THE CAIRO ACCORD

Mr. PELL. Mr. President, yesterday in Cairo another milestone was passed in the march toward peace in the Middle East. Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasir Arafat, after a slight hitch in the ceremonies, signed an agreement to implement the landmark Declaration of Principles.

The Cairo agreement brings to a close a tense negotiating period between Israel and the PLO. There have been tremendous ups and downs since the September 13, 1993, signing of the Declaration of Principles. Indiscriminate acts of violence and terror on both sides, including the Hebron killings, interrupted discussions and threatened to undermine the process altogether. Charges of bad faith and expressions of concern resulted from Arafat's lukewarm condemnation of the Afula and Hadeira bombings.

But in the end, the leaders on both sides—Prime Minister Rabin, Chairman Arafat, Foreign Minister Peres, Nabil Shaath—shouldered the responsibility to keep the negotiations going. Underneath it all was the patience and constancy of U.S. officials such as Secretary of State Warren Christopher, Ambassador Dennis Ross, and indeed, President Clinton himself, who all worked diligently and effectively behind the scenes to sustain the momentum.

I would also like to take a moment to express my appreciation and gratitude for the role that Egypt, and particularly President Hosni Mubarak, played in the negotiations. Because Egypt has been at peace with Israel for 15 years now, it is almost easy to overlook Egypt's importance and helpfulness in the process. But President Mubarak and his able Foreign Minister Amre Moussa have been there all along, working as hosts and intermediaries in the negotiations. Without Egypt's crucial support, yesterday's agreement may not have materialized.

Yesterday, Mr. President, as I observed the images of the signing ceremony, I was struck by how much has been accomplished in the Middle East during the past 2 years. I was also, I confess, daunted by how much remains to be done. The Cairo agreement has to be carried out in good faith; negotiations on a final status settlement between Israel and the PLO must begin within 2 years and be implemented in 5; and agreements must be concluded between Israel, Lebanon, Jordan, and Syria. It is an awesome agenda, but yesterday's events constitute a long-awaited completion of that first step taken last September, a true achievement for diplomacy. This sets us well on the path toward meeting the next objectives.

Although the Cairo agreement represents a step toward the reconciliation of two peoples—historic enemies—to me it is also a tribute to individual courage and purpose. Prime Minister Rabin and Chairman Arafat can hardly be more different, but their fortunes hereafter are inextricably linked. Whether or not we like Yasir Arafat or approve of his methods, there can be no doubt that both he and Prime Minister Rabin have assumed responsibility for the destiny of their people. It is evident that some of these people, Israelis and Palestinians alike, are reluctant to follow, but that is what leadership is all about. And that is why history will preserve a place for them both.

A TRIBUTE TO JOE WILLIAMS

Mr. BOREN. Mr. President, as the employees of the Williams Companies honor Joe Williams, chairman of the board, today on the advent of his retirement after 35 years of service, I would like to join them in paying tribute to this outstanding Oklahoman and good friend.

People like Joe Williams are the real trustees of this country. He is one of those people who finds satisfaction in being part of causes that are more important than any of us as individuals. His leadership and wisdom guide institutions such as the Nature Conservancy which will continue to impact the lives of Americans for generations to come.

I respect Joe Williams because he acts with the courage of his convictions and he does not give up easily. I have worked with Joe on a variety of projects and each time he has demonstrated great vision and integrity. At times our projects received criticism, but Joe would never give up. I remember when he led the business community in support of major reforms and tax increases to improve education in our State. I have seen him, as a fellow trustee of Yale University, be willing to stand apart from the majority to present a perspective which needed to be considered. He always insisted on doing what was right. He would say, "We can't think about the way people feel about it today, we have to think about the way people will feel about it 10 years from now, and 50 years from now, and how it will impact the next generation."

I have talked to Joe many times on the phone when I know that he has been terribly busy, whether he just had come back from a trip to another country, or he just had been traveling coast to coast. Given all the pressures on his time, never once has he told me that he was too busy to get involved in another educational program or with a project that would benefit Oklahoma.

Several years ago, Joe and I talked about establishing a Tallgrass Prairie Preserve in Oklahoma, about bringing the bison back some day, and about trying to preserve the land as the pioneers saw it when they came west. We shared the dream of seeing our children and grandchildren looking out across the Tallgrass Prairie, allowing them to feel the spirit and passion which the prairie instilled in the pioneers. It is a sense of freedom and individual liberty central to what it means to be an American. Largely because of the leadership of Joe Williams, that dream has been realized and the Tallgrass Prairie Preserve now exists and is operated by the Nature Conservancy which Joe Williams has chaired at both the State and national levels.

When I think about those who will leave America better than they found it, I think of Joe Williams in that group of great citizens who truly invest themselves in service to others. I am proud to join his many friends and colleagues in wishing him well in his corporate retirement and in his new civic endeavors.

CINCO DE MAYO

Ms. MOSELEY-BRAUN. I want to take time today to commemorate Cinco de Mayo, one of Mexico's most important holidays.

On May 5, in 1862, Mexican forces repelled repeated French attacks on the Forts Loreta and Guadelupe.

The importance of Cinco de Mayo is not merely that of a tactical win against greater forces, but the inspiration that the people took from their success. This inspiration and moral victory carried them through the next 5 years as they fought for their country.

In the winter of 1861, France, Spain, and England sent fleets to Veracruz to collect on defaulted bond payments. The three countries stated that they had no intention of conquering Mexico.

An agreement was reached between the four countries and the English and

Spanish representatives left. The French, under Emperor Napoleon III, in their efforts to expand the French monarchy, stayed and attacked the Government of Mexico.

On May 5, Gen. Ignacio Zaragoza led 2,000 Mexican soldiers in battle against 6,000 French and triumphed after serious losses. The victory that day was only the beginning. The war continued for 2 years and Mexico was ruled by the French for the next 3 years.

The Mexican people shot the French ruler and took back their country on June 19, 1867.

The people of Mexico celebrate the victory on May 5 and all that it represents every year with festivals, reenactments, parades, and ceremonies. Mexican-Americans in Illinois and all over the United States stage their own celebrations to honor the bravery of their ancestors and to celebrate Mexico's history.

I want to ask my colleagues to join me in honoring the soldiers who showed such courage and inspired such pride in their countrypeople on May 5, 1862. Viva Mexico. Feliz Cinco de Mayo.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations reported today by the Committee on Armed Services:

Robert Shamansky to be a Member of the National Security Education Board, and

Roger Hilsman to be a Member of the National Security Education Board.

I ask unanimous consent that the nominees be confirmed, en bloc; that any statements be printed in the CONGRESSIONAL RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table, en bloc; that the President be informed 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 SECURITY EDUCATION BOARD

Robert N. Shamansky, of Ohio, to be a Member.

Roger Hilsman, of New York, to be a Member.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of 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.)

REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 10th Annual Report of the National Endowment for Democracy, which covers fiscal year 1993.

WILLIAM J. CLINTON

THE WHITE HOUSE, *May 5, 1994.*

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act, as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I am submitting my first Annual Report on Federal Advisory Committees for fiscal year 1993 for your consideration and action.

Consistent with my efforts to create a Government that works better and costs less, I issued Executive Order No. 12838 on February 10, 1993, requiring the executive branch to conduct a comprehensive review of all advisory committees. Based upon this assessment, each department and agency was directed to reduce by at least one-third the number of committees not required by the Congress. I am pleased to advise that this initiative has resulted in a net reduction of 284 unproductive advisory committees, exceeding our elimination target of 267, by 6 percent, or 17 committees. In addition, we have identified approximately 30 unneeded statutory groups.

While progress has been achieved in assuring that the work of advisory committees remains focused on national, rather than special interests, I am asking for your support in effecting other needed improvements. The Administration will forward to the Congress a legislative proposal to terminate 30 advisory committees required by statute, but for which compelling needs no longer exist. I urge the Congress to act quickly and favorably on this proposal, and I welcome any recommendations of the Congress regarding additional groups that may be eliminated through our joint efforts to increase the effectiveness and efficiency of the Government. Toward this end, I hope the Congress will show increased restraint in the creation of new statutory committees.

I have directed the executive branch to exercise continued restraint in the creation and management of advisory committees. This will allow us to obtain further savings recommended by the Vice President and the National Performance Review. Consistent with Executive Order No. 12838, the Director of the Office of Management and Budget will continue to approve new agency-sponsored committees when necessary and appropriate. In addition the General Services Administration, as part of its overall responsibilities under the Act, will periodically prepare legislation to propose the elimination of committees no longer required by the Government.

We stand ready to work with the Congress to assure the appropriate use of advisory committees and to achieve the purposes for which this law was enacted.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1994.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 1:02 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 bill and joint resolution:

H.R. 4204. An act to designate the Federal building located at 711 Washington Street in Boston, MA, as the "Jean Mayer Human Nutrition Research Center on Aging."

H.J. Res. 239. Joint resolution to authorize the President to proclaim September 1994, as "Classical Music Month."

At 10:03 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. 3254. An act to authorize appropriations for the National Science Foundation, and for other purposes.

The message also announced that the House agrees to the report of con-

ference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, 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 amendment of the Senate to the resolution (H. Con. Res. 218) concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999.

The message also announced that pursuant to the provisions of section 168(b) of Public Law 102–138, the Speaker appoints the following Members to the British-American Interparliamentary Group on the part of the House: Mr. HAMILTON, Chairman, Mr. LANTOS, Vice Chairman, Mr. MURPHY, Mr. BOEHLERT, Mr. LEWIS of Florida, and Mr. MCMILLAN.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3254. An act to authorize appropriations for the National Science Foundation, and for other purposes; to the Committee on Labor and Human Resources.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 5, 1994, she had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

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–2623. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report of 62 recommendations for legislative action; to the Committee on Rules and Administration.

EC–2624. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report of proposed regulations governing special funding projects; to the Committee on Rules and Administration.

EC–2625. A communication from the Administrator of the Small Business Administration, transmitting, a draft of proposed legislation to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

EC–2626. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the Natural Resource Development Program for fiscal year 1993; to the Committee on Small Business.

EC–2627. A communication from the Administrator of the Small Business Administration, transmitting, a draft of proposed legislation entitled "Small Business Administration Amendments of 1994"; to the Committee on Small Business.

EC–2628. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to authorize additional major medical facility construction projects for Fiscal Year 1994, at the Department of Veterans Affairs Medical Center Sepulveda, California, and to waive the Congressional waiting period requirement for an administrative reorganization at such facility; to the Committee on Veterans' Affairs.

EC–2629. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "VA/State Health-Care Reform Pilot Programs Act"; to the Committee on Veterans' Affairs.

EC–2630. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report on cases in which equitable relief was granted in calendar year 1993; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–448. A joint resolution adopted by the Legislature of the Republic of Palau; ordered to lie on the table.

"S.J. RESOLUTION NO. 4–55

"Whereas, the Honorable Ron de Lugo, now in his tenth term as the U.S. Virgin Islands' Delegate to the United States House of Representatives, is Chairman of the House Subcommittee on Insular and International Affairs, which exercises jurisdiction over the Caribbean and Pacific Island areas associated with the United States, as well as U.S. Interior Department assistance to other countries and Antarctica; and

"Whereas, the Honorable Ron de Lugo, as a ranking member of the House Committee on Interior and Insular Affairs, has followed in the footsteps of such distinguished predecessors and statesmen as Congressmen Morris Udall of Arizona and Philip Burton of California, who along with him have played crucial roles in enhancing the local autonomy of these insular areas, particularly the Republic of Palau, the last Trust Territory of the Pacific Islands; and

"Whereas, during his term, the Honorable Ron de Lugo has devoted his public service career beyond the interests of his constituent community, extending his best efforts on behalf of the people of the Republic of Palau, and distinguishing himself as a champion of the Republic of Palau's development into a self-governing, sovereign state; and

"Whereas, the Honorable Ron de Lugo, while chairing the Subcommittee on Insular and International Affairs and serving on numerous other congressional committees, has been a great defender of the Republic of Palau and other insular areas, resolutely opposing crimes and corruptions, political intimidation and violence, financial mismanagement, narcotics trafficking, inferior health facilities, inadequate infrastructures, and unrestricted military land use lacking safeguards for local inhabitants; and

"Whereas, the Honorable Ron de Lugo has responded to the leaders of Palau whenever they needed help in overcoming Palau's problems and instituting reforms, restoring the people's confidence in a brighter future, and allaying longstanding concerns of the people of Palau, thereby playing an instrumental part in achieving final approval of a freely associated relationship between the Republic of Palau and its former administering authority; and

"Whereas, the Honorable Ron de Lugo's heart and mind have always been open toward the Republic of Palau, as demonstrated by his sponsoring of legislation which contributed to the improvement of its peoples' welfare, unsparingly using his experience and prestige with U.S. Congressional and Administration leaders to secure needed financial, political and economic assistances to develop the Republic of Palau into a viable sovereign nation; and

"Whereas, the Honorable Ron de Lugo has declared his intention not to run for reelection this year, 1994, a decision profoundly regretted by the Republic of Palau and the other insular territories who will sorely miss his potent and intelligent advocacy of their cause in Congress; and

"Whereas, the retirement of the Honorable Ron de Lugo from the U.S. Congress will mean the loss to these islands of a powerful friend and an ally, whose leadership, integrity, and influence are as well known within the Republic of Palau as they are to his colleagues in the House of Representatives; and

"Whereas, on the eve of his retirement from Congress, the people of the Republic of Palau, through the Olbiil Era Kelulau, wish to express their most sincere gratitude and appreciation to the Honorable Ron de Lugo; Now Therefore, be it

"*Resolved by the Senate of the Fourth Olbiil Era Kelulau, Thirteenth Special Session, April 1994, the House of Delegates concurring*, That the people of Palau, represented in the Fourth Olbiil Era Kelulau and by means of this joint resolution, hereby convey their undying gratitude and appreciation to the Honorable Ron de Lugo for his unwavering support of self-government for the Republic of Palau, for his assistance and exemplary leadership in the United States Congress, but most of all, for his great friendship to Palau which its people cherish and will hold dear for years to come; and be it further

"*Resolved*, that certified copies of this joint resolution be transmitted to the Chairman of the House Subcommittee on Insular and International Affairs, the Honorable Ron de Lugo; the President of the United States, the Honorable Bill Clinton; the Speaker of the House of Representatives of the U.S. Congress, the Honorable Thomas S. Foley; the Majority Leader of the United States Senate, Senator George J. Mitchell; the Chairman of the House Committee on Natural Resources, the Honorable George Miller; the Governor of the Virgin Islands, the Honorable Alexander A. Farrelly; the Secretary of the Interior, the Honorable Bruce Babbitt; the President of the Republic of Palau, the Honorable Kuniwo Nakamura; all States Governors; the President of the Senate and the Speaker of the House of Delegates of the Fourth Olbiil Era Kelulau."

POM–449. A resolution adopted by the Legislature of Rockland County, New York relative to dairy product labels; to the Committee on Agriculture, Nutrition and Forestry.

POM–450. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Agriculture, Nutrition and Forestry.

"HOUSE CONCURRENT MEMORIAL 2004

"A concurrent memorial requesting the Congress of the United States to amend the Food Stamp Act of 1977.

"Whereas, the people of the State of Arizona believe that the Food Stamp Act of 1977 requires an amendment to curtail current abuses, give the states greater regulatory power and grant potential food stamp recipients lower eligibility requirements.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States amend the Food Stamp Act of 1977 to:

"(a) Require food stamp recipients to show identification for all food stamp purchases.

"(b) Allow food stamps to be used only for the purchase of staple food items.

"(c) Allow states to have more enforcement authority over the regulatory procedures.

"(d) Establish stricter penalties for first-time offenders of food stamp laws and regulations.

"(e) Lower the eligibility for food stamps to one hundred per cent of the federal poverty level.

"2. That the Secretary of State of the State of Arizona transmit a certified copy of this Concurrent Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DECONCINI, from the Select Committee on Intelligence, without amendment:

S. 2082. An original bill to authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government and for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103–256).

By Mr. BIDEN, for the Committee on the Judiciary, without amendment:

H.R. 1933. A bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a National Service Day to promote community service, and for other purposes.

S. 116. A bill for the relief of Fanie Phily Mateo Angeles.

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1485. A bill to extend certain satellite carrier compulsory licenses, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board for a term of 4 years.

Robert Hilsman, of New York, to be a Member of the National Security Education Board for a term of 4 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. PELL, from the Committee on Foreign Relations:

Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe [CSCE] (Ex. Rept. 103–27).

(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.)

Treaty Doc. 103–22 Two Protocols Amending the OAS Charter (Ex. Rept. 103–28)

TEXT OF COMMITTEE-RECOMMENDED RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the "Protocol of Washington" Adopted on December 14, 1992, by the Sixteenth Special Session of the General Assembly of the Organization of American States (OAS) and Signed by the United States on January 23, 1993, and the "Protocol of Managua" Adopted by the Nineteenth Special Session of the OAS General Assembly on June 10, 1993, and Signed That Day by the United States.

By Mr. BIDEN, from the Committee on the Judiciary:

Robert Harlan Henry, of Oklahoma, to be U.S. Circuit Judge for the Tenth Circuit.

Carl E. Stewart, of Louisiana, to be U.S. Circuit Judge for the Fifth Circuit, vice a new position created by Public Law 101–650, approved December 1, 1990.

Fortunato P. Benavides, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

Ruben Castillo, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

James G. Carr, of Ohio, to be U.S. District Judge for the Northern District of Ohio.

Deborah A. Batts, of New York, to be U.S. District Judge for the Southern District of New York.

Frank M. Hull, of Georgia, to be U.S. District Judge for the Northern District of Georgia.

Audrey B. Collins, of California, to be U.S. District Judge for the Central District of California.

W. Louis Sands, of Georgia, to be U.S. District Judge for the Middle District of Georgia vice a new position created by Public Law 101–650, approved December 1, 1990.

Mary M. Lisi, of Rhode Island, to be U.S. District Judge for the District of Rhode Island.

Raymond L. Finch, of the Virgin Islands, to be a Judge for the District Court of the Virgin Islands for a term of 10 years.

Solomon Oliver, Jr., of Ohio, to be U.S. District Judge for the Northern District of Ohio.

Michael R. Bromwich, of the District of Columbia, to be Inspector General, Department of Justice.

Clarence Cooper, of Georgia, to be U.S. District Judge for the Northern District of Georgia.

Joseph Clyde Fowler, Jr., of Tennessee, to be U.S. Marshal for the Eastern District of Tennessee for the term of 4 years.

Saul A. Green, of Michigan, to be U.S. Attorney for Eastern District of Michigan for the term of 4 years.

Sheldon Whitehouse, of Rhode Island, to be U.S. Attorney for the District of Rhode Island for the term of 4 years.

Barbara C. Jurkas, of Michigan, to be U.S. Marshal for the Western District of Michigan for the term of 4 years.

James W. Lockley, of Florida, to be U.S. Marshal for the Northern District of Florida for the term of 4 years.

Leonard Trupo, of West Virginia, to be U.S. Marshal for the Northern District of West Virginia for the term of 4 years.

Gregory Moneta Sleet, of Delaware, to be U.S. Attorney for the District of Delaware for the term of 4 years.

Faith S. Hochberg, of New Jersey, to be U.S. Attorney for the District of New Jersey for the term of 4 years.

Lawrence J. Goffney, Jr., of Michigan, to be an Assistant Commissioner of Patents and Trademarks.

Michael Kane Kirk, of Florida, to be Deputy Commissioner of Patents and Trademarks.

Ernestine Rowe, of Colorado, to be U.S. Marshal for the District of Colorado for the term of 4 years.

Philip G. Hampton, II, of the District of Columbia, to be an Assistant Commissioner of Patents and Trademarks.

John William Marshall, of Virginia, to be U.S. Marshal for the Eastern District of Virginia for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

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. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2078. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 2079. A bill to amend the Controlled Substances Act to provide penalties for the distribution or manufacture of a controlled substance within 1000 feet of a Head Start facility; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. NUNN, Mr. KENNEDY, and Mr. HARKIN):

S. 2080. A bill to designate a site for the relocation of the public facility of the National Museum of Health and Medicine, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 2081. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI:

S. 2082. An original bill to authorize appropriations for fiscal year 1995 for the intelligence activities of the United States Government and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Com-

mittee on Intelligence; to the Committee on Armed Services, for a period not to exceed 30 days of session, pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress.

Mr. NUNN. Mr. President, pursuant to the provisions of Senate Resolution 400 (94th Congress), the Armed Services Committee hereby requests that S. 2082, the intelligence authorization bill, be referred to the Armed Services Committee for the 30-day period provided for in section 3(b) of the above resolution.

By Mr. BINGAMAN:

S. 2083. A bill for the relief of certain former employees of the United States whose firefighting functions were transferred from the Department of Energy to Los Alamos County, New Mexico; to the Committee on Governmental Affairs.

By Mr. KENNEDY:

S. 2084. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S.J. Res. 184. A joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. D'AMATO, Mr. FORD, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. MACK, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SHELBY, and Mr. WELLSTONE):

S.J. Res. 185. A joint resolution to designate October 1994 as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. FEINSTEIN):

S. 2078. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

THE OLD SPANISH TRAIL STUDY ACT OF 1994

Mr. CAMPBELL. Mr. President, today I am sending legislation to the desk to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for study for potential addition to the National Trails System.

I know of the President pro tempore's interest and considerable knowledge of American history, and I believe he will find this bill of great interest. The Old Spanish Trail has rightly been called the longest, crookedest, most arduous pack mule route in the history of America. It certainly is that, and more.

The Old Spanish Trail spans not only a great distance—1,200 miles from Santa Fe to Los Angeles—but it also bridges hundreds of years in our Nation's history and connects the colorful, diverse cultures that are really the soul of the American Southwest.

According to an early historian, the trail "* * * headed northwest from Santa Fe * * * eased over the continental divide in northern New Mexico, cut through a spur of the Rocky Mountains into Colorado, forded * * * the Colorado and the Green (rivers) * * * dipped over the rim of the Great Basin into Utah, and crept southwest through desert stretches of Nevada and California to Los Angeles." In my State of Colorado, the trail passed near the very town I live in, the small town of Ignacio, as well as the towns of Durango, Mancos, Dolores, Cortez, and Dove Creek; then followed the Dolores River west into Utah. The Northern Branch of the trail was used by trappers and traders to access northwestern Colorado and northeastern Utah. This trail entered Colorado near the towns of Alamosa and Monte Vista and passed the present day towns of Gunnison, Montrose, Delta, and Grand Junction. From Grand Junction, the trail followed the Colorado River for some 50 miles, and then struck out across the desert and joined the main Spanish Trail 20 miles southeast of the Green River crossing, which was a major rendezvous point for the old-time trappers in the West.

Parts of the trail began as a footpath for Native Americans. It later witnessed more than two centuries of Spanish use, a quarter-century of Mexican use, and, finally, a half-century of American travel before transcontinental railroads replaced it. In that sense, the Old Spanish Trail is an integral part of our national heritage, and a route truly deserving of further study.

The Old Spanish Trail had its origins in prehistoric trade routes used by Ute Indians of the Colorado Rockies to reach the native Pueblos of northern New Mexico. After the settlement of New Mexico by Spaniards, Utes led mounted Spaniards north into their homelands in the mountains and the Great Basin. These early Spanish travels included an early, though failed attempt to reach California by the Franciscan fathers Dominguez and Escalante in 1776, the year of the American Revolution. This use by the Spanish eventually gave the trail its name.

Although the Old Spanish Trail enjoyed a heyday of 50 years or so in the 19th century as annual caravans traded New Mexican woolen blankets for California mules and horses, its dramatic story covers two centuries of recorded history. Few routes, if any, pass through as much relatively pristine country. And despite the destruction of time, remnants of the Old Spanish Trail remain for study: Native petroglyphs, early exploration journals, even wagon ruts cut into the rock. It is time to study and save our common heritage.

Already a number of independent scholars have begun examination of portions of the trail. An Old Spanish Trail Association has been founded in Colorado, and its members have located wagon ruts worn into the rock in the San Luis Valley—which happens to be the oldest settled community in Colorado—along the North Branch of the trail. Grassroots support is strong for continued study and recognition of this historic trail. I have received resolutions of support from more than 20 municipalities in Colorado, and from the Colorado General Assembly. I have also received dozens of letters of support from citizens in Colorado and volunteer groups who are anxious to offer their expertise and time to this long overdue endeavor. The time has come to acknowledge the national historic importance of the Old Spanish Trail. Mr. President, this bill to designate the Old Spanish Trail for study for potential addition to the National Trails System promotes the recognition, protection, and interpretation of our Nation's Western history. By introducing this legislation today, we pay tribute to the diverse cultures of the West.

I did bring a map here to show where it originally started. The trail started at Santa Fe, went through what is currently Espanola, where the native pueblo is and has been for several centuries. The people in the pueblos were thought to be the Anasazi, or the ancient ones, that inhabited Mesa Verde, which is just south of the southern part of the Spanish Trail as it came through Cortez. Mesa Verde is just on the outskirts of the town of Cortez.

The trail split, and the northern part went through the little town of San Luis and connected back to Green River, UT, and then went further west. I know of portions of this because part of it came through my little town, and it is certainly a part of our very colorful American history.

Most of the Western Senators are cosponsors of this bill. I would like to thank Senator BROWN of Colorado, Senator BENNETT of Utah, Senator REID of Nevada, Senator BRYAN of Nevada, Senator BINGAMAN of New Mexico, Senator DOMENICI of New Mexico, and Senator FEINSTEIN of California for cosponsoring this legislation with me.

I urge my colleagues to support swift passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

(36) The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.

PUEBLO, CO,
March 8, 1994.

Hon. BEN NIGHTHORSE CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

DEAR SENATOR CAMPBELL: I speak for many Coloradans, as well as our associates in New Mexico, Utah, Nevada and California when I commend you for supporting a National Park Service study of the Old Spanish Trail as a National Historic Trail. This 1,200-mile route, which passes near your hometown of Ignacio, Colo., is one of modern America's best opportunities to understand its multicultural heritage, and explore the greatness and courage of our collective forebears.

Ute Indians once descended part of this route from the Colorado mountains to reach Spaniards in New Mexico for trade. The Spaniards of colonial New Mexico (about 1720–1821) then followed Ute guides northwest into the Great Basin, also for trade. After Mexican independence from Spain in 1821, merchant Antonio Armijo in 1829–30 made the first journey from Santa Fe to Los Angeles and back. In 1830–31, Americans William Wolfskill and George Yount made the first journey along the route now known as the "Old Spanish Trail." A half-century of travel over this route commenced. After 1846 the Mormons of Utah used the western end of the trail to reach California.

Thus the Old Spanish Trail is a trail of many cultures, and the country it traverses remains quite pristine in many areas. The chances of identifying significant historic sites along it are high, and it rivals, if not exceeds the historic significance of many trails already designated National Historic Trails.

A number of Coloradans, and associates in the OST's other four states, have—as usual with Americans—not waited for official action. We've formed the Old Spanish Trail Association, for study and preservation of this historic trail.

We're heartened that you've taken interest in this matter and we applaude your efforts on our behalf.

The cost of a National Park Service feasibility study, and the annual appropriation to maintain the NPS's management of the trail, will pay untold dividends in raising awareness of our nation's multi-cultural heritage, and in the tolerance and mutual respect that that awareness engenders. If there is anything the Old Spanish Trail Association can do to help, please get in touch.

Sincerely,

PHIL CARSON.

RIO GRANDE COUNTY MUSEUM
AND CULTURAL CENTER,
Del Norte, CO, March 15, 1994.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

DEAR SENATOR CAMPBELL: The Rio Grande County Museum wholeheartedly supports study of the North Branch of the Old Spanish Trail by the National Park Service. The Museum participated in the formation of the OST Association and has been awarded grants from the Colorado Historical Society Preservation Fund for the recording of petroglyph sites near the trail. Because of development and vandalism, it is important that a study of the trail be done soon.

Sincerely,

MARK ALLISON,
Director.

RIO GRANDE COUNTY SHERIFF,
Del Norte, CO, March 16, 1994.

Re: Old Spanish Trail.

Hon. BEN NIGHTHORSE CAMPBELL,

SENATOR CAMPBELL: I am writing in reference to the proposal to make the Old Spanish Trail a historical sight. Please consider this a plea to do whatever you can to make this happen.

This particular trail has a great deal of history behind it for my family. My grandfather, as a child, traveled by foot along this trail to bring messages from the Capulin area to the Del Norte area. My grandfather's ancestors are Ute.

The Harness and Saddle Club, which I am a member, have been re-tracing the Old Spanish Trail by wagon train for several years. We have been fighting hard to preserve the history and make it available to those interested in seeing it.

Again I respectfully request that you do whatever you can to preserve this wonderful part of history for my family.

SHERIFF J. DESI MEDINA,
Rio Grande County.

ROBB, BECKNER, ACHZIGER,
MCINNIS & PALO,
Grand Junction, CO, April 11, 1994.

Re Old Spanish Trail and its Northern Branch.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR BEN: Thank you for your letter of March 24, 1994. Enclosed is a copy of a Resolution which was adopted by the Grand Junction/Mesa County Riverfront Commission supporting the study of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail.

We are delighted that you will be introducing this bill shortly after the Easter recess.

I am sending a copy of this letter to Senator Brown and Congressman McInnis. I recently received a newsletter from the Old Spanish Trail Association and Ron Kessler in Monte Vista. The author of that newsletter incorrectly stated that Congressman McInnis was introducing a study bill. It is my understanding that you will be introducing the legislation and that it will be cosponsored by Senator Brown and Congressman McInnis.

We appreciate your efforts and the efforts of your staff concerning this matter.

If there is anything that Bill Chenoweth or I can do to assist, please be back in touch with us. Best personal regards.

Sincerely,

JAMES M. ROBB.

RIO GRANDE COUNTY MUSEUM
AND CULTURAL CENTER,
Del Norte, CO, March 15, 1994.

Hon. BEN NIGHTHORSE CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

DEAR SENATOR CAMPBELL: Recent efforts to form the National Association of the Old Spanish Trail (north branch) are to be encouraged and applauded and the possibility of the National Park Service to aid in research of this trail, which passed through six Southwestern states, must be continued.

Historic sites such as this rutted trail must be preserved. Please lets not loose this excellent opportunity for research by the National Park Service.

Sincerely,

SUZANNE OFF,
Curator.

Mosca, CO, March 30, 1994.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Building, Washington, DC.

SENATOR CAMPBELL: I am writing to you today to express my support for your bill authorizing the National Park Service to make a study of the Old Spanish Trail for possible inclusion in the National Historic Trails System. Your introduction of this bill shows a great understanding of the importance of the historical Spanish influence on the entire southern Colorado region.

The northern branch of the Old Spanish Trail which traversed the San Luis Valley brought in much of the Spanish influence which we see today in our geography and culture of the Valley. This historical connection to these early explorers and pioneers should be preserved for both posterity and the public interest and curiosity about the Spanish lifestyle and the exploration and development of "the Old West".

The timing is very appropriate for a thorough study of this historic route which helped to blend the Native American, Spanish and Anglo cultures together even before this part of Colorado belonged to the United States. Thanks again for your support of the preservation of this national treasure.

Sincerely,

JOHN KOSHAK.

STATE OF COLORADO,
Mosca, CO, March 30, 1994.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Bldg., Washington, DC.

SENATOR CAMPBELL: Last fall, the Colorado State Parks Board went on record as supporting the development and preservation of the Old Spanish Trail as a National Landmark. The staff of San Luis Lakes State Park definitely supports your introduction of the bill authorizing the National Park Service to make a study of the Old Spanish Trail for possible inclusion in the National Historic Trails System. Your efforts on behalf of this bill show an understanding of the importance of the historic Spanish influence on the entire southern Colorado region and the unlimited interest and unique opportunity for visitors and residents of our state to follow in the footsteps of these early explorers.

The northern branch of the Old Spanish Trail which traversed the San Luis Valley brought in much of the Spanish influence which we see today in our geography and culture of the Valley. This historical connection to these early explorers and pioneers should be preserved for both posterity and the public interest and the inherent curiosity about the Spanish lifestyle and the exploration and development of "the Old West". The possibilities for interpretation of this unique resource will provide exciting historical learning and experiences for each and every visitor to the path of the Old Spanish Trail.

The timing is very appropriate for a thorough study of this historic route which

helped to blend the Native American, Spanish and Anglo cultures together even before this part of Colorado belonged to the United States. Thanks again for your support of the preservation of this national treasure.

Sincerely,

JOHN KOSHAK, PARK RANGER.

Hon. BEN CAMPBELL,
c/o Trudy Karaous, Russell Bldg., Washington, DC.

DEAR SIR: I have learned that you will present a bill to Congress in April proposing support of the National Park Services for study of "the Old Spanish Trail to California", with special interest in the "North Branch" of that trail which runs the length of our San Luis Valley.

I thank you for your work to get this historic route acknowledged, especially the 100 mile stretch on the San Luis Valley which then leads west through Colorado mountains to join the southern Sante Fe-Chama or NW route at Green River, Utah.

The San Luis Valley Chapter of the Trail to California has been formed by Ron Kessler, Monte Vista and a group of very interested people. They are working to inform and place signs on this trail which is a living symbol of three Southwest heritages which used it for centuries—Pueblo and Ute Indians, the Colonial Spanish, New Mexican Spanish, and finally Anglo Mountain men, U.S. surveyors, soldiers; and settlers from eastern U.S.A. and northern European countries.

Ron Kessler is a mover and shaker on this trail. In the past 4 years he has explored, studied and located historical events on it. He has traveled it by horse and wagon, by 4-wheel drive, foot and airplane. He has contacted and gained the support of knowledgeable local people in the Valley, out of state people and made contacts with institutions such as newspapers and the Bureau of Land Management. He has organized meetings and from them created the "San Luis Valley Chapter" of the old Spanish trail to California. He is devotedly working to have the route identified with signs, interpreted to the public by brochures, news articles, lectures, a book.

For years I have explored, located, photographed, lectured and written on historic trails and wagon roads of the Valley and Northern New Mexico, but never organized public understandings as has Ron Kessler. The time is ripe for help from outside powers such as the National Park Service.

May I affirm here the importance and wonder of this 100 mile long trail which runs north-south the length of our Valley. It is a beautiful, precious, unspoiled, historic heirloom, available for experience today by car, horse, bicycle or on foot. Rich in history which needs to be presented.

(1) It was the legendary trail used by Pueblo Indians of the Rio Grande in Northern New Mexico who came to the Great Valley for buffalo, turquoise and waterfowl feathers for ceremonial use.

(2) It was a ceremonial trail which brought them to the shallow San Luis Lakes area west of todays Sand Dunes National Monument, the mythical "Place of their Emergence." (Smithsonian archaeologists are working this area considered to be the 10,000 year old Folsom Site).

(3) In 1694 Gov. Don Diego de Vargas used and recorded in his journal the southern section of this route in present Costilla and Conejos counties.

(4) In 1779 Gov. Bautista de Anza used both west side and east side routes in the Valley on his campaign against the Comanche. His Journal and the Vargas Journal are extent; they name land marks an league distances identifiable today.

(5) In 1807 Zebulon Pike trod winter snows south on "the road to Santa" when arrested by Spanish soldiers.

(6) During the 1820's to 1840's U.S. and French-Canadian trappers and traders used the classic route to Ute country for fur trade and then as the North Branch of the Trail to California.

(7) By mid-1800s New Mexican *pobbadores* were coming north on the trail to make plaza-forms along rivers Conejos ???? and the Rio Grande.

(8) During the rest of the 1800s sheep flocks made seasonal drives from Conejos to the La Garita Mountains. The ancient route became known as "*La Vereda* de *los Borregas*" the "Trail of the Ewe Sheep".

(9) After 1870 and discovery of gold on the San Juan Mountains, prospectors and miners from Summersville, via Del Norte, called the route "the Old Conejos Lane", for they used the classic trail to go file their mine claims at the Conejos Court House for there was no Rio Grande County until 1874. during these years Jesuit Fathers traveled the trail-road to serve Catholic missions at Del Norte and La Garita.

(10) In the 1950s I saw wooden posts with metal signs placed by the Bureau of Land Management, marking the route, saying "Center Stock Drive".

Our nation has been enriched by acknowledgment of many historic trails, among them *The Wilderness Trail, The Santa Fe Trail, the Chihuahua Trail,* The *Oregon Trail.* With the help of local people here and the power of institutions such as the National Park Service the *North Branch of the Old Spanish Trail to California* can become known and experienced. And so help Americans understand the brave Indian, Spanish and Anglo contributions to our nation's story in this part of the Southwest.

Again, Senator Campbell, thank you for your interest and help. We would love to guide you on this living history landscape while you are on one of your visits to our Valley.

Sincerely,

RUTH MARIE COHIDLE.

P.S. Pardon the hand-script. My typist is not available. To wait for her would delay the letter to you.

CRESTONE, CO,
March 16, 1994.

Hon. BEN CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: Please support legislation for a National Parks Service study giving historic designation for the North Branch of the Old Spanish Trail. I know that you have received information documenting the significance of this trail to southern Colorado's history. Within the San Luis Valley it has the unique status of being as integral to the heritage of the east side of the Valley as to the west side as both the East and West forks were used by indigenous Athabaskan and Shoshonean peoples, two 17th and 18th Century Spanish governors, mountain men and traders like Antoine Robidoux and Antoine Leroux, transcontinental explorers including Fremont and Gunnison, the photographer William Henry Jackson, and finally numerous families coming to settle land grants or to homestead public lands.

As education director of the San Luis Valley Information and Education Center in Monte Vista, I know that today's travelers and tourists are very much interested in local history. Los Caminos Antiguos, which connects the Great Sand Dunes National Monument with the historic communities of San Luis and Conejos has drawn considerable attention, and we encourage our visitors to make a circle tour of the route. Awareness of the use and location of the North Branch of the Old Spanish Trail would be a valuable contribution not only historically but also culturally and perhaps even economically.

We have formed both a national association and a regional chapter to work towards identifying and preserving the Old Spanish Trail to help promote public awareness and knowledge about this important and valuable link in Colorado's early history.

Very truly yours,

PATRICIA JOY RICHMOND,
Vice President OSTA.

RESOLUTION NO. 19, 1993

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch were instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch, and much more can be learned about the Old Spanish Trail: Now, therefore, be it

Resolved by the City Council of the City of Delta, Colorado, That the City of Delta supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail: be it further

Resolved, That the United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative Scott McInnis are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to Senators Brown and Campbell and to Representative McInnis, to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

RESOLUTION R-1993-19

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tillman M. Bishop and Representative Tim Foster, has requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route traveled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the promixity of many southwestern Colorado communities, including Durango, to the routes of Dominguez and Escalante and the Old Spanish Trail emphasizes the historic importance of those routes; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Now, therefore, be it

Resolved by the City Council of the City of Durango, Colorado, That:

Section 1. The City Council of the City of Durango hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

Section 2. The Congress of the United States is hereby requested to adopt legislation which dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

RESOLUTION DESIGNATING THE OLD SPANISH TRAIL AND THE NORTHERN BRANCH OF THE OLD SPANISH TRAIL AS AN HISTORIC TRAIL

Whereas, the Colorado General Assembly, in Senate Joint Memorial 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have memorialized the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominquez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saquache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the Grand Junction/Mesa County Riverfront Commission, That the Grand Junction/Mesa County Riverfront Commission hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail: Be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to U.S. Senators Hank Brown, Ben Nighthorse Campbell, and U.S. Representative, Scott McInnis, and to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

RESOLUTION NO. 31

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recordered about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the City of Grand Junction, Colorado, acting through its duly elected City Council, That the City of Grand Junction, hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail, and be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail and an historic trail.

RESOLUTION 1993-17

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Sante Fe and Los Angeles which spanned approximately 1,121 miles; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and community, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the City of Fruita, Colorado, That the City hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail, and be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and Representative Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail and that copies of this Resolution be sent to them and to all other members of Colorado and Utah congressional delegation.

RESOLUTION NO. 1993-34

Whereas, the Colorado General Assembly, in their Joint Resolution 39-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route traveled by the Dominquez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch were instrumental in the creation and establishment of many of Western Colorado's towns and communities; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Now, therefore be it

Resolved by the Board of County Commissioners of the County of La Plata, Colorado as follows:

1. That the County of La Plata hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

2. That the United States Senators from Colorado, Hank Brown, and Ben Nighthorse Campbell, and the United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail.

3. That copies of this Resolution be sent to all members of Colorado's congressional delegation.

RESOLUTION 1-93

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route traveled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the Town of Saguache, Colorado, acting through its duly elected Town Council, that the Town of Saguache, hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to U.S. Senators Hank Brown, Ben Nighthorse Campbell, and U.S. Representative Scott McInnis, and to all other members of the Utah congressional delegation.

CITY OF MONTE VISTA,
July 2, 1993.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senator,
Denver, CO.

MY DEAR SENATOR CAMPBELL: Enclosed is a copy of the Resolution adopted July 1, 1993, at the regular City Council meeting of the City of Monte Vista. This Resolution declares the support of the City of Monte Vista for the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail. Such designation would greatly enhance tourism efforts in Western Colorado.

Sincerely,

JANEEN MARTINEZ,
City Clerk.

RESOLUTION 3-93

Whereas, the Colorado General Assembly, in their Joint Resolution 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have requested the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail: Therefore be it

Resolved by the City of Monte Vista, Colorado, acting through its duly elected City Council, That the City of Monte Vista hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; be it further

Resolved, That United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative, Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to United States Senators Hank Brown and Ben Nighthorse Campbell, and United States Representative Scott McInnis, and to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

RESOLUTION

Whereas, the Colorado General Assembly, in Senate Joint Memorial 93-3, sponsored by Senator Tilman M. Bishop and Representative Tim Foster, have memorialized the Congress of the United States to adopt legislation that dedicates the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and

Whereas, between 1829 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, the Old Spanish Trail and the Northern Branch of the Old Spanish Trail proceeded through much of Western Colorado and followed part of the route travelled by the Dominguez-Escalante Expedition of 1776; and

Whereas, the Old Spanish Trail and its Northern Branch was instrumental in the creation and establishment of many of Western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, very little information is recorded about the Northern Branch and much more can be learned about the Old Spanish Trail. Therefore be it

Resolved by the Colorado Division of Parks and Outdoor Recreation, That the *Colorado Division of Parks and Outdoor Recreation* hereby supports the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; be it further

Resolved, That the United States Senators from Colorado, Hank Brown and Ben Nighthorse Campbell, and United States Representative Scott McInnis, are hereby requested to initiate appropriate legislation to dedicate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as an historic trail; and be it further

Resolved, That copies of this Resolution be sent to U.S. Senators Hank Brown, Ben Nighthorse Campbell, and U.S. Representative Scott McInnis, and to all other members of Colorado's congressional delegation, and to all members of the Utah congressional delegation.

Mr. REID. Mr. President, prior to the distinguished Senator from Colorado leaving the floor, I wish to compliment him on this outstanding piece of legislation.

Last September, I had the opportunity to spend 1 day going over the immigrant trails to California. As my friend from Colorado knows, these trails, of course, went through Nevada. It was a wonderful experience to see the wagon ruts that crossed this land, some of the last people having gone across here well over 100 years ago. And so it was, to say the least, exciting to see where they had gone, where they had had to use ropes in certain parts of it to get the wagons down huge cliffs, places where they had to go out of their way to get water. It was a great experience for me, and I am doing what I can to help designate and preserve the California trails.

The Spanish Trail, of course, has a much longer history. And I am very excited about the studies being conducted. Hopefully we can do something to preserve this.

I introduced legislation a couple of years ago to designate the Pony Express Trail, and that passed. Now we are working to do a better job so that people will really know where the Pony Express Trail went. A good share of the Pony Express Trail now goes through inhabited areas. But most of the Pony Express Trail is still out of cities through Nevada. We have some stake in this.

So I compliment and applaud the Senator from Colorado for an outstanding piece of legislation. The Senator from Colorado knows more than anyone in this Chamber the importance of tradition and heritage. This Spanish trail is part of our heritage, part of the heritage of the Senator from Colorado. We should support him and do everything we can in this area and other areas to preserve the heritage that we have in this great country.

Mr. CAMPBELL. Mr. President, if the Senator will yield just for a moment, I might add that some of these trails are paved over. We cannot find them anymore, obviously. But there are still many places in the American West where you not only can trace the trail, but you can find inscriptions in the rocks that people left there when they were moving west in the covered wagons, where they would chisel something in the stone. In southwest Utah, there are is a place called Church Rock. In fact, there are a number of inscriptions. In Wyoming, there is one I believe called Inscription Rock. They are huge landmarks, standing out above the plain of the American West.

But if you could see those and read some of the inscriptions, and also some of the lonely grave sites of people who were on these wagon trains and who helped settle the American West, it is a form of history that we rarely read about in the books. It is certainly the kind of thing that should be included in our history books, for the youngsters to know the difficulty that the people had in those days.

Mr. REID. Mr. President, the truth is stranger than fiction. On the eastern side of Nevada where one of these trails is, these people would walk across miles and miles and miles of desert. The first water they came to, the early people did not know, but it was boiling. And they, of course, would come to this water literally dying of thirst. But

they could not drink it because it was too hot. They would have to cool it. There were many examples of animals, because of thirst, falling in there and actually being boiled alive. There is a town in Nevada called Gerlach.

So as I say, what these people went through—you could not write a book of fiction that would be any more exciting and interesting, and somewhat unbelievable about what these people went through.

Mr. CAMPBELL. If the Senator would yield further, he is absolutely right about stranger than fiction. In the Senator's State, there is a place called the Humboldt Sink. Normally, when people would go west they would assume that when you would follow the banks of the river, sooner or later it would get somewhere where the river would get broader and finally come to perhaps a large river or a lake or the ocean. But in the case of the Humboldt Sink, it is the only river I ever heard of where the further you go the smaller it gets, going downstream until finally it disappears into the sand. And you cannot find it at all. I understand there is even some exploration going on now to try to find where the heck the water went.

But if you could imagine that free-flowing river going out and just disappearing. They say that when people followed that river and they got to the end of it, it suddenly disappeared into the sand, and some people actually went mad and committed suicide, or ran off from the wagon trains, or did a number of things because it was just an unbelievable experience for them.

Mr. REID. The Senator from Colorado and I could tell stories here for a long time. Near Gerlach there is the largest area of a dry lake in the United States. It is so large that if someone parks their car, and you hit the curvature of the Earth you cannot see the car anymore. Many people have gotten lost because they simply could not find their way. For the early settlers, the only way they could find their way across, of course, were the ruts and the tracks of other people.

It was in this area that the Donner Party decided to go a different route. That is history.

• Mr. BROWN. Mr. President, I am a cosponsor of the bill introduced by Senator CAMPBELL to study the designation of the Old Spanish Trail and the Northern Branch of the Old Spanish Trail as a national historic trail.

This trail, and its Northern Branch, were instrumental in the creation and establishment of many of Colorado's towns and communities in the Southwest. Established between 1839 and 1848 as a trade route between Santa Fe and Los Angeles, the Old Spanish Trail spanned nearly 1,121 miles, entering Colorado south of Pagosa Springs, and passing through Arboles, Ignacio, Durango, Mancos, Dolores, and Dove Creek before heading west to Utah.

The Northern Branch of the Old Spanish Trail was used by fur trappers and slave traders to access northwestern Colorado and northeastern Utah. It followed along the east side of the Rio Grande River from Taos to present-day Alamosa. From Alamosa, the Northern Branch headed west to Monte Vista, Saguache, Gunnison, Montrose, Delta, Grand Junction, Fruita, and Loma before entering Utah.

Our national trails system consists of tens of thousands of miles nationwide, including 19 national scenic and historic trails. In addition to providing greater access to some of our country's most beautiful scenic vistas, trails also serve an educational role in heightening awareness of our cultural heritage. National historic trails, such as the Old Spanish Trail and the Northern Branch of the Old Spanish Trail, enable people all across this country to hike, bike, or walk along routes which played an important part in America's history.

One lesser known benefit of our trails system is the positive economic impact trails can have on surrounding communities. For example, each year an estimated $122 billion is spent on outdoor recreation. Recreation opportunities in our national forests generate nearly $3 billion and almost $190 million in jobs for nearby communities.

Our national trails system also fosters an increased appreciation and responsibility for our public lands. Our trails give people a better perspective of our role in nature and how we can manage our public lands to allow for sustainable development while preserving our natural heritage.•

By Mr. ROTH:

S. 2079. A bill to amend the Controlled substances Act to provide penalties for the distribution or manufacture of a controlled substance within 1,000 feet of a Head Start facility; to the Committee on the Judiciary.

DRUG FREE HEAD START ZONES

Mr. ROTH. Mr. President, I rise today to introduce a bill that will amend our current drug control laws. The amendment I am proposing closes a loophole in our existing Federal laws that established drug free school zones. Originally part of the Omnibus Anti-Substance Abuse Act of 1988, which I cosponsored, the existing law creates "Islands of Safety" for children who are in, or on their way to schools. People who distribute illegal drugs within 1,000 feet of a school are subject to double the penalty under that law.

This popular provision of the law has been strongly endorsed by police, educators, and community anti-drug coalitions across the Nation. Many states have also adopted similar State laws. The fact that currently there are 47 States with drug free school zone statutes is a good indication that local communities consider such laws to be of considerable value.

Mr. President, the protection provided to children by the Federal statute is not limited just to schools. It also protects them in other places where they congregate such as public swimming pools, video arcades, and youth centers. However, the law fails to protect great numbers of our most vulnerable children, preschoolers who attend public and private developmental programs such as Head Start. Head Start programs frequently operate in facilities that do not qualify as drug free school zones under existing Federal and State laws.

The escalating levels of violence resulting from drug feuds is spilling over into locations previously thought to be safe, and increasingly these wanton acts are killing or wounding children and other innocent bystanders. Just a few short weeks ago, the St. Paul Head Start Program in Chicago shut down early because of an outbreak of drug-related violence in the Robert Taylor Holmes project where it is housed, and attendance has dropped significantly since it reopened. One 4-year-old at the center was overheard saying, "Mommy, don't get shot." In addition, an immunization program at that same public housing project was discontinued because workers did not feel safe going on their rounds.

We are not talking about a mere handful of kids. Head Start has become a major, bipartisan Federal initiative. Since its inception in 1965, Head Start has become the largest publicly funded childhood development program in America. The annual appropriation is $3.3 billion, there were 714,000 preschoolers enrolled in fiscal year 1993, and programs are operated in nearly 13,000 locations across the country. The program targets children from families whose annual earnings are beneath poverty levels and reserves slots for handicapped youths. The numbers are likely to increase in the future.

The chart shows the types of facilities used by Head Start programs across the Nation. As of May 1993, more Head Start programs operated out of public schools, 29 percent, than any other type of facility. Public and private schools at all levels and youth centers qualify for status as drug free school zones. But, more than half of Head Start programs are operated out of churches or synagogues, 21 percent, government buildings, 24 percent, privately owned space, public housing, and private homes, 19 percent, with a much smaller number of centers, 7 percent using other facilities, including portable classrooms, community centers, tribal buildings, and families' homes. These facilities do not qualify as drug free school zones under current Federal or State laws.

In my own State of Delaware, Head Start enrolls 1,455 children. I have personally visited a new and relatively large Head Start center in Wilmington,

DE. This center consolidates many smaller programs in one location, and its site in the Riverside section was selected because of its close proximity to public housing projects where many children enrolled in Head Start live. In other parts of Wilmington, there are Head Start programs that operate from churches and public buildings. Some, like the one at Ninth and Franklin Streets, are located near drug trafficking areas, and they are not near enough to any school to fall into a drug free school zone. These are precisely the programs that my bill is designed to protect.

Mr. President, we need to continue sending drug dealers a consistent message: If you do your evil business in places where you endanger our children, the punishment is going to be doubled. That message must be sent loud and clear across the Nation. The police do increase their presence in drug free school zones, the current statutes are being used, and defendants are getting stiffer penalties. In Delaware in 1992, there were 72 convictions, and in 1993 there were 152 convictions for violations of Delaware's drug-free school zone law. Delaware Federal prosecutors use the Federal drug-free school zone statute as well: Over 14 percent of defendants in Federal-drug trafficking cases in Delaware were sentenced under the Federal drug-free school zone statute.

There is also evidence that drug dealers on the street have taken notice of the signs proclaiming a drug-free school zone. In a case prosecuted in Yakima County, WA, a drug dealer told an undercover police officer, "Wait * * * we'll have to move some down the road * * * we're too close to the school." They moved and completed their drug deal, but the drug dealer's sense of distance wasn't too good. He completed the drug sale only 650 feet from the school. That dealer got busted and he got extra time too.

Mr. President, we had for some years been making considerable progress in reducing drug usage among our Nation's youth. In fact, adolescent drug usage decreased steadily from 1979 to 1992. However, in the past 2 years, there has been a dramatic upsurge in certain drug usage among children in the 8th, 10th, and 12th grades. More disturbing, increased usage has been accompanied by a softening of the antidrug attitudes that were so vigorously inculcated in our children during the 1980's. America is receiving a wakeup call, Mr. President—a warning that we must continue to apply pressure to every aspect of the drug problem.

Establishing more drug-free school zones is not enough by itself to protect our youth from the violence and despair drug trafficking causes. But, to not extend the protection to programs like Head Start, when we know that these programs enroll children who frequently live in dangerous communities, and who are highly vulnerable, would be a grave mistake. I call upon my colleagues to help me close this loophole now.

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. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION OR MANUFACTURING IN OR NEAR HEAD START PROGRAMS.

(a) PENALTY.—The first sentence of section 419(a) of the Controlled Substances Act (21 U.S.C. 860(a)) is amended by striking "or a playground" and inserting "or a playground or Head Start facility".

(b) SECOND OFFENDERS.—The first sentence of section 419(b) of the Controlled Substances Act is amended by striking "or a playground" and inserting "or a playground or Head Start facility".

(c) DEFINITION.—Section 419(d) of the Controlled Substances Act is amended by adding at the end the following:

"(5) The term 'Head Start facility'—

"(A) means a facility that is used to carry out a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(B) includes—

"(i) a private residence;

"(ii) a church or synagogue;

"(iii) a facility owned by a fraternal organization;

"(iv) a government facility;

"(v) a facility owned by an Indian tribe, within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(vi) a facility owned by a recipient of assistance under the Head Start Act,

that is used to carry out such a program.

By Mr. HATFIELD (for himself, Mr. NUNN, Mr. KENNEDY, and Mr. HARKIN):

S. 2080. A bill to designate a site for the relocation of the public facility of the National Museum of Health and Medicine, and for other purposes; to the Committee on Energy and Natural Resources.

RELOCATION OF THE NATIONAL MUSEUM OF HEALTH AND MEDICINE ACT

• Mr. HATFIELD. Mr. President, today I am joined by my colleagues, Senators HARKIN, KENNEDY, and NUNN in introducing legislation to highlight an existing national resource, which will serve to move us closer to the goal of healthy, better-informed America. The National Museum of Health and Medicine Site Designation Act identifies a site adjacent to the Hubert Humphrey Building, located just off of the National Mall, for relocation of the National Museum of Health and Medicine. This new location will bring to the National Mall an increased emphasis on America's impressive history in health and medicine, and an array of exhibits to strengthen the concept of responsibility and self-care as it relates to staying healthy in America.

As the Congress moves to enact comprehensive health care reform, the awareness among the general public of the array of issues around health care delivery is growing daily. Yet, there remains a surprising lack of emphasis on the role every individual can play in insuring his own health and general welfare. In Healthy People 2000, a 1990 report outlining national health promotion and disease prevention objectives issued by the Public Health Service, the link between effective health education and healthier citizens is clearly drawn. The report establishes a number of ambitious goals for increased provision of basic health education in this country—basic education which a surprising number of students in our schools are going without. That we should expect youth growing up in our society today to embark upon healthy lives without the most basic, proper information about disease prevention and health is not only foolish, but dangerous. My legislation proposes to bring our national collection of health-related artifacts back to a central position on the National Mall so that they may be seen and appreciated by millions of Americans.

While the site which this legislation designates is a new site for the museum, it is not in a neighborhood unfamiliar to the museum. From 1888 to 1968, the National Museum of Health and Medicine, then known as the Army Medical Museum, was located on the National Mall along side the Smithsonian Castle in a building known as "the Old Red Brick." During this time it was one of the most widely visited and popular museums in the Nation's Capital and in the country.

It also served an important educational purpose. During the years it was on The Mall, I visited the museum many times with my children and it made a strong impression. My daughter went on to nursing school, worked for 10 years as an emergency room nurse and then returned to medical school. While many things influenced that decision, the museum provided her with her earliest exposure to the wonders of the human body and to medical science.

Then it was torn down. The museum was demolished in 1968 to make way for the Hirshhorn Museum of Modern Art. Its national historic landmark status was transferred to its collections, and they were moved to the Walter Reed Army Medical Center. This out of the way location drastically reduced the number of visitors from nearly 1 million each year to as few as 25,000.

After more than a decade of decline, actions to ensure the museum's viability were taken in 1986 with the appointment of a new director who created a blue-ribbon panel, made up of representatives from the public and private sector, and charged them with helping to chart a course for the fu-

ture. The panel's findings were clear: the Nation needed a revitalized and relocated National Museum of Health and Medicine. Shortly thereafter, a private organization, the National Museum of Health and Medicine Foundation, was formed to help implement the panel's goals. The driving force behind the Foundation and its efforts to return the museum to The Mall has been its Chairman, the esteemed former Surgeon General of the United States, Dr. C. Everett Koop. It has been my pleasure to work closely with Dr. Koop in the effort to develop support for the museum's return to The Mall.

While my legislation sets aside a site for construction of a new public facility for the museum, it does not authorize or fund construction, nor does it usurp the authority of either the National Capital Planning Commission or the Commission of Fine Arts in deciding what type of structure will be built. Those issues will be addressed in the future. This bill simply asserts congress' belief that the promotion of health education is of vital importance to our national security and that a facility dedicated to that purpose belongs on the National Mall.

When this museum returns to The Mall, Mr. President, it will be as a working laboratory for creating and implementing effective communication strategies of reaching people with important health information. The programs and curriculum developed for this purpose will be accessible to far more than the 25 million visitors to The Mall each year. When the museum is back on The Mall it will continue to serve as the centerpiece of an national outreach effort, bringing together science museums and schools in every State, to share health-related exhibits and programs providing innovative, effective health education across the country.

There is one additional reason why this museum should be relocated along side the Hubert Humphrey Building. Hubert Humphrey the public servant was also Hubert Humphrey the health professional. As a pharmacist, he knew first hand the value of health education and information and its role in keeping people healthy. And he understood that the Federal Government has a role to play in providing health information to the American people, a mission which today is at the heart of the Department of Health and Human Services housed in the building which bears his name.

In light of their shared missions, the museum hopes to be more than just a neighbor to the Department of Health and Human Services. There is a synergy between the two institutions which should allow for productive and meaningful interaction. I am pleased to report that Dr. Koop has met with Secretary Shalala about the project and she is enthusiastic about a revitalized and relocated National Museum of Health and Medicine. The museum has already received funds through the Public Health Service which have been used for planning for the new facility and programs.

The museum's longest relationship with a Federal agency has, of course, been with the Department of Defense, which has supported the facility throughout its history and strongly does so today through the Armed Forces Institute of Pathology. Indeed, the operational support DOD has provided the museum since the 1800's has been what has kept it alive and serving the public. The museum looks forward to continued and enhanced relations with the Department of Defense. These two agencies together with the Department of Veterans Affairs have worked together since 1926 to provide direction and support to the museum.

Despite the long history of Federal support and interest in this facility, it is clearly a priority, in this time of fiscal austerity, that this project be supported by the private sector as well. Currently, the National Museum of Health and Medicine Foundation is leading a major campaign to develop private support for exhibits and programs in the new facility. They have secured a pledge of $1 million from the Kellogg Co. for a state of the art exhibit and related educational programs on diet and nutrition. More private resources for both exhibits and construction continue to be actively sought by Dr. Koop and the museum's Foundation.

I am sorry that American youth today do not now have the opportunity that my daughter did when she visited the National Mall as a youngster. While there is much to see and learn—history, art, air and space—there is no institution primarily dedicated to explaining the wonders of the human body or to inspire youngsters to stay healthy or even take up careers in the health care profession. The Mall is a living, breathing testament to what we as Americans deem important. This museum and the educational experience it will provide should be a part of our national priorities.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States faces critical health care problems, solutions for which will arise from an attentive and educated citizenry;

(2) there is a great need for an increased emphasis to be placed on public health education and the development of scientific literacy concerning health care issues;

(3) when the National Museum of Health and Medicine, formerly the Army Medical Museum, was located on the Mall in Washington, District of Columbia, from 1888 to 1968, it was one of the most popular and well-visited museums in the Nation's Capital;

(4) with the removal of the museum from the Mall to the grounds of the Walter Reed Army Medical Center in 1968, there was no longer a national education facility devoted to this purpose located within the District of Columbia within easy access to the up to 25,000,000 individuals who visit the Mall each year; and

(5) the American taxpayer, through the United States Government, pays approximately 30 percent of the costs of all health care services, services which could be reduced with the advent of better educated, informed Americans.

(b) PURPOSE.—It is the purpose of this Act to designate a site for the relocation of the public facility of the National Museum of Health and Medicine so that it may serve as a central resource of instruction about and involvement in the critical health issues which confront all American citizens.

SEC. 2. SITE OF FACILITY.

The public facility of the National Museum of Health and Medicine shall be located on the following adjacent areas of land owned by the Federal Government in the District of Columbia:

(1) The east plaza of the Hubert Humphrey Building, presently occupied by the Department of Health and Human Services.

(2) The entire portion of 2nd Street, S.W., that is located between C and Washington Streets, S.W.

(3) A triangular park, known as Square N-580, that lie immediately to the east of 2nd Street, S.W.

SEC. 3. GENERAL SERVICES ADMINISTRATION AUTHORIZATION.

In accordance with procedures of the District of Columbia, the General Services Administration is authorized to apply for the closing and transfer of jurisdiction over the entire portion of 2nd Street, S.W., the District of Columbia located between C and Washington Streets, S.W., and the transfer of jurisdiction of Square N-580, from the District of Columbia to the General Services Administration for the purpose of locating the National Museum of Health and Medicine.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as limiting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

SEC. 5. DEFINITION.

As used in this Act, the term "the Mall" means—

(1) the land designated as "Union Square", District of Columbia Reservation 6A;

(2) the land designated as the "Mall", District of Columbia Reservations 3, 4, 5, and 6;

(3) the land designated as the "Monument Grounds", District of Columbia Reservation 2; and

(4) the land designated as "West Potomac Park", District of Columbia Reservations 3, 3, and 2.

NATIONAL MUSEUM OF HEALTH AND MEDICINE FOUNDATION,
Washington, DC, May 3, 1994.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: As United States Surgeon General, I had the opportunity to visit much of this country. My travels have

allowed me great insight into the lives of everyday Americans and the challenges they face in staying healthy. When I left the Federal government and reentered private life, I had become convinced that we need to make a stronger commitment to innovative, effective health education in this country. Millions of people become needlessly ill and saddled with unnecessary medical problems simply due to a lack of understanding about the most basic health information.

Where do we begin in reestablishing that commitment? A good start would be the creation of a central, national resource for health education, accessible to all Americans. We have some of the finest educational institutions in the world here in the nation's capital. We have the most impressive museums imaginable on the national Mall, each of which has dedicated, important missions. They promote exposure to and appreciation of fine art, provide a meaningful interpretation of America's history and its place in the world, and illustrate the brilliant wonders of science and technology. These institutions are valuable pieces of our national character and they deserve their places on the Mall. What should be there as well is the National Museum of Health and Medicine.

As you know, the National Museum of Health and Medicine was on the Mall, located where the Hirshhorn Museum of Modern Art now stands, for 80 years before its building was torn down and its collections moved to the Armed Forces Institute of Pathology at Walter Reed Army Medical Center. Most of the 25 million Americans who visit the Mall each year have no idea what the National Museum of Health and Medicine was or is, much less where it is located. That is a shame, because it is these generations we most need to reach with effective health messages.

We'll be reaching far more than those 25 million mall visitors each year, of course, once the Museum is up and running. Its outreach programs will involve science museums and schools in every state and it will be a credible resource for the development of health education programs and curriculum for those institutions. Further, it will establish in no uncertain terms, there at the foot of the United States Capitol, that this is a nation which places a premium on the education and health of its people.

And finally, it will inspire young people to consider careers in the healthcare professions. I know of countless stories of youngsters who visited the Museum when it was on the Mall and who count that experience as pivotal in their beginning fascination with the human body and their subsequent decisions to become nurses or doctors or physical therapists. Most kids today know only about the health and medical professions in the context of an occasional visit to the doctor or dentist or through confusing talk they hear from their parents about healthcare reform. And some, sadly enough, know nothing at all.

We can, and must, reach more of these youth and more of America. The revitalization and relocation of the National Museum of Health and Medicine is one means of doing that. Your agreement to introduce this legislation, per the Foundation's request, is a vital first step in creating the public-private partnership which will bring the Museum back to the Mall. And we both agree that the legislation will have no impact on the actions or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts, each of which will retain their important roles in decisionmaking about design and construction of the facility.

Thank you for your hard work on this important project. I appreciate your efforts and salute your commitment to the health and education of the American people.

Sincerely,

C. EVERETT KOOP, M.D.●

By Mr. GREGG:

S. 2081. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

THE ENVIRONMENTAL INFRASTRUCTURE FINANCING ACT OF 1994

● Mr. GREGG. Mr. President, I rise today to introduce legislation called the Environmental Infrastructure Financing Act of 1994. The bill will amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt under the tax-exempt bond rules.

A continuing problem to the development of recycling efforts is the need for markets for the materials that are being collected. Processes exist for remanufacturing the recycled materials into new products, but they frequently require extensive capital investment.

An approach that is often attempted is the use of the federal tax exempt bond program, which does have a subcategory for solid waste projects. Solid waste recycling facilities should constitute a legitimate application of these funds, however, certain sections of the Tax Code define solid waste as being "material without value." With recycled materials now being traded as commodities, they do in fact have value, making the facilities which might process them ineligible for tax exempt financing. This definitional problem impedes the construction of recycling facilities, and hurts the development of recycling materials markets.

My bill will allow recycling facilities to obtain tax exempt financing. In doing so, the Environmental Infrastructure Financing Act of 1994 will foster the further development of the recycling industry and promote increased recycling.●

By Mr. KENNEDY:

S. 2084. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Human Resources.

THE PESTICIDE REFORM ACT OF 1994

Mr. KENNEDY. Mr. President, today I am introducing the administration's Pesticide Reform Act of 1994. The unprecedented cooperation between the Environmental Protection Agency, the Department of Agriculture, and the Food and Drug Administration provides a unique opportunity for long overdue pesticide reform. I commend the commitment of the Clinton administration to deal effectively with this vital public health issue.

The current Federal regulatory regime is plagued by loopholes that permit dangerous chemicals to remain on the market because of vague cost-benefit analyses and the absence of complete information about their health effects. We are gambling with public health on a broad range of potentially cancer-causing and toxic pesticides.

Since 1958, the provision of federal law known as the Delaney clause has prohibited the use of pesticides that have been shown to induce cancer in animals or humans. But this so-called zero tolerance standard is more loophole than law. In some cases, chemicals in use prior the 1958 Act are permitted to remain on the market, even though current scientific knowledge would require their prohibition. In other cases, more sophisticated scientific techniques developed in the past 35 years are able to detect minute traces of cancer-causing residues that could not have been detected when the Delaney clause was enacted in 1958.

At the core of this legislation is the fundamental concept that the legal limits of pesticides in food should fully protect human health. Most Americans probably assume that this is the law today. But it is not.

Central to the goal of reform is the creation of a single regulatory standard for all foods. Currently, pesticide residues in fresh fruits and vegetables are not regulated as strictly as in processed foods. The legislation remedies this inconsistency by specifying that no pesticide residues may exceed levels that pose more than a negligible risk of adverse effects on human health.

The principle that food must be safe is especially important for children. I commend the administration for incorporating a number of the safeguards for children recommended by the landmark 1993 study of the National Academy of Sciences on pesticides and children. We know that infants and children are uniquely vulnerable and disproportionately at risk. But current policies do not adequately address the front-end loading of risk that pesticides pose for children.

Because of their food consumption patterns and low bodyweight, children can receive a disproportionate share of their lifetime cancer risk from a pesticide at an early age. The bill establishes a mechanism to assure that infants and children are not exposed to more than a negligible risk from pesticides. The legislation also requires the EPA to collect data on the unique risks that neurotoxins pose to children's physical and intellectual development. We cannot consider the food supply to be truly safe unless we are confident that it is safe for infants and children. This legislation takes a major step toward that goal.

The President is also to be commended for making clear, for the first time, that the burden of proof that a pesticide is safe rests squarely on those seeking to use pesticides, not the pub-

lic. Under this legislation, if manufacturers do not have the data to prove that a pesticide is safe, it will not be approved.

Finally, this legislation proposes to reduce the overall use of pesticides by offering incentives for the development of less risky chemicals. It expedites registration for the safer pesticides that are being prepared by sophisticated research techniques in biotechnology.

The Clinton administration deserves credit for its commitment to deal with these complex and difficult issues, to deal with them comprehensively, and to do so with one voice. Congressman WAXMAN and I have introduced separate pesticide reform legislation earlier in this Congress. I look forward to working with the administration and my Senate and House colleagues to enact the reforms so urgently needed to protect the public health, especially the health of children.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Pesticide Reform Act of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Definitions.
Sec. 3. Tolerances and exemptions for pesticide chemical residues.
"Sec. 408. Tolerances and exemptions for pesticide chemical residues.
"(a) Requirement for tolerance or exemption.
"(b) Tolerances.
"(c) Exemptions.
"(d) Petitions and action on the initiative of the Administrator.
"(e) Temporary tolerance or exemption.
"(f) Confidentiality of data.
"(g) Existing pesticide chemical residues.
"(h) Food and Drug Administration monitoring of pesticide chemical residues.
"(i) Fees.
"(j) Judicial review.
Sec. 4. Embargo authority.
Sec. 5. Civil Money Penalties.
Sec. 6. Recall.
Sec. 7. Evaluation of existing pesticide chemical residue tolerances and exemptions.
Sec. 8. Fees.
Sec. 9. General definitions.

SEC. 2. DEFINITIONS.

(a) PESTICIDE.—

(1) PESTICIDE CHEMICAL.—Section 201(q) (21 U.S.C. 321(q) is amended to read as follows:

"(q)(1) The term 'pesticide chemical' means substance that is a pesticide, as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)), including each active ingredient and inert ingredient, as defined in paragraphs (a) and (m) of section 2 of such Act, of the pesticide.

"(2) The term 'pesticide chemical residue' means on residue in or on food of—

"(A) any pesticide chemical or a component of such chemical; or

"(B) any other substance that is present in or on the commodity or food as a result of the metabolism or other degradation of a pesticide chemical,

(2) PERSON.—Section 201(s) (21 U.S.C. 321(s)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) pesticide chemical residue; or"; and

"(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(3) RAW AGRICULTURAL COMMODITY.—Paragraph (r) of section 201 (21 U.S.C. 321) is repealed

(b) CONFORMING AMENDMENTS.—

(1) Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) The term 'Administrator' means the Administrator of the Environmental Protection Agency.".

(2) Section 402(a)(2) (21 U.S.C. 342(a)(2)) is amended—

(A) in clause (A)(1), to read as follows:

"(i) a pesticide chemical residue";

(B) in clause (b), to read as follows: "(B) if it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408 (a);"; and

(C) in clause (C), by striking ": *Provided*, That where a pesticide chemical" through "section 512".

(3) Section 403(1) (21 U.S.C. 343(1)) is amended by striking "raw agricultural commodity" and "commodity" each time it occurs and inserting "food".

SEC. 3. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

"SEC. 408. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

"(a) REQUIREMENT FOR TOLERANCE OR FXEMPTION.—

"(1) GENERAL RULE.—Any pesticide chemical residue shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

"(A) a tolerance for such residue is in effect under this section and such residue conforms with such tolerance; or

"(B) an exemption for such residue is in effect under this section and such residue conforms with such exemption.

"(2) EFFECT OF A TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, such food shall not by reason of bearing or containing any amount of such residue be considered to be adulterated within the meaning of section 402(a)(1).

"(3) DERIVED FOOD.—A tolerance or exemption for a pesticide chemical residue established for a food shall apply to all foods derived from such food unless a tolerance specifies otherwise.

"(b) TOLERANCES.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Administrator may promulgate regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue—

"(i) in response to a petition filed under subsection (d)(1); or

"(ii) on the initiative of the Administrator under subsection (d)(4).

"(B) EXPIRATION DATE.—A regulation under this paragraph shall contain an expiration date for a tolerance for a pesticide chemical established by the regulation. Such date shall be not later than—

"(i) the expiration date (if any) for such pesticide chemical established by the Administrator under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, or

"(ii) 18 years after the date such tolerance is established, whichever occurs first.

"(C) SEPARATE TOLERANCES.—Under subparagraph (A), the Administrator may establish a separate tolerance, which more closely reflects actual exposure or which is necessary for more efficient enforcement, and which is based on reliable data and information relating to the appropriate sampling, for a pesticide chemical residue with respect to food at any point in the chain of production or marketing, including—

"(i) at the time the food is harvested,

"(ii) at the time the food is purchased at retail, and

"(iii) after the food is processed.

"(2) STANDARD.—

"(A) ASSURANCE OF SAFETY.—

"(i) GENERAL RULE.—A tolerance for a pesticide chemical residue in or on food shall not be established or left in effect unless the residue permitted under the tolerance is safe.

"(ii) CANCER.—For pesticides found to induce cancer when ingested by humans or animals or determined on the basis of reliable scientific evidence to pose a potential dietary risk of cancer in humans, a tolerance shall not be established or left in effect unless the Administrator finds on the basis of conservative methods of risk assessment that the risk is negligible for all anticipated consumer exposures to such residue, including all other anticipated consumer exposures for which there is reliable information, and taking into account information concerning the special vulnerabilities of children and sensitive subpopulations.

"(iii) RISK OTHER THAN CANCER.—For pesticide chemical residues that may pose a potential dietary risk of adverse health effects other than cancer in humans, a tolerance shall provide an ample margin of safety.

"(iv) DEFINITIONS.—As used in this section:

"(I) SAFE.—The term 'safe' means with respect to a tolerance for a pesticide chemical residue that there is a reasonable certainty that no harm will result from all anticipated consumer exposures to such residue, including all anticipated dietary exposures and all other anticipated exposures for which there is reliable information, and taking into account information concerning the special vulnerabilities of children and sensitive subpopulations.

"(II) MARGIN OF SAFETY.—A margin of safety is considered ample if the Administrator determines there is a reasonable certainty of no harm to significant subpopulations from exposure to the pesticide chemical reside in the diet and from exposure to the pesticide chemical by other pathways. In making this determination, the Administrator shall give due consideration to the exposure level which is determined not to cause adverse effects in animal studies or in observations of exposed humans and to the application of appropriate factors. These factors may include factors to account for differences in sensitivity between and within species, adequacy of the study or studies, and completeness of the

available data to assess potential for adverse effects.

"(III) RISK ASSESSMENT PROCEDURES.—The Administrator shall periodically review the risk assessment procedures used to make safety determinations under this paragraph, including methodologies with respect to estimating exposure to pesticide chemicals and evaluating risks to significant subpopulations. The Administrator periodically shall revise the risk assessment procedures accordingly to incorporate advances in science and risk assessment. The Administrator may determine that a method of risk assessment different from the method required by subclause (II) is appropriate if the Administrator finds that the alternative risk assessment method will fully protect the public health.

"(B) FACTORS.—In determining whether to establish, modify, or revoke a tolerance under subparagraph (A) for a pesticide chemical residue on a food, the Administrator—

"(i) except as provided in clause (ii), shall in estimating the anticipated dietary exposure to such residue assume that all food for which the pesticide chemical residue has or will have a tolerance bears or contains residues of the pesticide chemical equal to the levels established by their respective tolerances and where separate tolerances for a pesticide chemical residue in the same food are established for different points in the chain of production or marketing pursuant to subsection (b)(1)(C), the Administrator shall assume that the food bears or contains residues of the pesticide chemical equal to the level established by the tolerance set at the point closest to the time the food is purchased at retail;

"(ii) may use data regarding the percent of a crop treated by a pesticide chemical to estimate dietary exposure to such residue only if the Administor—

"(I) finds that the data are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide chemical residue;

"(II) finds that the exposure estimate does not understate exposure for any significant subpopulation group;

"(III) if data are available on pesticide use and consumption of food in a particular area, finds that the population in such area is not dietarily exposed to residues above those estimated by the Administrator; and

"(IV) provides for the periodic reevaluation of the estimate of anticipated dietary exposure;

"(iii) shall fully account for available information on the probable consumption of foods for which there is or will be a tolerance for residues of the pesticide chemical, including, to the extent possible, consumption by significant subpopulations with differing food consumption patterns, including infants, children, and other subpopulations with disproportionately high consumption of particular foods;

"(iv) shall fully account for available information on the cumulative effect of such residue and any chemically or pharmacologically related substances in the human diet, and other ways in which the consumer may be exposed to such residue and substances, including, to the extent representative data permit, through drinking water;

"(v) shall fully account for valid scientific information regarding any estrogenic or other hormonal effects associated with the residue; and

"(vi) shall apply safety factors which after consultation with experts qualified by scientific training and experience to evaluate the safety of pesticide chemical residues determine are appropriate for use in connection with animal experimentation or other relevant data.

"(C) EXPOSURE OF INFANTS AND CHILDREN.—In determining whether to establish, modify, or revoke a tolerance for a pesticide chemical residue, the Administrator, in addition to the requirements of subparagraph (B)—

"(i) shall assess the risk of the pesticide chemical residue based on the following:

"(I) Available information about consumption patterns among infants and children that are likely to result in disproportionately high consumption of foods containing or bearing such residue among infants and children in comparison to the general population.

"(II) Available information concerning the special susceptibility of infants and children to the pesticide chemical residues, including neurological differences between infants and children and adults, and effects of in utero exposure to pesticide chemicals.

"(III) Available information concerning the cumulative effects on infants and children of such residues and other substances that have a common mechanism of toxicity;

"(ii) shall—

"(I) ensure that there is an ample margin of safety for infants and children and impose other requirements necessary to ensure that exposure to the pesticide chemical residues will be safe; and

"(II) publish a specific determination regarding the safety of the pesticide chemical residue for infants and children.

The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the Administrator, shall conduct surveys to document dietary exposure to pesticides among infants and children. For the purpose of subclause (I), an additional 10-fold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for children and infants to take into account potential pre- and postnatal toxicity and completeness of the data with respect to exposure to infants and children. Notwithstanding this requirement for an additional factor, the Administrator may determine that a margin of safety for a pesticide chemical residue is considered ample for children and infants if, on the basis of reliable data, such margin will fully protect the public health.

"(D) UNAVOIDABLE PERSISTENCE.—If a tolerance or an exemption from the requirement for a tolerance for a pesticide chemical residue is revoked and the Administrator finds the pesticide chemical residue will unavoidably persist in the environment and be found in food, the Administrator shall establish a new tolerance under subsection (d)(4) for the pesticide chemical residue. The level permitted by the tolerance shall not be greater than and may be less than the lowest level that permits only such unavoidable levels to remain in food. The Administrator shall evaluate any such tolerance at least every 5 years to determine whether modification of such tolerance is necessary so that the tolerance provides only for no greater than the level of the pesticide chemical residue that is unavoidable.

"(E) PRACTICAL METHODS OF ANALYSIS.—

"(i) GENERAL RULE.—Except as provided in clause (ii), a tolerance for a pesticide chemical residue shall not be established or left in effect unless the Administrator determines, after consultation with the Secretary, that—

"(I) there is a multi-residue method for detecting and measuring the levels of such pesticide chemical residue in or on a food that will measure the residue at the level established by the tolerance; and

"(II) such method can be performed by the Secretary on a routine basis as part of surveillance and compliance sampling of foods for pesticide chemical residues with the personnel, equipment, and other resources available to the Secretary.

"(ii) EXCEPTION.—If the Administrator is not able to make the determination described in clause (i), the Administrator shall identify, after consultation with the Secretary, the method for detecting and measuring levels of such pesticide chemical residue in or on a food that will measure the residue at the level established by the tolerance. The Administrator shall, every 2 years after the date of the determination under this clause, reevaluate the determination.

"(iii) PESTICIDE REFERENCE STANDARD.—

"(I) PROVISION TO THE ADMINISTRATOR.—A registrant of a pesticide chemical for which a tolerance has been established shall provide the Administrator, upon request, with an appropriate pesticide reference standard for such pesticide chemical, including standards for all residues of toxicological significance. Each pesticide reference standard provided to the Administrator shall be certified by a competent laboratory for both identity and purity.

"(II) ADMINISTRATOR ACTIONS.—The Administrator shall maintain a repository of pesticide reference standards, audit the certification of such standards, and make such standards available to any private, public, domestic, or foreign laboratory requesting the standard. The Administrator may also request pesticide reference standards for pesticide chemical manufactured or used in foreign countries. To the extent that the Administrator obtains standards for pesticide chemicals manufactured or used in foreign countries, the Administrator shall certify such standards for identity and purity and make them available to any private, public, domestic, or foreign laboratory requesting such standard.

"(III) DEFINITION.—For purposes of this clause, the term 'pesticide reference standard' means a pesticide chemical of known identify, purity, and composition that is required for comparison purposes in laboratory analysis to measure the amount and confirm the identity of a pesticide chemical residue in food.

"(3) CONSISTENT APPLICATION.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2). The lack of guidelines does not affect the authority of the Administrator to implement such paragraphs.

"(4) REEVALUATION PERIOD.—Each tolerance for a pesticide chemical residue established under this subsection shall prescribe the period (at least every 5 years) for reevaluating the estimate of the amount of dietary exposure to such residue made under paragraph (2)(B)(ii).

"(5) TOLERANCES IN EFFECT ON DATE OF ENACTMENT.—For pesticide chemical residue tolerances in effect on the date of enactment of the Pesticide Reform Act of 1994 this subsection shall apply as prescribed by section 7 of such Act.

"(c) EXEMPTIONS.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Administrator may promulgate regulations establishing or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue—

"(i) in response to a petition filed under subsection (d)(1); or

"(ii) on the initiative of the Administrator under subsection (d)(4).

"(B) EXPIRATION DATE.—Such a regulation may provide for an expiration date for the exemption.

"(2) STANDARD.—

"(A) AUTHORITY AND RISK STANDARD.—

"(i) ESTABLISHMENT.—An exemption may be established for a pesticide chemical residue if such residue is not a human or animal carcinogen and presents no risk to human health at any level that is reasonably likely to occur under extreme conditions of use, including the health of the subpopulations identified in subsection (b)(2)(B)(iii), from dietary exposure to such residue.

"(ii) REVOCATION.—An exemption shall be revoked unless the residue is not a human or an animal carcinogen and otherwise presents no risk to human health at any level that is reasonably likely to occur under extreme conditions of use, including the health of subpopulations identified in subsection (b)(2)(B)(iii), from dietary exposure to such residue.

"(B) EXPOSURE.—For purposes of subparagraph (A), in determining dietary exposure to a pesticide chemical residue, the Administrator shall—

"(i) use only reliable information regarding the dietary exposure resulting from the consumption of the food for which the exemption for such residue is proposed or is in effect;

"(ii) fully account for all other exemptions in effect for such residue;

"(iii) fully account for all other sources of dietary exposure to the pesticide chemical and to chemically or pharmacologically related chemicals if there is adequate information about such sources of exposure; and

"(iv) consider the exposure to be the level of exposure that would occur if human exposure to the pesticide chemical residue at the level that is reasonably likely to occur under extreme conditions of use occurs for a period equal to a lifetime.

"(3) CONSISTENT APPLICATION.—The Administrator shall issue guidelines providing for the consistent application of the requirements of paragraphs (1) and (2). The lack of guidelines does not affect the authority of the Administrator to implement such paragraphs.

"(4) EXEMPTIONS IN EFFECT ON DATE OF ENACTMENT.—For pesticide chemical residue exemptions in effect on the date of enactment of the Pesticide Reform Act of 1994 this subsection shall apply as prescribed by section 7 of such Act.

(d) PETITIONS AND ACTION ON THE INITIATIVE OF THE ADMINISTRATOR.—

"(1) GENERAL RULE.—Any person may file with the Administrator a petition proposing the issuance of a regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue. Sections 553 and 554 of title 5, United States Code, shall not apply with respect to procedures concerning such petitions.

"(2) REQUIREMENTS FOR PETITIONS.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall contain—

"(A) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition, including—

"(i) a summary of the reports required under subparagraph (D); and

"(ii) a characterization of—

"(I) the exposure to the pesticide chemical residue due to any tolerance or exemption already granted for such residue; and

"(II) the additional exposure to such residue that would result if the requested tolerance or exemption were granted;

"(B) a proposed tolerance for such residue, if a tolerance is proposed;

"(C) the name, chemical identity, and composition of the pesticide chemical that produces such residue;

"(D) reports of tests and investigations made with respect to the safety of such pesticide chemical residue, including complete information as to the methods and controls used in conducting such tests and investigations;

"(E) data showing the amount, frequency, method, and time of application of such pesticide chemical;

"(F) reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on food when ready for sale to consumers, including a description of the analytical methods used;

"(G) a description of methods for detecting and measuring the levels of such chemical residue in or on the food, which methods meet the requirements of subsection (b)(2)(E);

"(H) reports of investigations conducted on the effects of processing methods used to produce food on the level and identity of such pesticide chemical residue;

"(I) if the petition is for a pesticide chemical residue that is described in subsection (b)(2)(A)(ii), all relevant data bearing on the physical or other technical effect the pesticide chemical involved is intended to have and the quantity of the pesticide chemical residue required to accomplish such effect;

"(J) the pesticide reference standard (as defined in subsection (b)(2)(E)(iii)) for the pesticide chemical residue;

"(K) such other data and information as the Administrator may require to support the petition; and

"(L) the data referred to in subsection (b)(2)(B)(ii)(III) if available.

"(3) ACTIONS ON PETITIONS.—

"(A) FILING DETERMINATION.—

"(i) IN GENERAL.—Within 45 days of the filing of a petition under paragraph (1) for the establishment, modification, or revocation of a tolerance or an exemption, the Administrator shall determine if the petition complies with the requirements of paragraph (2) or applicable requirements for petitions to modify or revoke tolerances or exemptions from tolerances. If the Administrator determines that the petition complies with such requirements, the Administrator shall publish a notice of the filing of the petition. If the Administrator determines that the petition does not comply with such requirements, the Administrator shall notify the petitioner of such determination.

"(ii) CONTENTS OF NOTICE OF FILING.—A notice under clause (i) shall—

"(I) if it is a notice of the filing of a petition to establish a tolerance or exemption, announce the availability of a complete description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chemical residue with respect to which the petition is filed and include the summary required by paragraph (2)(A); and

"(II) if it is a notice of the filing of a petition to modify or revoke a tolerance or exemption, contain the full petition or a summary of the petition.

"(B) ACTION.—The Administrator shall, within one year of the publication of a notice under subparagraph (A) with respect to a petition, and after giving due consideration to the petition, any comments on the petition, and any other information available to the Administrator—

"(i) issue a final regulation in accordance with the petition establishing, modifying, or revoking a tolerance or exemption for the pesticide chemical residue;

"(ii) issue a proposed regulation establishing, modifying, or revoking a tolerance or exemption for the pesticide chemical residue, which tolerance or exemption is different from the tolerance or exemption requested in the petition; or

"(iii) issue an order denying the petition.

"(C) COMMENTS.—If the Administrator issues a notice of the filing of a petition under subparagraph (A)(i) or a proposed regulation under subparagraph (B)(ii), the Administrator shall allow at least 30 days for comments on such notice or proposed regulation.

"(D) FINAL REGULATION.—If the Administrator issues a proposed regulation under subparagraph (B)(ii), the Administrator shall issue a final regulation within 180 days of the date of the publication of the proposed regulations.

"(E) PRIORITIES.—The Administrator shall give priority to petitions for the establishment or modification of a tolerance for a pesticide chemical residue that appears to pose a significantly lower risk to human health from dietary exposure than pesticide chemical residues that have tolerances in effect for the same or similar uses.

"(4) ACTION ON THE ADMINISTRATOR'S INITIATIVE.—

"(A) GENERAL RULE.—The Administrator may, on the initiative of the Administrator, issue a final regulation establishing, modifying, or revoking a tolerance or exemption for a pesticide chemical residue.

"(B) NOTICE.—Before issuing a final regulation under subparagraph (A), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 30 days for public comment on the proposed regulation unless the Administrator finds that such notice and comment would be contrary to the public interest and states the reasons for the finding in the notice of the final regulation. If the Administrator makes such a finding and issues such a regulation, the Administrator shall provide at least 30 days for comment on the regulation after it is issued.

"(5) EFFECTIVE DATE.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), a final regulation issued under paragraph (3) or (4) shall take effect upon publication.

"(B) DELAY.—

"(i) GENERAL RULE.—If a regulation issued under paragraph (3) or (4) revokes or modifies a tolerance for a pesticide chemical residue or revokes an exemption for a pesticide chemical residue, the Administrator may, in accordance with clause (ii), delay the effective date of the regulation to permit the tolerance or exemption to remain in effect at a level not to exceed the level in effect immediately before such regulation is issued only—

"(I) for foods that contain such pesticide chemical residue in an amount that is not more than the amount that would remain if the pesticide chemical had been legally applied on the date the Administrator acted under paragraph (3) or (4); and

"(II) if dietary exposure to the pesticide chemical residue in or on the foods described in subclause (I) is safe during the period of delay of the effective date.

"(ii) PERIOD OF DELAY.—If the Administrator finds that delay of the effective date

of such a revocation or modification is consistent with the public health, the Administrator may delay such date under clause (i), for each type of food that contains such pesticide chemical residue, for the period that is required for such food to be sold to consumers in the course of the usual practice for persons engaged in the production, processing, transportation, storage, and distribution of the food.

"(6) REQUIRED SUBMISSION OF DATA.—

"(A) GENERAL RULE.—If the Administrator finds that additional data are required to determine whether an existing tolerance or exemption from a tolerance meets the safety standard in subsection (b)(2) or (c)(2), the Administrator shall publish an order—

"(i) requiring one or more interested persons to notify the Administrator that such person will submit the required data;

"(ii) describing the type of data required to be submitted;

"(iii) describing the reports required to be made during and after the collection of the data; and

"(iv) establishing deadlines for the actions described in clauses (i), (ii), and (iii).

"(B) DEADLINES.—If an order is issued under subparagraph (A) with respect to a tolerance or an exemption and the Administrator finds that a deadline or other condition in the order is not met, the Administrator may revoke, pursuant to the procedures in paragraph (4), the tolerance or exemption for failure to comply with such order.

"(C) EXTENSIONS.—

"(i) EXTENSION REQUEST.—Any person may request the Administrator to issue an order to extend the schedule established under subparagraph (A) before the expiration of a deadline in the schedule.

"(ii) GRANT OF REQUEST.—The Administrator may grant a request under clause (i) only if the Administrator finds that extraordinary circumstances beyond the control of such person prevented such person from submitting the required data.

"(iii) EXTENSION.—If the Administrator issues an order extending a schedule, the Administrator may extend the deadline for a period no longer than such time as is necessary for such person to submit the data.

"(7) TOLERANCE FOR USE OF PESTICIDES UNDER AN EMERGENCY EXEMPTION.—If the Administrator grants an exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136p) for a pesticide chemical, the Administrator shall establish a tolerance or exemption from a tolerance for the residue of the pesticide chemical. Such a tolerance or exemption from a tolerance shall have an expiration date. The Administrator may establish such a tolerance or exemption without providing notice or a period for comment on the tolerance or exemption. The Administrator shall promulgate regulations within 365 days after the date of the enactment of this paragraph governing the establishment of tolerances and exemptions under this paragraph. Such regulations shall be consistent with the safety standard under subsection (b)(2) and with section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

"(e) EXPERIMENTAL PERMITS.—To the extent consistent with the public health, the Administrator shall promulgate regulations for exempting from the operation of this section new pesticide chemicals intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of pesticide chemicals. Such regulations may, in the discretion of the Administrator, among other conditions relating to the protection of the public health, provide for—

"(1) conditioning such exemption upon the establishment and maintenance of such records, and

"(2) the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including analytical reports by investigators) obtained as a result of such investigational use of such article, as well as enable the Administrator to evaluate the safety of such article in the event of the filing of an application pursuant to this section. Such regulations, among other things, shall set forth the conditions (if any) upon which food treated with such pesticide chemicals may be marketed for food use.

"(f) CONFIDENTIALITY OF DATA.—

"(1) ACCESS TO DATA AND INFORMATION.—

"(A) GENERAL RULE.—Except as provided in paragraphs (2) and (3), the Administrator shall not make public data or information submitted to the Administrator or cited to the Administrator in a petition under subsection (d)(1) and data and information otherwise considered by the Administrator in issuing a proposal or final regulation or order under this section which contains or relates to trade secrets or commercial or financial information obtained from a person and is privileged or confidential. The person submitting information which they believe are privileged or confidential information shall notify the Administrator of such information. If a notice is not made to the Administrator, the Administrator may make such information public.

"(B) NOTICE.—Except as to data or information disclosed under paragraph (2), 30 days before disclosing data or information claimed as privileged or confidential under subparagraph (A), the Administrator shall notify the person who submitted or cited the data or information of the intent to disclose the data or information to the public.

"(2) AUTHORIZED DISCLOSURE FOR GOVERNMENTAL PURPOSES.—Data and information that are entitled to confidential treatment under paragraph (1)—

"(A) shall be disclosed to either House of Congress, to the extent of matter within its jurisdiction, to any committee or subcommittee of the Congress and to any joint committee of the Congress or subcommittee of such a joint committee and to the Comptroller General of the United States;

"(B) shall be disclosed to any officer or employee of the United States or of any State—

"(i) in connection with the official duties of such officer or employee under any law for the protection of health or the environment, or

"(ii) for specific law enforcement purposes;

"(C) shall be disclosed, under such security requirements as the Administrator may provide, to contractors with the United States and employees of such contractors, if such disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States or for work in connection with this section or other statutes administered by the Administrator;

"(D) shall be disclosed to the extent the Administrator determines disclosure is necessary to protect the public health; and

"(E) may be disclosed when relevant in any proceeding under this section, except that disclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable.

"(3) DISCLOSURE OF HEALTH EFFECTS DATA AND RESIDUE DATA.—

"(A) GENERAL RULE.—All data and information concerning any test of a pesticide chemical residue or a pesticide chemical to determine the potential effects of such residue or chemical on human health or concerning the levels of such residue in or on food shall be available for disclosure to the public except to the extent such data or information include—

"(i) manufacturing or quality control processes,

"(ii) methods for detecting the quantity of any deliberately added inert ingredient of a pesticide chemical other than methods for detecting residues of the inert ingredient in or on food, or

"(iii) the identity or quantity of any deliberately added inert ingredient of a pesticide chemical other than an inert ingredient which is the subject of a petition under subsection (d)(1) or an action of the Administrator under subsection (d)(4).

"(B) DATA AND INFORMATION ALSO SUBMITTED UNDER FIFRA.—Data and information described in subparagraph (A) which were also submitted to the Administrator under the Federal Insecticide, Fungicide, and Rodenticide Act shall be available for disclosure to the public in accordance with section 10(g) of such Act (7 U.S.C. 136h(g)).

"(g) EXISTING A PESTICIDE CHEMICAL RESIDUES.—

"(1) PRESTICIDE CHEMICAL RESIDUES UNDER REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues promulgated, in accordance with sections 701(e) and 406, upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be tolerances issued under this section and shall be subject to modification or revocation under subsection (d).

"(2) PESTICIDE CHEMICAL RESIDUES UNDER REGULATIONS.—Regulations establishing, modifying, or revoking tolerances for pesticide chemical residues under this section and section 409 or exemptions for pesticide chemical residues under this section on or before the date of the enactment of this section shall be deemed to be tolerances or exemptions issued under this section and shall be subject to modification or revocation under subsection (d).

"(3) GENERALLY RECOGNIZED AS SAFE PESTICIDE CHEMICAL RESIDUES.—

"(A) GENERAL RULE.—Presticide chemical residues that, on the day before the date of the enactment of the Pesticide Reform Act of 1994, do not have tolerances or exemptions from tolerances under this section because the residues are generally recognized as safe under this section or section 201(s) shall, until the expiration of the period prescribed by subparagraph (C), not be considered unsafe under section 402(a)(2)(B) solely because the residues to not have such a tolerance or exemption.

"(B) LIST.—The Administrator shall—

"(i) not later than 180 days after the date of the enactment of such Act, publish a list of all pesticide chemical residues that the Administrator has determined are generally recognized, on the day before the date of the enactment of such Act, as safe under this section or section 201(s); and

"(ii) require that any person who, before the date of the enactment of such Act, distributed in commerce as a pesticide chemical, a pesticide chemical that produces a pesticide chemical residue that is not on the list described in clause (i), and that such person determined such pesticide chemical is generally recognized as safe under this section or section 201(s), shall within 6 months of the date of the publication of the list under

clause (i), report to the Administrator the data that supports the claim that the pesticide chemical residue is generally recognized as safe.

"(C) DETERMINATION OF THE ADMINISTRATOR.—Not later than 2½ years after the date of the enactment of the Pesticide Reform Act of 1994, the Administrator shall determine if each pesticide chemical reported to the Administrator in accordance with subparagraph (B)(ii) is generally recognized as safe. If the Administrator determines, by order, that such pesticide chemical residue is generally recognized as safe, the residue of such pesticide chemical shall be considered a pesticide chemical residue subject to an exemption under this section, which exemption shall be subject to modification or revocation under subsection (d).

"(h) MONITORING OF PESTICIDE CHEMICAL RESIDUES.—

"(1) SAMPLING.—The Secretary shall conduct a comprehensive surveillance and compliance enforcement monitoring program for domestic and imported food for pesticide chemical residues to determine if the pesticide chemical residues are in compliance with this section. In carrying out this paragraph, the Secretary shall give priority to—

"(A) sampling foods for pesticide chemical residues included in a notice under paragraph (2);

"(B) sampling foods that are high consumption items for infants and children;

"(C) analyzing pesticides most likely to result in violation of this section;

"(D) conducting incidence and level monitoring; and

"(E) collecting data on dietary intake of pesticide residues on food as it is consumed.

"(2) NOTIFICATION.—The Administrator shall notify the Secretary of the pesticide chemical residues that the Administrator determines, in the administration of this section—

"(A) are above the standard prescribed by subsection (b)(2); or

"(B) are not above such standard but that may under certain circumstances reach or exceed such standard.

"(i) FEES.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the functions of the Administrator under this section. Under such regulations, the performance of the services or other functions of the Administrator under this section may be conditioned upon the payment of such fees. Such regulations may further provide that the continuation in effect of a tolerance or exemption shall be conditioned upon the payment of an annual fee and for waiver or refund of fees in whole or in part when, in the judgment of the Administrator, such waiver or refund is equitable and not contrary to the purposes of this subsection. Such fees shall be deposited in the Treasury and shall be credited to the appropriation account of the Administrator for salaries and expenses and shall be available for costs incurred in carrying out this section in accordance with appropriation Acts until expended without fiscal year limitation.

"(j) JUDICIAL REVIEW.—A petition for review of any final order of the Administrator issued under subsection (d) or any regulation that is the subject of such an order may be filed by an adversely affected person only in the United States Court of Appeals for the District of Columbia Circuit. Any such petition for review must be filed within sixty days of the issuance of such order or regulation. Judicial review shall be in accordance with sections 701 through 706 of Title 5 of the United States Code, and the challenged order or regulation shall be sustained unless it is found to be arbitrary, capricious, and abuse of discretion, or not in accordance with law. Orders and regulations of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement or other judicial proceedings.".

SEC. 4. EMBARGO AUTHORITY.

(a) ADMINISTRATIVE EMBARGO AUTHORITY.—Section 304(g) (21 U.S.C. 334(g)) is amended by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) the following new paragraph:

"(2) If an officer or employee of the Department has reason to believe that any article of food is adulterated within the meaning of section 402(a)(2)(B), the officer or employee may order the food detained (in accordance with regulations prescribed by the Secretary) for a reasonable period which may not exceed 20 days (or 10 days, in the case of a perishable food) unless the Secretary determines that a longer period of detention is required to institute an action under subsection (a) or section 302, in which case the Secretary may authorize a detention period of not more than 30 days (or not more than 15 days, in the case of a perishable food). Regulations of the Secretary shall require that before a food may be detained, the Secretary or an officer or employee designated by the Secretary shall approve the detention order. Such an order may require the labeling or marking of a food during the period of its detention for the purpose of identifying the food as detained.".

(b) PROHIBITION ON REMOVAL.—Paragraph (3) of section 304(g) (21 U.S.C. 334(g)), as redesignated by subsection (a), is amended—

(1) in subparagraph (A), by striking "a device subject to a detention order issued under paragraph (1)" and inserting "an article subject to a detention order under paragraph (1) or (2)",

(2) in the matter preceding clause (i) of sub-paragraph (B), by striking "a device subject to a detention order under paragraph (1)" and inserting "an article subject to a detention order under paragraph (1) or (2)", and

(3) in subparagraph (B) (ii), by striking "if" and inserting "in the case of a device".

(c) PROHIBITED ACT.—Section 301(r) (21 U.S.C. 331(r)) is amended by inserting "or a food" after "device" each time it appears.

SEC. 5. CIVIL MONEY PENALTIES.

Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively,

(2) by inserting after paragraph (1) the following:

"(2) Any person who introduces into interstate commerce or delivers for introduction into interstate commerce an article of food that is adulterated within the meaning of section 402(a)(2)(B) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not more than $50,000 in the case of an individual and $250,000 in the case of any other person for such introduction or delivery.",

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" each place it occurs and inserting "paragraph (1) or (2)", and

(4) in paragraph (5), as so redesignated, by striking "(3)" each place it occurs and inserting "(4)".

SEC. 6. RECALL.

(a) AUTHORITY.—Chapter III is amended—

(1) by redesignating sections 309 and 310 as section 310 and 311, respectively, and

(2) by adding after section 308 the following:

"RECALL

"SEC. 309. (a) GENERAL RULE.—If the Secretary has reason to believe that an article of food is adulterated within the meaning of section 401(a)(2)(B), the Secretary may require the manufacturer, processor, or distributor of such article to take immediately all action necessary to recall such article from all wholesale and retail establishments. A recall order of the Secretary under this subsection shall be a final agency action subject to review by the United States district court for the judicial district in which the manufacturer, processor, or distributor resides or transacts business or in which is located the article of food that is the subject of such order.

"(b) REPORT.—Manufacturers, processors, and distributors shall report promptly to the Secretary any recall of a food undertaken by the manufacturer, processor, or distributor, including any recall required under subsection (a) or section 302 and any recall conducted at the initiative of the manufacturer, processor, or distributor on the grounds that the food may be adulterated within the meaning of section 402(a)(2)(B).

"(c) SCOPE OF ORDER.—For purposes of this section, an order under subsection (a) with respect to an article of food shall include an order to retrieve or replace such article.".

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(w) The failure to comply with a recall order under section 309(a) or a requirement to report a recall under section 309(b).".

SEC. 7. EVALUATION OF EXISTING PESTICIDE CHEMICAL RESIDUE TOLERANCES AND EXEMPTIONS.

(a) CLASSIFICATION.—

(1) IDENTIFICATION.—Within 180 days of the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall, for each pesticide chemical residue that has a tolerance or exemption in effect on such date, identify each tolerance or exemption which does not appear to meet the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act and publish a notice summarizing the data and analysis upon which such determination is made. The notice published pursuant to this paragraph shall include all tolerances for a pesticide chemical, if the cumulative risk from exposure for any pesticide chemical residue, calculated by the methodology in paragraph (2), appears not to meet the requirements of section 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(2) FACTORS.—In making the determination under paragraph (1) with respect to tolerances for a pesticide chemical residue, the Administrator shall—

(A) use the toxicological conclusions, including appropriate factors where applicable, used in the most current risk assessment for the pesticide chemical residue performed by the Administrator on or before the date of enactment;

(B) assume that all food for which the pesticide chemical residue has a tolerance bears or contains residues of the pesticide chemical equal to the levels established by their respective tolerances.

(3) OBJECTIONS.—Any person adversely affected by the Administrator's action under paragraph (1) may file objections to the action with the Administrator. Such objections must be filed within 30 days of publication of

the notice required in paragraph (1). The Administrator shall act on such objections within 60 days of the receipt of the objections.

(4) SUBSEQUENT IDENTIFICATIONS.—On a yearly basis in the 4 year period after the date of enactment of this Act, if the Administrator concludes that any additional tolerances or exemptions do not appear to meet the requirements of section 408(b)(2) and 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, the Administrator shall identify such tolerances and exemptions and publish a notice summarizing the data and analysis upon which such identification is made. Prior to identifying any additional tolerances or exemptions under this paragraph, the Administrator shall publish the identification as a proposal and seek public comment.

(b) DATA SUBMISSION.—

(1) DEADLINE FOR SUBMISSION OF DATA ON APPARENTLY UNACCEPTABLE PESTICIDE CHEMICAL RESIDUES.—For any pesticide chemical residue for which the Administrator makes the identification described in subsection (a)(1) or (a)(4), any person wanting to maintain the tolerance or exemption for such pesticide chemical shall have 2 years from the publication of the notices in subsection (a) to submit data or information on such chemical relative to the safety standard in section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(2) DEADLINE FOR SUBMISSION OF DATA ON ALL OTHER PESTICIDE CHEMICAL RESIDUES.—For any other pesticide chemical residue that had a tolerance or exemption from a tolerance on the date of enactment of this Act, any person wanting to maintain the tolerance or exemption for such pesticide chemical residue shall have not more than 5 years from such date of enactment, subject to any schedule imposed under paragraph (3), to submit data or information relative to the safety standards in such section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(3) SCHEDULE.—For any pesticide chemical residue for which the Administrator does not make the identification described in subsection (a), the Administrator may establish a schedule for the submission of data for the tolerance or exemption for such pesticide chemical residue which data shall be the basis for a determination by the Administrator as to whether the tolerance or exemption meets the requirements of such section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act.

(4) EXTENSIONS.—

(A) REQUEST.—Any person may request the Administrator to issue an order to extend a deadline established under paragraph (1), (2), or (3) before expiration of the deadline.

(B) GRANT OF REQUEST.—The Administrator may grant such a request only if the Administrator finds that extraordinary circumstances beyond the control of such person prevented such person from submitting the required data.

(C) EXTENSION.—If the Administrator issues an order extending a deadline—

(i) the Administrator may extend the deadline for a period no longer than such time as is necessary for such person to submit the data; and

(ii) the Administrator may extend the deadline in paragraph (1) for no more than 1 year and any deadline established under paragraph (2) or (3) so long as such extension does not extend the deadline beyond 6 years from the date of enactment of the Act.

(c) DEADLINES FOR ACTION.—

(1) 3-YEAR DEADLINE.—Within 3 years of the date of enactment of this Act, the Administrator shall issue a final decision for 75 percent of the tolerances and exemptions of the pesticide chemical residues identified in subsection (a)(1) by classifying such tolerances and exemptions as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such decisions shall be based only on data received by the Administrator before the deadline in subsection (b)(1) or before the expiration of an extension granted under subsection (b)(4), whichever is later.

(2) 4-YEAR DEADLINE.—Within 4 years of the date of enactment of the Act, the Administrator shall issue a final decision for 100 percent of the tolerances and exemptions of the pesticide chemical residues identified in subsection (a)(1) by classifying such tolerances and exemptions as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such decision shall be based only on data received by the Administrator before the deadline in subsection (b)(1) or before the expiration of an extension granted under subsection (b)(4), whichever is later.

(3) DEADLINE FOR SUBSEQUENTLY IDENTIFIED TOLERANCES AND EXEMPTIONS.—Within 4 years of the date of identification of a tolerance or exemption under subsection (a)(4) or 7 years from the date of enactment, whichever is sooner, the Administrator shall issue a final decision classifying such tolerance or exemption as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such decision shall be based only on data received by the Administrator before the deadline in subsection (b)(1) or before the expiration of an extension granted under subsection (b)(4), whichever is later.

(4) 7-YEAR DEADLINE.—Within 7 years of the date of the enactment of this Act, the Administrator shall determine if each tolerance or exemption in existence on the date of enactment of this Act and not identified in subsection (a) meets the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act. Such determination shall be based only on data received by the Administrator before the deadline in subsection (b)(2) or the deadline in a schedule established by the Administrator for the pesticide chemical residue under subsection (b)(3) or the expiration of an extension granted under subsection (b)(4), whichever is later.

(5) REVOCATION PROCEEDINGS.—If the Administrator determines under this subsection that any tolerance or exemption does not meet the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, the Administrator shall promptly initiate revocation proceedings for such tolerance or exemption under section 408(d) of such Act.

(d) EXPIRATION OF A TOLERANCE OR EXEMPTION.—

(1) GENERAL RULE.—No later than six and one-half years but not before six years from the date of the enactment of this Act, the Administrator shall publish a list of tolerances and exemptions for pesticide chemical residues which shall expire 7 years after such date of enactment, unless the Administrator—

(A) has issued a decision finding that such pesticide chemical residue meets the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, or

(B) has granted an extension under paragraph (2).

(2) EXTENSION.—Upon petition of any person, the Administrator may grant an extension beyond the 7-year period in section (d)(1), of not more than 1 year for the term of tolerance or exemption for a pesticide chemical residue if the Administrator finds that a person seeking to support such tolerance or exemption has met all applicable requirements for the submission of information or data required by subsection (b), the Administrator has not completed review of the data submitted pursuant to subsection (b), and the extension would not adversely affect public health. Any tolerance granted an extension under this paragraph shall expire when the extension expires, unless prior to expiration of the extension the Administrator makes the finding in subparagraph (A).

(3) LIST.—The Administrator shall include on the list established under paragraph (1) each tolerance and exemption which was identified under subsection (a)(1) or (a)(4) for which the Administrator has not issued a decision classifying it as meeting or not meeting the requirements of section 408(b)(2) or 408(c)(2) of the Federal Food, Drug, and Cosmetic Act, and which the Administrator now determines do not appear to meet such requirements. The Administrator shall develop such list using the methodology specified in subsection (a)(2)(B) and is only required to consider data submitted on or before the expiration of the deadlines for data submission in subsection (b).

(4) OBJECTIONS.—Any person adversely affected by the Administrator's action under paragraph (1) may file objections to the action with the Administrator. The person filing the objection must file it within 30 days of the publication of the list specified in paragraph (1), and must demonstrate, using the methodology specified in subsection (a)(2)(B) and considered only data submitted on or before the expiration of the deadline for data submission in subsection (b), that the tolerance or exemption which was identified under subsection (a)(1) or (a)(4) should not be included on the list under paragraph (1). The Administrator shall act on such objections within 60 days of the receipt of the objections.

(e) TRANSITIONAL REVOCATION RULE.—

(1) GENERAL RULE.—If the Administrator determines under section 408 of the Federal Food, Drug, and Cosmetic Act that a tolerance for a pesticide chemical residue should be revoked or if a tolerance will expire within 1 year based on operation of subsection (d), the Administrator may, upon a petition from any person, extend the tolerance for a period not longer than 5 years after such determination if the Administrator finds—

(A) the risk to health presented by exposure to such residue is equal to or less than 10 times the risk allowed under section 408(b)(2) of such Act, and

(B)(i) that the health benefits to the person exposed to such residue are greater than the dietary risks to health presented to such person by such exposure, or

(ii) that such extension is necessary to avoid a significant disruptive in domestic food production.

The Administration may not extend a tolerance under this paragraph for a period which extends beyond 10 years after the date of enactment of this Act.

(2) MODIFICATION.—The Administrator may modify or revoke a tolerance or exemption extended under paragraph (1), if the Administrator determines that circumstances no longer justify the continuation of such tolerance or exemption as extended.

(3) DEFINITIONS.—For the purposes of this subsection, the term "health benefits"

means the benefits which occur when the application of a pesticide chemical residue to a food directly reduces the incidence of illness or disease but such term does not include benefits from an adequate, wholesome, or economical food supply.

(f) DEADLINE SUITS, JUDICIAL REVIEW.—

(1) DEADLINE SUITS.—Any person may commence a civil action on such person's own behalf against the Administrator in the United States District Court for the District of Columbia where there is alleged a failure of the Administrator to perform any of the non-discretionary acts required by subsections (c)(2), (c)(3), or (c)(4). The court shall have jurisdiction in actions brought under this paragraph to order the Administrator to perform such act. For suits involving subsections (c)(2) or (c)(3), if the court finds that the Administrator has failed to perform a non-discretionary act, the court shall have jurisdiction to order the Administrator to perform such act within a specified period of time, but that period may not exceed 8 years after the date of enactment of this Act. Suits involving subsections (c)(2) or (c)(3) must be brought within 6 years of the date of the enactment of this Act. No action may be commenced prior to 60 days after the plaintiff has given notice of such action to the Administrator.

(2) JUDICIAL REVIEW.—A petition for review of a final action of the Administrator under subsection (a)(3), (a)(4), (d)(2), (d)(3) or (e)(1) may be filed by any adversely affected person only in the United States Court of Appeals for the District of Columbia Circuit. Any such petition for review must be filed within 60 days of the issuance of the final action. Judicial review shall be in accordance with sections 701 through 706 of title 5 of the United States Code, and the challenged action shall be sustained unless it is found to be arbitrary, capricious, an abuse of discretion, or not in accordance with law. Any determinations made by the Administrator under subsections (b) or (c), shall be subject to judicial review only in a petition for review of a final action of the Administrator under section 408(d) of the Federal Food, Drug, and Cosmetic Act pursuant to section 408(j) of such Act. In reviewing a final action of the Administrator under subsection (a)(3), the court may not extend the deadline for data submission in subsection (b)(1). Actions of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement or other judicial proceedings.

(g) REPORT TO CONGRESS.—The Administrator shall annually submit a report to Congress that lists the tolerances which have been revoked pursuant to Tolerance Review. The report shall also provide an analysis of the impacts of tolerance revocation.

(h) CONSTRUCTION.—Any reference under this section to any provision of section 408 of the Federal Food, Drug, and Cosmetic Act is a reference to such provision as amended by this Act.

SEC. 8. FEES.

(a) GENERAL RULE.—The Administrator of the Environmental Protection Agency shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the functions of the Administrator under this Act. The fee requirement of this subsection shall not apply to any agency of the Federal Government.

(b) DEPOSIT, ETC.—Such fees shall be deposited in the Treasury and shall be credited to the appropriation account of the Administrator for salaries and expenses and shall be available for costs incurred in carrying out this section in accordance with appropriation Acts until expended without fiscal year limitation.

SEC. 9. GENERAL DEFINITIONS.

As used in sections 4 and 5 of this Act:

(1) IN GENERAL.—The terms that are also used in section 408 of the Federal Food, Drug, and Cosmetic Act shall have the meanings given the terms by sections 201 and 408 of such Act.

(2) DIETARY EXPOSURE.—The term "dietary exposure" means dietary exposure as determined under section 408(b)(2)(C) of the Federal Food, Drug, and Cosmetic Act.

(3) EXEMPTION.—The term "exemption" means an exemption from the requirement for a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act.

PESTICIDE REFORM ACT OF 1994 SECTION BY SECTION SUMMARY—FFDCA PROVISIONS

Section 1. Short Title, Reference, and Table of Contents.

Section 2. Definitions:

Definition of raw agricultural commodity dropped because all foods, raw and processed, will be governed under FFDCA section 408.

Section 3. Tolerances and Exemptions for Pesticide Chemical Residues:

Establishes a new §408.

Establishes expiration dates for all tolerances; new tolerances expire in 18 years. [§408(b)(1)(B)]

Authorizes EPA to establish a separate tolerance for a pesticide chemical residue at any point in the distribution chain. Separate tolerances for a pesticide chemical may be established at the farm and retail levels. [§408(b)(1)(C)]

Standard. Tolerances shall not be established unless the residue is "safe," defined as "a reasonable certainty that no harm will result from all anticipated consumer exposures" to the residue, including the exposure of children and sensitive subpopulations. [§408(b)(2)]

Carcinogenic pesticides must pose a "negligible risk" from all anticipated consumer exposures.

Tolerances for non-carcinogenic pesticides must provide an "ample margin of safety."

Factors. When establishing, modifying, or revoking tolerances, EPA must consider:

1) anticipated dietary exposure, consumption data, cumulative effects of chemically or pharmacologically related substances in the diet, estrogenic or other hormonal effects, and other appropriate safety factors. [§408(b)(2)(B)(iv)] In establishing dietary exposure, EPA is required to use tolerance levels as the level of residue expected in food. EPA must use the tolerance closest in the chain of food distribution to the retail level. Where adequate data are available, EPA must use per cent of crop tested information in estimating dietary exposure.

2) the specific risks to infants and children, and apply an additional margin of safety. EPA also must publish a specific determination regarding its evaluation of these risks.

Surveys. Requires HHS and USDA to conduct surveys to document dietary exposure of infants and children to pesticide residues. [§408(b)(2)(C)]

Unavoidable persistence. Requires EPA to establish and review every 5 years tolerances for pesticides that have had tolerances revoked, but which unavoidably persist in the environment. [§408(b)(2)(D)]

Practical Methods of Analysis. As a prerequisite for a tolerance, requires that a practical method for detecting and measuring the residue in food be available. Statute establishes a preference for multi-residue analysis analytical methods. Requires registrants to provide EPA with reference standards for each pesticide chemical. [§408(b)(2)(E)]

Risk assessment procedures. Requires EPA to periodically review and revise risk assessment procedures to incorporate advances in science and risk assessment.

Exemptions from a tolerance. Authorizes EPA to establish an exemption from a tolerance for any pesticide chemical that presents no risk to human health at any level that is reasonably likely to occur. [§408(c)]

Petitions to establish a tolerance. Sets forth the requirements for petitions to establish a tolerance or exemption, e.g., summary of the petition, summary of reports of safety tests and investigations, description of analytical methods to detect and measure the residue in foods, etc. Sets deadlines for EPA action on petitions and issuance of final regulations. Drops the objection and hearing procedures in current law. Requires EPA to give priority to petitions for "lower risk" pesticides. [§408(d)]

Allows EPA to act on its own initiative to establish, modify, or revoke a tolerance.

Pipeline provision. Allows EPA to delay the effective date of a regulation to revoke or modify a tolerance, in order to allow foods having residues at the previous tolerance to work their way through commerce, provided that the dietary exposure is safe during the period of delay. [§408(d) (5)]

Emergency exemptions. Requires EPA to establish a tolerance whenever EPA authorizes an emergency use of a pesticide under Section 18 of FIFRA. Requires EPA to issue regulations setting forth this procedure. [§408(d)(7)]

Confidentiality. Prohibits EPA from releasing any trade secrets, and commercial or other privileged information contained in a petition, except to Congress and other government agencies, and under certain other circumstances. Requires public disclosure of data concerning the effects of the pesticide on human health. [§408(f)]

Grandfather provision. Deems regulations issued prior to the date of enactment that affect pesticides under §§406, 409, and 701(e), or pesticides that are generally recognized as safe, to be tolerances. [§408(g)]

Monitoring. requires HHS to conduct a comprehensive surveillance and compliance enforcement monitoring program for pesticide residues in food. [§408(h)]

Fees. Authorizes EPA to collect fees to cover the costs of administering section 408. [§408(i)]

Judicial Review. Sets forth procedures to request judicial review of any regulation by the U.S. Court of Appeals for the District of Columbia Circuit.

Section 4. Embargo Authority.

Authorizes FDA to embargo foods that contain illegal pesticide residues.

Section 5. Civil money penalties.

Authorizes FDA to assess civil money penalties for violations related to illegal pesticide residues.

Section 6. Recall authority.

Authorizes FDA to require the recall of foods containing illegal pesticide residues.

Section 7. Evaluation of existing pesticide chemical residue tolerances and exemptions:

Requires EPA to identify within 180 days of enactment tolerances or exemptions for pesticides that do not appear to meet the safety standard contained in §§408(b)(2) or 408(c)(2). Sets a deadline of 2 years to submit

data in support of a tolerance. Authorizes EPA to establish schedules or to extend a deadline for data submission for other pesticides. [Section 7(a–b)]

Sets deadlines for EPA to complete its determinations as to whether tolerances for pesticide residues meet the new safety standard. Within 4 years, EPA must issue a determination for 100% of tolerances that appear to not meet the standard. If a deadline is missed, anyone may sue to place EPA on a schedule; schedule cannot exceed 7 or 8 years. [Section 7(c)]

Tolerance Expiration:

Tolerances or exemptions would under certain circumstances expire 7 years after enactment unless EPA has found that the pesticide meets the safety standard or has granted an extension. Six and one-half years after enactment, EPA must publish a list of the tolerances and exemptions that will expire after 7 years after enactment. EPA may grant an extension of one year, if the registrant has submitted all required data, and the extension would not adversely affect public health. [Section 7(d)]

Transitional revocation rule. Allows EPA to extend an existing tolerance (that does not meet the standard) for a maximum of 10 years after enactment, provided that (1) the risk to health is less than 10 times the risk allowed by §408(b)(2), and (2) the health benefits are greater than the dietary risks, or (3) the extension is needed to prevent a disruption in domestic food production.

Deadline suits/Judicial review. Allows EPA to be sued for failure to meet its deadlines. Allows judicial review of final EPA actions in the U.S. Court of Appeals for the District of Columbia.

Report to Congress. Requires EPA to report to Congress the tolerances which have been revoked pursuant to the tolerance review, and an analysis of the impact of the revocation.

Section 8. Fees.

Authorizes EPA to collect fees to carry out its responsibilities under the FFDCA.

Section 9. General Definitions.

By Mr. THURMOND:

S.J. Res. 184. A joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week"; to the Committee on the Judiciary.

IRON OVERLOAD DISEASES AWARENESS WEEK

Mr. THURMOND. Mr. President, I am pleased to introduce today a joint resolution designating the week of September 18–24, 1994 as "Iron Overload Diseases Awareness Week."

Hemochromatosis is an inherited disorder which causes individuals to absorb too much iron from their diet. Because the body has no way to eliminate iron except by bleeding, over time the accumulated iron assaults body tissue and major organs. Hemochromatosis is often overlooked by doctors because its symptoms—fatigue, weakness, abdominal pain, aching joints—are often attributed to other diseases. More than 1.5 million Americans are affected by this disease, which can cause a variety of problems, including diabetes, cancer, arthritis, cirrhosis of the liver and heart disease.

There is a treatment for this disease, but early diagnosis cannot be made unless there is proper screening. The four necessary tests are: serum iron, TIBC (total iron binding capacity), percent saturation and serum ferritin. Only these tests will give an accurate picture of a patient's iron status.

Mr. President, I urge my colleagues to join me in supporting this joint resolution which brings attention to this common but underdiagnosed condition. I ask unanimous consent that the text of this joint resolution be printed at the end of my remarks.

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

S.J. RES. 184

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas 1 United States resident in 200 is estimated to carry double genes that cause accumulation of excessive iron stores, resulting in diseases of the heart, liver, sex glands, pancreas, and the joints, with ultimate fatality if untreated;

Whereas our Nation's carrier rate of the single hemochromatosis gene is estimated to be 26 in 200; and

Whereas many doctors and their patients are not aware of this incidence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 18, 1994, through September 24, 1994, is designated as "Iron Overload Diseases Awareness Week," and citizens of the United States are urged to participate in protecting their health by informing themselves of this common but underdiagnosed condition.

By Mr. PELL (for himself, Mr. AKAKA, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. D'AMATO, Mr. FORD, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. MACK, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PAYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SHELBY, and Mr. WELLSTONE):

S.J. Res. 185. A joint resolution to designate October 1994, as "National Breast Cancer Awareness Month"; to the Committee on the Judiciary.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, I rise today to introduce a joint resolution designating October 1994, as National Breast Cancer Awareness Month. I am very pleased that 25 of our colleagues have joined as original cosponsors of this very important resolution.

This is the fifth year I have introduced this measure and it is my hope that the Senate will move swiftly to pass it. I believe that this resolution has heightened awareness and enhanced education programs to combat this life-threatening disease.

The statistics are all too familiar. Breast cancer is the second leading cause of cancer death among women. In 1994, breast cancer will strike an estimated 182,000 women and 1,000 men, and kill 46,000 women and 300 men. Currently, in my State alone, the Rhode Island Breast Cancer Coalition reports that there are approximately 15,000 women with breast cancer.

These figures are alarming. But numbers don't tell the stories of the families who face this battle, which takes a major emotional, physical, and economic toll on all those involved. The numbers don't tell the stories of the women who have lost the battle, leaving husbands, children, siblings, parents, and friends behind; nor do they tell the stories of those who struggled against the disease—and survived.

And, Mr. President, there are many survivors. As our resolution states, early detection—through self-examination, clinical examination by a qualified health care provider, and screening mammography—can significantly reduce breast cancer mortality. According to the American Cancer Society, early detection procedures have increased the 5-year survival rate for localized breast cancer from 78 percent in the 1940's to 93 percent today.

Although the scientific community has discovered more about the diagnosis and treatment of breast cancer in recent years, there is still much work to do in getting the message out to women. Many women still do not know how to self-examine, and many who would benefit from a screening mammogram do not seek one because of fear, cost, or lack of access to information.

Health care organizations, providers, and advocates are working to educate people about breast cancer and to explain that while breast cancer can kill, it can also be conquered.

Mr. President, Congress can help send this message of hope by once again establishing the month of October as "National Breast Cancer Awareness Month."

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1329

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S.

1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1485

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1485, a bill to extend certain satellite carrier compulsory licenses, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1884

At the request of Mr. SIMPSON, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1884, a bill to amend the Immigration and Nationality Act to reform asylum procedures, to strengthen criminal penalties for the smuggling of aliens, and to reform other procedures to control illegal immigration to the United States.

S. 2006

At the request of Mr. DOLE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

S. 2051

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 2051, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month".

SENATE JOINT RESOLUTION 167

At the request of Mr. SIMON, the names of the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New York [Mr. D'AMATO], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. HEFLIN], the Senator from North Dakota [Mr. DORGAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Colorado [Mr. CAMPBELL], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 167, a joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. COVERDELL], the Senator from Florida [Mr. MACK], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution designating the week beginning May 1, 1994 as "Arson Awareness Week."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from Virginia [Mr. ROBB], the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. AKAKA], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. PACKWOOD], the Senator from Maryland [Mr. SARBANES], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Tennessee [Mr. SASSER], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Florida [Mr. GRAHAM], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

AMENDMENTS SUBMITTED

CONGRESSIONAL GIFTS REFORM ACT

BOREN (AND OTHERS) AMENDMENT NO. 1675

Mr. BOREN (for himself, Mr. MCCAIN, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures; as follows:

At the appropriate place, insert the following:

SEC. . POST-EMPLOYMENT REFORM ACT OF 1994.

(a) SHORT TITLE.—This section may be cited as the "Post-Employment Reform Act of 1994".

(b) FORMER AGENCY BAN.—

(1) EXECUTIVE BRANCH.—Section 207(c)(1) of title 18, United States Code, is amended by striking "within 1 year after" and inserting "within 2 years after".

(2) CONGRESS. Section 207(e) of title 18, United States Code, is amended in paragraphs (1)(A), (2)(A), (3), (4)(A), and (5)(A), by striking "within 1 year after" and inserting "within 2 years after".

(3) CONFORMING AMENDMENT RELATING TO PAY LEVELS.—(A) Section 207(c)(2)(ii) of title 18, United States Code, is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(B) Section 207(e)(6) of title 18, United States Code, is amended—

(i) in subparagraph (A) by striking "which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule"; and

(ii) in subparagraph (B) by striking "payable for level V of the Executive Schedule" and inserting "which is 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(c) FOREIGN ENTITIES BAN.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2) and inserting in such paragraph be-

fore the period the following: ", or a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States".

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL.—Section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(e) TRADE AND TREATY NEGOTIATION BAN.—Section 207(b)(1) of title 18, United States Code, is amended by striking "for a period of 1 year" and inserting "for a period of 10 years".

(f) EFFECTIVE DATE.—This section shall be effective after January 1, 1995.

BROWN AMENDMENT NO. 1676

Mr. BROWN proposed an amendment to the bill S. 1935, supra; as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONTRIBUTIONS TO LEGAL DEFENSE FUNDS.

The prohibition relating to contributions to the legal defense of a Member, officer, or employee of the Senate set forth in paragraph 1(c)(2)(D) of rule XXXV as amended by this Act shall apply to officers and employees of the executive branch.

HELMS AMENDMENT NO. 1677

Mr. HELMS proposed an amendment to the bill S. 1935, supra; as follows:

At the appropriate place insert the following:

"SEC. . Notwithstanding any other provision of law, Senators shall, from their personal funds, reimburse the U.S. Treasury fifty cents for each and every use of an elevator designated for the sole use of Senators in the Capitol building or Senate office buildings."

BUMPERS AMENDMENT NO. 1678

Mr. BUMPERS proposed an amendment to the bill S. 1935, supra; as follows:

Strike line 8 on page 35 through line 9 on page 49 of the Committee substitute, and insert in lieu thereof the following:

"any gift provided directly or indirectly by any person.

"(b) 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.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) 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.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) 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.

"(5) Meals 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.

"(6) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) 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.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar 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 his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(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 in which the Member, officer, or employee is a participant. 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 or the provision of food, refreshment, 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 meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(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 paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) 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 signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or 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 Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(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 that may not exceed 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 Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"any gift provided directly or indirectly by any person."

MURKOWSKI AMENDMENT NO. 1679

Mr. MURKOWSKI proposed an amendment to the bill S. 1935, supra; as follows:

On page 36, after line 24, add the following:

"(E) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or Political Action Committee to a Member.

On page 37, line 7, before the period insert "except as provided in subparagraph (c)(2)(E)".

On page 50, between lines 16 and 17, add the following:

"(v) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is made by a lobbyist, foreign agent, or Political Action Committee to a Member.

On page 50, line 23, before the period insert "except as provided in subparagraph (3)(B)(v)".

BURNS AMENDMENT NO. 1680

Mr. BURNS proposed an amendment to amendment No. 1679 proposed by Mr. MURKOWSKI to the bill S. 1935, supra; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of law the pay of Members of Congress shall be reduced by 15% effective immediately.

MURKOWSKI AMENDMENT NO. 1681

Mr. MURKOWSKI proposed an amendment to the bill S. 1935, supra; as follows:

On page 43, line 22, strike "not".

On page 57, line 11, strike "not".

EXON (AND OTHERS) AMENDMENT NO. 1682

Mr. EXON (for himself, Mr. DECONCINI, Mr. KERRY, Mrs. BOXER, Mr. LAUTENBERG, Mr. DASCHLE, Mr. REID, Mr. WELLSTONE, and Mr. BRADLEY) proposed an amendment to the bill S. 1935, supra; as follows:

At the appropriate place add the following:

It is the sense of the Senate that any Member who voted May 5, 1994, to amend S. 1935 to reduce the pay of Members of the Senate by 15 percent should return to the U.S. Treasury the full amount of any pay that would not have been received had the amendment been enacted into law and that such Members should provide evidence to the public on an annual basis that they have done so.

LEVIN AMENDMENT NO. 1683

Mr. LEVIN proposed an amendment to the bill S. 1935, supra; as follows:

On page 36, line 13, after "client" insert "or firm".

On page 36, line 21, strike "and" and insert "or".

On page 37, line 6, insert "Election" before "Campaign".

"(A) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(B) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(3) For purposes of clause (2), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 42, line 21, after "similar event" insert "provided by the sponsor of the event,".

On page 44, line 4, strike "to the event" insert "to the event,".

On page 44, between lines 16 and 17, insert the following:

"(d) 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, shared within the recipient's office, or destroyed.".

On page 37, lines 19 and 20, strike "business or employment" and insert "business, employment, or other outside".

On page 37, line 21, strike "have not been offered" and all that follows through the end of the sentence and insert "are customarily provided to others in similar circumstances."

On page 38, line 18, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 41, between lines 15 and 16, insert the following:

"(14) A plaque, trophy, or other memento of modest value.

"(15) An item for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

On page 42, line 6, beginning with "family member or friend" strike all through line 16, and insert the following: "individual providing the item—

On page 45, lines 10 and 11, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 45, lines 24 and 25, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 46, lines 7 and 8, strike "clauses (1) and (2)" and insert "paragraphs 1 and 2".

On page 47, lines 19 and 20, strike "government organization" and insert "government or organization".

On page 48, line 8, before "with participation" insert a period and "No Member, officer, or employee may accept funds in connection".

On page 48, line 18, strike "Rule XLIII of" and insert "rule XLIII of the Rules of".

On page 50, line 5, after "client" insert "or firm".

On page 50, line 13, strike "and" and insert "or".

On page 50, line 22, insert "Election" before "Campaign".

On page 51, lines 10 and 11, strike "business or employment" and insert "business, employment, or other outside".

On page 51, line 12, strike "have not been offered" and all that follows to line 14, and insert "are customarily provided others in similar circumstances".

On page 52, line 7, insert "and are customarily provided to others in similar circumstances" before the semicolon.

On page 53, lines 4 and 5, strike "Committee on Rules and Administration" and insert "Committee on Standards of Official Conduct".

On page 55, between lines 4 and 5 insert the following:

"(M) A plaque, trophy, or other memento of modest value.

"(N) An item for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

On page 55, line 19, beginning with "family member or friend" strike all through page 56, line 4, and insert the following: "individual providing the item—

"(i) seeks to deduct the value of such item as a business expense on the individual's income tax return; or

"(ii) accepts direct or indirect reimbursement or compensation for the item from a client or a firm of which the individual is a member or employee.

"(C) For purposes of clause (B), indirect reimbursement or compensation for an item includes an expenditure from an expense account and a fee charged by a lobbyist for the purpose of compensating the lobbyist for the cost of the item.

On page 56, line 9, after "similar event," insert "provided by the sponsor of the event".

On page 57, line 18, strike "to the event" and insert "to the event,".

On page 58, between lines 6 and 7, insert the following new subparagraph:

"(4) When it is not practical to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity, shared within the recipient's office, or destroyed.

On page 59, lines 2 and 3, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, lines 16 and 17, strike "or committee chairman" and insert "(or, in the case of an employee of a committee, the appropriate committee chairman)".

On page 59, line 25, strike "(A) and (B)" and insert "(a) and (b)".

On page 60, lines 10 and 11, strike "Ethics Committee" and insert "Committee on Standards of Official Conduct".

On page 62, line 8, strike "Committee on House Administration" and insert "Committee on Standards of Official Conduct".

On page 36, strike lines 1–8 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 36, line 20, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 36, line 24, strike "employee." and insert the following: "employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 49, strike lines 17–24 and insert the following:

"(c)(1) The restrictions in subparagraph (a) shall apply to any financial contribution or expenditure relating to conference, retreat, or similar event for or on behalf of Members, officers, or employees."

On page 50, line 12, strike "employee; and" and insert "employee (not including a mass mailing or other solicitation directed to a broad category of the general public);".

On page 50, line 16, strike "employee." and insert the following: "employee; and

"(E) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or a foreign agent in lieu of an honorarium."

On page 37, line 13, strike the period and insert the following:

"(subject to prior approval by the Ethics Committee in the case of a gift to the Member, officer, or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse or a Member in excess of $250 that is provided on the basis of personal friendship).

On page 51, line 4, strike the period and insert the following:

"(subject to prior approval by the Committee on Standards of Official Conduct in the case of a gift to a Member, officer, or employee in excess of $250 that is provided on the basis of personal friendship and disclosure under the Ethics in Government Act of a gift to a spouse of a Member in excess of $250 that is provided on the basis of personal friendship).

On page 63, strike line 11 and insert the following:

SEC. 5. REPEAL OF OBSOLETE PROVISIONS.

Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

SEC. 6. PROHIBITION ON LOBBYISTS.

No person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute shall provide a gift to any Member, officer, or employee of the Senate or the House of Representatives, or a spouse or dependent of the Member, officer, or employee, if the lobbyist or foreign agent knows that the acceptance of the gift by the Member, officer, employee, spouse, or dependent would violate Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives.

SEC. 7. EXERCISE OF CONGRESSIONAL RULEMAKING POWER.

Except for sections 4, 5, and 6, this Act is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, 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. 8. 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."

SEC. 9. No provision of this bill shall be interpreted to limit a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee by any person other than a lobbyist or a foreign agent.

SEC. 10. The rules on acceptance of meals and entertainment provided to a Member or an employee of a Member in the Member's home State prior to the adoption of reasonable limitations by the appropriate Committee shall be the rules in effect on the day before the effective date of this bill.

SEC. 11. EFFECTIVE DATE.

FAIR HOUSING RIGHTS AMENDMENTS ACT OF 1994

SPECTER AMENDMENT NO. 1684

Mr. COHEN (for Mr. SPECTER) proposed an amendment to the bill (S. 668) to amend title IX of the Civil Rights Act of 1968 to increase the penalties for

violating the fair housing provisions of the act, and for other purposes; as follows:

On page 3, strike lines 10 through 12 and insert the following:

"(3) any citizen or lawful resident because the citizen or lawful resident is, or has been, or in order to discourage the citizen or lawful resident or any other citizen or lawful resident from lawfully aiding or encouraging

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JOHNSTON. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the administration's crop insurance proposal. The hearing will be held on Wednesday, May 11, 1994, at 10 a.m. in SR-332. Administration witnesses will testify.

For further information, please contact Mike Knipe at 224-5207.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the science concerning global climate change. The hearing will take place on Tuesday, May 24, 1994 at 9:30 a.m., in Room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Black Cordes.

For further information, please contact Leslie Black Cordes of the committee staff at (202) 224-9607.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m., on Thursday, May 5, 1994, in open and closed session, to consider the nomination of Jeffrey K. Harris to be Assistant Secretary of the Air Force for Space.

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, May 5, 1994 at 10:00 a.m., to hear testimony on the subject of end-of-life issues in health care reform.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, May 5, 1994.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Art and the Humanities be authorized to meet for a hearing on ESEA reauthorization, during the session of the Senate on May 5, 1994, at 10:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 5, 1994, at 9:30 a.m., to hold a hearing to receive testimony on provisions in S. 1824, the "Legislative Reorganization Act of 1994," for authorizing appropriations for certain congressional support agencies and for abolishing the joint committees.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on financing of VA health care reform. The hearing will be held on May 5, 1994, at 2:00 p.m. in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Thursday, May 5, 1994, at 4:00 p.m., in open session, to receive testimony on Department of Defense Tactical Aviation Modernization Programs in review of the Defense Authorization request for fiscal year 1995 and the future years defense program.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 5, beginning at 10 a.m. to conduct a hearing on HUD management issues.

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

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet at 2:00 p.m. on Thursday, May 5, 1994, in open session, to receive testimony on Long-Range Bomber Programs and requirements in review of the defense authorization request for fiscal year 1995 and the future years defense program.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:00 p.m., May 5, 1994 to receive testimony on S. 471, to establish a new area study process for proposed additions to the National Parks System, and for other purposes; and S. 528, to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT, to Lincoln County in the State of Montana.

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

ADDITIONAL STATEMENTS

THE LEWIS AND CLARK RURAL WATER SYSTEM

• Mr. DURENBERGER. Mr. President, Minnesota is known as the Land of 10,000 Lakes. Water is one of the defining characteristics of life in Minnesota. Few, if any, States place such a high value or depend so much on the quality of their water.

It is for this reason that today I join my colleague, Senator PRESSLER, in introducing a bill to establish the Lewis and Clark Rural Water System, an innovative project to provide a reliable supply of safe drinking water to communities in southwestern Minnesota, northwestern Iowa, and northeastern South Dakota. The introduction of this bill is particularly timely as we in the Senate work to resolve our differences in order to reauthorize legislation critical to the safety of our Nation's drinking water, the Safe Drinking Water Act.

Right now, the only available water in these areas is contaminated beyond the primary and secondary standards for drinking water. Fertilizers, pesticides, chemical and fuel spills seep into the ground water causing higher levels of nitrates. In addition, shallow aquifers often contain sulphates. And oftentimes, water restrictions must be

enforced, because the water supply is low.

Studies show that the current law favors large systems, where the cost of treating the water supply is distributed among a large population. This can reduce the cost to just a few dollars per household per month. The Lewis and Clark Rural Water System will bring together 22 small rural water systems and communities, serving 180,050 individuals with drinking water. By unifying the drinking water system serving this area, we can cost effectively provide the clean and safe drinking water that the farms and communities of this region deserve.

Support for this project has been widespread, with State and local commitment from all three participating States. It is now up to us to provide the finishing touch of Federal authorization. I am proud to be a part of this project, and urge my colleagues to join Senator PRESSLER and me in cosponsoring this worthwhile legislation.•

TRIBUTE TO FREDERICK S. "RICK" SPENCER

• Mr. PRYOR. Mr. President, I rise today to recognize Mr. Frederick S. "Rick" Spencer of Mountain Home, on the occasion of his retirement from the board of directors of the National Organization of Social Security Claimants' Representatives [NOSSCR].

Since receiving his Juris Doctorate from the University of Arkansas School of Law in 1974, Mr. Spencer has enjoyed an outstanding career as a solo practitioner in Mountain Home. "Rick" Spencer's areas of emphasis include personal injury, worker's compensation, and social security disability claims. Among many other achievements, he is the founder of the Arkansas Injured Worker's Association and a 1989 winner of the Arkansas Trial Lawyer's Association's President's Award.

In 1991, due to his extensive accomplishments in assisting clients who were experiencing problems in securing their benefits through Social Security, Mr. Spender was chosen as president of the National Organization of Social Security Claimants' Representatives. He has served on this organization's board of directors since 1992.

On May 18, during NOSSCR's 13th national seminar for presentation of Social Security law, Mr. Spencer, along with NOSSCR's 11 other past presidents, will be retired from the board of directors. I know this will be an especially proud day for "Rick" Spencer, his wife, Coralee, and their daughter, Sarah.

Mr. President, though he may be retired from NOSSCR, it is good to know that Mr. Spencer will be continuing his fine legal work in Arkansas. It is indeed my pleasure to recognize an Arkansan who contributes so much to his profession, church, and community. I know my colleagues join me in congratulating Frederick S. "Rick" Spencer, and wishing him every success for the future.•

COURT SECRECY AND THE PUBLIC'S RIGHT TO KNOW

• Mr. SIMON. Mr. President, late summer Senator KOHL introduced a bill to address the problems of protective orders and secrecy agreements in Federal litigation. Today, I would like to add my name as a cosponsor of S. 1404, the Sunshine in Litigation Act of 1993.

This bill addresses a simple yet serious and frequent problem that affects much Federal litigation, especially products liability cases: Federal district courts routinely enter protective orders or approve settlements that prevent the publication of information that is relevant—and indeed often crucial—to the public health and safety. A brief example will suffice: In 1995. Dow Corning entered into a $1,000,000 settlement with a plaintiff in a case involving the Dow Corning breast implants. Although the plaintiff's attorney uncovered evidence revealing that Dow had known of the health risks associated with the implants as early as the 1970's, this evidence did not come to light because of a protective order entered as part of the settlement. Thus, it was not until 1992 that the public, through an FDA investigation that independently uncovered the damaging evidence, discovered the potentially damaging effects of the implants.

Courts enter protective orders or approve secrecy agreements in settlements because all too often they regard litigation as nothing more than a private dispute mechanism. Similarly, injured plaintiffs often are not in the position to protect the public's right to know because as victims of injuries, they are seeking compensation and are often willing to execute secrecy agreements as a condition of settlement.

We must remember, however, that in many product liability cases, there is a third party with interests that need to be protected: the public. The public's right to know should—with rare exceptions—inform our litigation system as much as the interests of private parties. Information that will help avoid numerous injuries and much hardship should not be sacrificed at the alter of a single lawsuit's resolution.

Senator KOHL'S bill protects against this result, allowing a court to enter a protective order only after it has certified that such an order will not restrict the disclosure of information relevant to public safety, and prohibiting secrecy agreements as part of settlements.

Doubtless, some fine tuning of this bill remains to be done. Because nearly any information can be said to be "relevant to the protection of public health or safety," it is quite possible that some redrafting might be necessary to address problems of overbreadth. These minor problems, however, should not overshadow the fact that S. 1404 addresses a fundamental problem, and will have a salutary effect on the way lawsuits proceed through our Federal courts.

By introducing this bill, Senator KOHL seeks to ensure that the entire range of interests affected by Federal litigation are considered before the public is deprived of its right to discover information affecting the general welfare. I am happy to join him in this effort.•

S. 1963—INTERSTATE BANKING

• Mr. KERREY. Mr. President, I support S. 1963 as an effort to improve the efficiency and stability of our banking system. It is vital, however, as we seek to accomplish that goal, that we also ensure that State regulatory interests and responsibilities are protected and maintained.

Obviously, the benefits of interstate branching—allowing banks to follow their customers; promoting greater efficiency in the banking system; permitting American banks to become stronger global competitors and permitting banks to diversify their asset portfolios—are important to both the banking community and to consumers.

But it is equally important to consumers and our dual banking system that State regulatory interests and responsibilities are protected. State-chartered banks have served their local communities well. States have sought to protect consumers through their regulatory processes and it is vital that these processes be safeguarded.

Toward that end, I support the House version. This bill makes no distinction between national banks and State-chartered banks in interstate branching. This would ensure that interstate branches would be subject to State law. With the best interests of Nebraska in mind, I will urge the conferees to accede to the House version.

It is also important that the period for States to consider interstate branching be extended to allow States sufficient time to fully examine the impact and determine if they should opt out or implement the legislation. States need time to address necessary changes in the areas of taxation, consumer protection and bank regulation. I support the Senate's action to give States until June 1, 1997 to consider interstate branching.

Mr. President, I hope that in conference, these changes will be adopted and included in the final version of the bill to make S. 1963 a better package to reform interstate banking.•

THE CALIFORNIA DESERT BILL AND THE BRIGGS MINE

• Mrs. FEINSTEIN. Mr. President, on April 13 the Senate passed S. 21, the

California Desert Protection Act. I would like to take this opportunity to explain section 106 of the bill.

In 1991, when the House Committee on Interior and Insular Affairs marked up H.R. 2929, a forerunner of S. 21, certain wilderness areas in the southern Panamint Range that would have been designated by the bill were eliminated—Middle Park Canyon Wilderness—or reduced in size—Manly Peak, Surprise Canyon, and Slate Range Wilderness Areas—in order to allow mineral exploration and development on the affected lands. I agreed with this amendment, and I excluded the same lands from wilderness designation in S. 21 when I introduced the California Desert Protection Act in January 1993. I am pleased the Senate Energy and Natural Resources Committee concurred with this decision and these areas are not designated as wilderness in the bill reported by the committee and passed by the Senate.

The principal beneficiary of this reduction in wilderness designation is a proposed gold mine—the Briggs Mine—that is now in the final stages of permitting. The mine site is located in a cherry-stemmed intrusion in the excluded lands. As the excluded lands are now BLM wilderness study areas in which all mineral activities are prohibited, the mine is confined to the cherry-stemmed area. S. 21 removes the excluded lands from wilderness study area status and thereby will allow the Briggs Mine operators to mine the Briggs deposit more efficiently and to explore and possibly develop their larger claim block on the excluded lands. Other companies may also become active in exploring these excluded lands.

In approving the California Desert bill in 1991, the House Committee recognized, however, that if these excluded lands are not developed for their minerals, a future Congress may want to consider again whether they should be designated as wilderness. To that end, the committee included a provision to require the Secretary of Interior to report to Congress in 10 years on the status of mineral exploration and development or mining activities in these areas and on their suitability for future designation as wilderness. I agreed with this provision and included it in S. 21 as section 106.

The reporting requirement of section 106 does not bind the Secretary or a future Congress to make any particular decision as to the subsequent management of the excluded lands after the submission of the report. However, section 106 clearly contemplates that the Secretary will manage the excluded lands prior to the reporting date so as to facilitate mineral exploration and development. The provision must not be read to require the Secretary to protect the wilderness characteristics on those lands during the 10-year period as that would defeat the purpose of the provision. Moreover, section 104 releases these excluded lands from the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas so that the management restrictions applicable to wilderness study areas no longer apply. It would be completely inconsistent with my intent if these lands were to be managed as if they were still wilderness study areas between now and the submission of the report to Congress in 10 years.

Since section 106 was not discussed during the Senate debate on S. 21, I have discussed it here to place on record the purpose and effect of the provision.●

TRIBUTE TO PUBLIC SERVICE EXCELLENCE AWARD WINNERS

● Mr. PRYOR. Mr. President, as many of my colleagues know, the first week of May is designated as "Public Service Recognition Week." This is a time to step back and recognize superior performance at all levels of government. On Monday, the Public Employees Roundtable held its annual Breakfast Of Champions and presented its Public Service Excellence Awards. I wanted to take a moment to identify the winners for 1994.

On Monday, the USDA Forest Service received the Federal-level excellence award for its volunteers program. At the county level, the Miami-Dade County Public Library was honored for its juvenile and adult literacy programs. Miami-Dade County's performance is especially impressive given the damage to the library system caused by Hurricane Andrew.

The city-level recipient was the Philadelphia Police Department's "Mini-Station" concept. This unique project has effectively revitalized the idea of neighborhood policing in Philadelphia. In the area of intergovernmental work, the Specialized Technical Assistance Team, a partnership of the Department of the Interior, the University of South Dakota Small Business Development Center, and the tribal governments was recognized for its success in developing small businesses on poverty-stricken Indian reservations.

Mr. President, my colleagues may note that I have not mentioned the State-level winner. I cannot help but think that I have saved the best for last. I am very proud that the Arkansas Department of Human Services, Division of County Operations, was selected as the State-level recipient. The Division of County Operations has worked hard to eliminate geographic county lines as barriers to service. This effort to create an integrated, county-based service delivery network has so far been a great success.

Mr. President, I invite my colleagues to take a closer look at these award winners. They can provide all of us with ideas of how government can truly work effectively for the people of this Nation. Again, congratulations to the Public Service Award winners for 1994. I would ask that the description of each award winner be included in the CONGRESSIONAL RECORD after my statement.

The descriptions follow:

PUBLIC SERVICE EXCELLENCE AWARD WINNERS—1994

FEDERAL—USDA FOREST SERVICE VOLUNTEERS PROGRAM

When it comes to recruiting, training and making effective use of volunteers, the U.S. Department of Agriculture Forest Service is head and shoulders above the rest. For years, the Forest Service program has managed the talents and time of thousands of citizens whose efforts complement regular Forest Service staff in interpretive functions, visitor services and conservation efforts. In 1993 alone, 101,737 volunteers contributed 2,369 person-years of work valued at $37.7 million. Typical positions include campground hosts, information specialists, fire lookouts, and recreation, wildlife and fisheries assistants. Environmental and civic groups and resource-related businesses spend many hours constructing and restoring campgrounds and picnic areas and trails, and fostering dialogue between the Forest Service and the public by disseminating information on Forest Service programs. The Volunteer National Awards program recognizes volunteers each year—some volunteers have contributed up to 20 years of service working on long-range projects or on projects in several sites. Each year the number of volunteers has increased. Staff members are responsible for recruiting, training and administering the volunteers, ensuring rewarding experiences to volunteers, and constantly looking for new ways to improve services to the public. Touch America is a special component of the volunteer program aimed at youth ages 14–17, providing them with work experience and environmental awareness. Most importantly, the volunteer program advances a sense of public responsibility and ownership for the 192 million acres of forest held in public trust.

STATE—STATE OF ARKANSAS DEPARTMENT OF HUMAN SERVICES, DIVISION OF COUNTY OPERATIONS

The Division of County Operations is the driving force behind an initiative to drop geographic county lines as barriers to service. An integrated, county-based service delivery network provides customized services on a case-by-case basis, aiding many individuals whose needs do not fall into neatly defined categories. Human services divisions have been relocated to the same facility, enabling citizens to apply for any service in one spot. Every county has an on-site representative to assist clients with issues in any division. A team approach has been used to cross-educate employees about services offered by other divisions, speed referrals and solve the problems of clients with multiple concerns more efficiently. A comprehensive outreach effort provides information and coordination with schools, the State Department of Health, community leaders and local media. Client choice over which facility to use creates a consumer-driven system and provides an indication of which facilities need to be re-evaluated and improved. More than 90% of those responding to a recent customer satisfaction survey found the service providers to

be courteous, the service delivery timely, the facilities clean and private, and their questions well-answered. The Division is committed to a process of continuous improvement through customer input, reevaluation and revision of services. Their statewide services directory provides detailed information on sources of services for the disabled, adult education, alcohol and drug treatment, clothing, day-care housing, food, financial assistance, farm assistance, medical help, emergency services, transportation, services for the elderly, legal services, day care, and career counseling, among others.

COUNTY—MIAMI-DADE COUNTY (FLORIDA) PUBLIC LIBRARY PROJECTS JUMP START AND L.E.A.D. (LITERACY TO EVERY ADULT IN DADE)

In Dade County, there are thousands of households where books, magazines, and even a daily newspaper are entirely absent. How will the children in these households learn to read? The aim of Jump Start was to provide a daily reading experience to at risk students in 275 targeted Head Start and Title XX day care facilities. The library assembled books, flannelboard stories, puppets, fingerplays, songs and music cassettes, into one ready-to-check-out kit. To date, 205 kits are circulating among 100 day care centers and another 200 kits are being readied for another 100 centers. Library personnel have trained 781 care givers in using the kits. In less than one year, more than 8,000 children have attended the 3,000 storytimes. Detailed evaluation forms contained in each kit indicate the program is working to increase the children's attention span and vocabulary.

The LEAD program is working to combat the other half of the equation—adult illiteracy. More than 250,000 adults in the county are English illiterate, and with a burgeoning immigrant population this number will surely increase. The project started with grant money but now funded by the county, trains volunteers in literacy instruction and then matches tutors one-to-one with adults who have requested help in learning to read well enough to function in the community. Students are given instruction until they can read at a 5th grade level, helping many to begin working toward a high school equivalency degree. Staff provide materials, train volunteers on computers with literacy software and assist tutors in tackling specific reading problems.

Both programs have been specially challenged in dealing with the aftermath of Hurricane Andrew which destroyed four branch libraries and caused millions of dollars in damage to library property and collections.

CITY—CITY OF PHILADELPHIA POLICE DEPARTMENT'S MINI-STATION CONCEPT

Philadelphia's 32 mini-stations are the backbone of the city's policing concept. Created in response to citizen demand, they are as unique and diverse as the communities they serve, including two which are mobile. Rental space, utilities and furnishings are all donated by businesses or communities. Each station is staffed by at least two officers, who work with a minimum of supervision. Their goal is to provide increased police presence, create partnerships with community residents, provide better service to remote areas through more immediate responsiveness, offer referral information on city services, and more individually respond to the needs of the neighborhood. Each day, mini-stations are improving the quality of life of the citizens, sometimes by arrest, but also by tutoring a child after school, pulling strings to get a drug addict into rehab, organizing a baseball team or helping the hopeless find jobs. Citizens have greater access to police to discuss complaints and concerns or seek assistance. Mini-station officers have initiated feeding programs for children and seniors, created a T-shirt factory to provide employment opportunities, established a "tot lot," hosted English as a second language classes for Cambodian residents, and formed student mediation sessions in a racially-tense high school. The results speak for themselves—a decline in calls to 911, a 90% reduction in purse-snatchings near one food store, the shutdown of 13 drug houses thanks to information provided by the community, a reduction in racial incidents between Black and Asian youths, and an overall 76% reduction of crime in one business district.

INTERGOVERNMENTAL—SPECIALIZED TECHNICAL ASSISTANCE TEAM

Six hundred twenty-six jobs created or sustained on poverty-stricken Indian reservations; more than $2.4 million in loans and grants received by Indian owned businesses on these same reservations; the burden of debt on tribal governments lessened by $21 million—these are a few of the success stories of the Specialized Technical Assistance Team. This 8-year-old partnership of the Department of Interior, university of South Dakota Small Business Development Center, and the tribal governments is comprised of 11 specialists who work to help make economic development and independence a reality among native Americans. STAT efforts have affected the lives of more than 60,000 Native Americans residing on 25 reservations in 11 states. Through helping tribal members start their own businesses and gain financial stability, tribal members gain enhanced self-respect and tribes become more independent of federal funds for their livelihood. The Team must often seek multi-faceted, creative approaches. As an example, developing tourism on the Pine Ridge Reservation required the Team's help not only to prepare a brochure to attract U.S. and foreign visitors, but also to improve the roads. The tribe needed heavy equipment to move gravel for road repairs but didn't have the funds to pay for the necessary equipment. Within four weeks, the Team located the equipment and the tribe procured it at no cost. Nationally, only 20% of all small businesses succeed; businesses assisted by STAT have a 70% survival rate. The Department of Interior grants team members only an hour a day in official work time to work on these projects—team members provide an extraordinary amount of their personal time, financial resources, and dedication to making this program a resounding success.●

THE CONSTITUTION OF POLAND

● Mr. SIMON. Mr. President, today is the 203d anniversary of the signing of the original Polish Constitution. Ratified in 1791, the Polish Constitution was the first liberal charter of its kind on the European continent and is based on the Constitution of the United States. Because of the close relationship between Poland, the United States, and their respective Constitutions, I want to use this opportunity to praise Poland and its people for their commitment to democracy and the rule of law.

Like the American Constitution, the original Polish Constitution stressed the rights of the individual over those of the State. It secures individual freedom for Polish citizens while at the same time ensuring religious tolerance and the principle of majority rule. Against like its American counterpart, the Polish Constitution created three independent and equal pillars of government: legislative, judicial, and executive branches.

Unfortunately, the Poland's democratic development was interrupted by foreign domination for all of the 19th century and most of the 20th century.

During a time of instability throughout many parts of the world, Poland has provided an example for countries which are trying to make tough policy decisions to change command economies into a free market economies. Poland has shown that free enterprise can increase living standards faster than government subsidies. While the ownership of durable goods in Poland has dramatically increased since the mid 1980's, Poland's public debate as a proportion of its GDP is lower than in some European Union [EU] countries. In addition, Poland's budget deficit is lower than the EU average. Clearly, Poland has proven to other developing countries that a flourishing free market economy can be achieved peacefully without suppressing democracy and the rule of law.

Today I met with a delegation of Polish officials to discuss their efforts on civil rights legislation. It is truly inspiring to see Poland making strides on matters such as civil rights and the environment at the same time it is going through the painful process of restructuring its economy.●

INTERNATIONAL ENVIRONMENTAL EDUCATION DAY

● Mrs. HUTCHISON. Mr. President, today, students from Mexico and my State of Texas are holding ceremonies and a tree planting on the Texas/Mexican border to signify the importance of environmental awareness and the need for environmental education in our classrooms.

This event, sponsored by the American Forest Foundation's award-winning environmental education curriculum, Project Learning Tree, is but one of three national activities being held today to promote international environmental cooperation between our North American countries. Similar ceremonies will be held simultaneously on the North Dakota/Canadian border and here in Washington at Memorial Park on the Capitol Mall. Students from all 50 States have participated by preparing environmental exchange boxes which will feature representative items of their State. These boxes have been sent to all three event sites, and permanent exhibits will be created in Texas and North Dakota to commemorate May 5 as International Environmental Education Day.

Mr. President, I want to commend the youth of our country, Mexico, and Canada for joining together in a positive and creative way to call attention to the need for environmental education programs in our schools. Project Learning Tree reaches over 20 million students worldwide. The new revised PLT curriculum guide offers nearly 100 activities that can be utilized in pre-K through senior high schools. PLT teaches students critical thinking skills and how to think about their environment, not what to think about their environment.

I congratulate all of our students, parents, and teachers for participating in these nationwide events.•

TRIBUTE TO AMERICAN SMALL BUSINESSES

• Ms. MOSELEY-BRAUN. Mr. President, I rise today to pay tribute to the Nation's small businesses during the 1994 Small Business Week. The accomplishments of this Nation's small business owners are significant. Small business is an important economic engine. It is instrumental to the economic growth and vitality of this country.

According to the President's recent report on small business, for example, the impact of the recession would have been much worse without the approximately 180,000 jobs created in industries dominated by small businesses. These businesses create jobs and fuel the economy by providing products and services that large companies can not or will not provide.

As a member of the Banking Committee and Small Business Committee, I am working on ways to help small businesses, including minority and women-owned businesses, get the capital they need. According to the U.S. Commission on Minority Business Development, limited access to capital is one of the most formidable stumbling blocks to minority business development.

The ever-growing demand for the Small Business Administration's 7(a) Guaranteed Loan Program, which guarantees loans of small businesses so that banks will make loans, is proof of this need for capital. From 1992 to 1993, applications to the 7(a) Guarantee Loan Program jumped 37 percent.

I supported legislation that reduced the cost of making these SBA guaranteed loans, resulting in an estimated guarantee loan authority of almost $7 billion for fiscal year 1994. I am also a cosponsor of S. 1275, the community development banking bill, which changes securities laws to improve access to capital markets for small businesses. The bill also creates a secondary market in small business loans and reduces bank regulatory burdens to enhance the ability of our banks to make loans to small businesses. I also have urged administration officials to administratively eliminate banking regulations that inhibit small business lending.

In addition to these capital access initiatives, the SBA has created a program that helps high risk, startup companies obtain venture capital. Both the Small Business Investment Company Program and the Specialized Small Business Investment Company Program, targeted at minority companies, have been restructured and funded at a higher level. For women-owned businesses, the SBA has established a pilot program to expedite SBA guaranteed loans to qualified women-owned businesses. Chicago boasts the first fully running office to process these guaranteed loan applications.

These initiatives will help small businesses acquire the capital they need for startups and expansions. It takes money to make money, and small businesses have the hardest time accessing startup money. If we can help small businesses obtain the capital they need, they can get on with the job of creating jobs for this economy.

Small businesses, because of their size, are more innovative, more creative and more able to respond to changing market trends. It is this ability to respond to change that allowed small businesses to make contributions to the economy during the recession while large companies were downsizing. I believe this flexibility also equips them to succeed in foreign markets. However, small businesses can not do it alone.

The four pilot one-stop trade shops, including one in Illinois, will provide small businesses with information about U.S. export promotion programs, export financing, technical advice, and basically how to sell in foreign markets. These one-stop shops will combine the export promotion programs from Federal agencies, such as the Commerce Department, Small Business Administration, Eximbank, and Agriculture Department in one location, making it easier for American businesses, especially small businesses, to get information and assistance in exporting their products.

As our economy becomes more intertwined with those of other countries, American companies will need to export in order to succeed. Previously, much of the international attention was centered on large companies. We now need to focus on the exporting success, and potential, of American small businesses. There are almost 20 million small businesses in this country. Pilot programs such as the one-stop trade shops will help American small business find the technical assistance, export financing, and insurance they need to penetrate and succeed in overseas markets. Making money in foreign markets means creating jobs here at home.

The Wahl Clipper Corp., located in Sterling, IL., exemplifies a small business that has turned domestic success into international sales. The firm develops and markets a line of professional salon hair dryers, shear sharpeners, shears, curling brushes, combs, and attachments for hair clippers. The success of Wahl Clipper Corp's products in the United States enabled the firm to market them internationally through distributors familiar with local regulations, customs, and languages. Initially, Wahl Clipper adapted some products developed for the U.S. market to sell abroad. As their exports grew, the firm began designing products, like its Euro-flex cord and cordless rechargeable shavers, for worldwide use.

In an era when the United States is running a gigantic trade deficit, Wahl Clipper is doing business in over 70 countries. Its sales and employment continue to rise significantly each year. In addition, the Wahl Corp. works to assist other American businesses in entering the international market.

Wahl Clipper Corp. illustrates the role that U.S. small businesses will play in the emerging global economy. Not surprisingly, John F. Wahl, president and CEO of the Wahl Clipper Corp., was recognized as the 1990 Illinois Exporter of the Year.

The Wahl Clipper Corp. is far from the only Illinois company tapping into an international market. The Kee-Per Bag Co. of Elk Grove Village, IL, owned and operated by Eleanor Workman, manufactures insulated bags that are used to keep prepared foods, such as pizza, hot during delivery. The products are used by restaurants, pizzerias, caterers, and schools. The company offers a variety of styles and will prepare custom-made items.

Ms. Workman began exporting Kee-Per Bags in 1991 by contacting the international trade center [ITC] at the College of Dupage's small business development center. The ITC, which works with the small business administration to provide counseling and technical advice to Illinois small businesses, assisted Ms. Workman in preparing an international marketing plan for Kee-Per Bags. The Kee-Per Bag Co. implemented the marketing plan and international sales now account for over 15 percent of its total business. The company exports to many countries, including Britain, Belgium, France, Sweden, and the West Indies.

Another Elk Grove Village company, Mickey Hamano's Electro-Wire, Inc., has generated jobs by entering the international market. Mr. Hamano began selling electrical wire and cable from his car in 1978. Soon, he was able to rent garage space and stock a small inventory.

After being rejected for financing from several banks, he obtained a loan from the Small Business Administration. Since then, Mr. Hamano has become a supplier for major American companies such as AT&T and IBM. In

1992 alone, the firm created 20 full time jobs. In addition, its total sales for 1993 more than doubled the 1992 sales of $8 million. Much of Electro-Wire's phenomenal growth in sales and profitability are attributed to its success in the international market. Mr. Hamano views that SBA loan as the catalyst for Electro-Wire's great success.

I would also like to take this opportunity to pay tribute to all the women and men whose small businesses contribute so significantly to the economy of Illinois and our country. Specifically, I would like to congratulate Ms. Rachel Hubka, president of Rachel's Bus Co., on her designation as the 1994 Illinois Small Businessperson of the Year.

In 1978, Ms. Hubka left her job as a telemarketer to start working at a Chicago-area school bus company. Within 18 months, her hard work earned her a promotion to general manager. Yet, she didn't stop there; in 1987 she started her own company. Her belief in a child's right to clean, safe transportation and a determination to provide jobs, training, and incentives for unskilled individuals inspired her to start Rachel's Bus Co. She spent 18 months securing financing, insurance, and bid qualification. She then was awarded 90 bus routes by the Chicago Board of Education. The company now serves 125 routes and has expanded into charter service.

Ms. Hubka has high expectations for her employees, and encourages their professional development by offering opportunities for continuing education, promoting from within, and publicly rewarding good work. A team safety program and raffle each week result in safer driving and high morale. Perfect attendance and driving records translate into bonuses. In addition, Ms. Hubka regularly offers her company's resources to schools and community groups. She supports the Special Olympics, the Shriners' circus, after-school and gifted-child Programs, and a school bus poster contest. She is also active in the National Association of Women Business Owners.

Rachel Hubka personifies the American dream. She grew up in Arkansas as one of 13 children. She learned the realities of poverty and the benefits of hard work early in her life. As her accomplishments indicate, Rachel Hubka is living proof that it is still possible to achieve in America.

This is a prime example of the vitality that exists in our small business community. Small business owners have the determination, creativity, flexibility, and ability to run successful companies. The key to economic growth is finding new and innovative ways to run businesses that create jobs. No one does it better than American small businesses.●

REVEREND SCHUPP'S VIGIL HONORS SOUTH AFRICAN ELECTIONS

● Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to take note of the heroic actions of the Reverend Ronald Schupp who held vigil and fasted in front of the South African Consulate in Chicago to mark the elections in South Africa. He started fasting on the evening of April 26th and ended up extending his fast through the 28th, when the South African Government extended the elections for an additional day.

Ronald Schupp is a well-respected civil rights leader in Chicago. He leads the Chicago Free South Africa Movement and his actions have gained the support of such civil rights leaders as Nelson Mandela, the Bishop Desmond Tutu, and Coretta Scott King. He is also the associate chaplin of the Clara House Shelter and the People's Company for Jobs, Housing, and Food. He has already helped find housing for over 600 people in the Chicago area.

Reverend Schupp has long been active in exposing the evils of apartheid in South Africa. He has also held vigils in front of the consulate to mark Martin Luther King Day and to protest apartheid. His latest vigil was very different, however, since it enabled him to celebrate the first election in South Africa's history open to all South Africans. He was able to stand in symbolic comradeship with the newly enfranchised South African people, who lined up for miles to cast their first ballots.

We all rejoice as President-Elect Mandela makes his first speeches as the elected leader of the entire people of South Africa. The cheers for Nelson Mandela are heard around the world. However, I would also like to take note of the people right here in the United States, who also reminded us, day after day, of the evils of apartheid and the importance of working to rid the world of the inequality and cruelty it stood for, people like the Reverend Ron Schupp. Some might say that Reverend Schupp's goal has been achieved, and there is no doubt that the South African elections represent a great milestone. However, as long as there is inequality in the world, I am sure that Ron Schupp will remain active, and we will always need people like him.●

FAIR HOUSING RIGHTS AMENDMENTS ACT OF 1993

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 210, S. 668, the Fair Housing Rights Amendments Act of 1993.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 668) to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1684

(Purpose: To clarify protections for lawful residents)

Mr. COHEN. Mr. President, on behalf of Senator SPECTER, I send to the desk an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] for Mr. SPECTER proposes an amendment numbered 1684.

The amendment is as follows:

On page 3, strike lines 10 through 12 and insert the following:

"(3) any citizen or lawful resident because the citizen or lawful resident is, or has been, or in order to discourage the citizen or lawful resident or any other citizen or lawful resident from lawfully aiding or encouraging.

Mr. SPECTER. Mr. President, I am pleased that the Senate is passing S. 668, as I believe this is an important bill that will strengthen the enforcement of our fair housing laws. The legislation, drafted at the behest of the Civil Rights Division of the Department of Justice, enjoys the support of a bipartisan group of cosponsors. The bill will close a gap in the coverage of the criminal provisions of the Fair Housing Act, title IX of the Civil Rights Act of 1968, prohibiting criminal intimidation or interference with the exercise of fair housing rights.

A similar bill was passed by the Senate by unanimous consent near the close of the second session of the 102d Congress, but the House failed to act on the bill. I certainly hope that with the time remaining in this Congress, we can see this bill enacted this year.

Current law proscribes the use of intimidation, force, or threat of force to willfully injure, intimidate, or interfere with a person's exercise of rights secured by Federal fair housing laws. Unless acting as part of a conspiracy, a person who violates this provision may not be prosecuted for a felony under Federal law unless death or injury results. While such acts currently violate Federal law, they are only misdemeanors. Crimes of violent intimidation like firebombings should be punished as felonies—whether or not someone is killed or injured—for the deterrent value of the increased sentence.

Closing this gap in felony coverage under the current Fair Housing Act is all that this narrow legislation is designed to accomplish. The bill makes it a felony for an individual acting alone to use force, or the threat of force to intimidate or interfere with the exercise of rights guaranteed by the Fair Housing Act if the defendant's action

results in property damage exceeding $100 or if the defendant uses or carries a firearm in the commission of the offense. If these conditions are not satisfied, then the violation remains a misdemeanor. The bill creates no new Federal crime; it merely makes an act that is currently a misdemeanor subject to the more stringent penalties for commission of a felony.

In addition, the legislation conforms the penalties available for criminal intimidation under the fair housing laws to those mandated by section 3571(b) of title 18 of the United States Code. Thus, the bill works no change in currently applicable fines and jail sentences, except to the extent that the bill establishes a sentence of up to 5 years for the new substantive violation established in the legislation.

The bill we are adopting contains one amendment worked out with Senator METZENBAUM. When the Fair Housing Act was adopted in 1968, it prohibited intimidation not just of persons seeking to exercise their fair housing rights but also people who were aiding or encouraging persons to exercise these rights. The law, however, only protected persons who were aiding or encouraging others if they were citizens of the United States. The rationale for protecting only citizens was that it was a responsibility peculiarly associated with citizenship to undertake to aid or encourage others in the exercise of their rights. The amendment to this bill that has been accepted would extend the protection offered by the fair housing laws to those who aid or encourage others in the exercise of their fair housing rights if they are U.S. citizens or lawful residents of this country. I want to point out that all persons enjoy the protection of this law against violent intimidation in the exercise of their fair housing rights. Persons in this country illegally, however, will not be protected from acts of intimidation when they aid or encourage others to exercise their fair housing rights. Aliens lawfully in this country will gain protection when they aid or encourage others in the exercise of their fair housing rights under this bill as adopted.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1684) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments to be proposed?

If not, without objection, the bill is deemed read the third time and passed.

So the bill (S. 668), as amended, was deemed read the third time and passed, as follows:

S. 668

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 "Fair Housing Rights Amendments Act of 1994".

SEC. 2. PENALTIES FOR ACTS OF VIOLENCE OR INTIMIDATION.

Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (known as the 'Civil Rights Act of 1968'; Public Law 90–284; 42 U.S.C. 3631), is amended to read as follows:

"SEC. 901. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

"(a) UNLAWFUL ACTS.—It shall be unlawful to use force or threat of force, whether or not acting under color of law, to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with—

"(1) any person because of the race, color, religion, sex, handicap familial status, or national origin of the person and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(2) any person because the person is, or has been, or in order to intimidate the person or any other person or any class of persons from—

"(A) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1) of this section; or

"(B) affording another person or class of persons opportunity or protection so to participate; or

"(3) any citizen or lawful resident because the citizen or lawful resident is, or has been, or in order to discourage the citizen or lawful resident or any other citizen or lawful resident from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate.

"(b) PENALTIES.—Whoever commits an act described in subsection (a)—

"(1) shall be fined not more than $100,000, or imprisoned not more than 1 year, or both;

"(2) that results in bodily injury shall be fined not more than $250,000, or imprisoned not more than 10 years, or both;

"(3) that results in death shall be subject to imprisonment for any term of years or for life; and

"(4) that results in property damage exceeding the sum of $100 or uses or attempts to use fire in committing the act, or uses or carries a firearm while committing the act, shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

"(c) DEFINITIONS.—As used in this section:

"(1) FAMILIAL STATUS.—The term 'familial status' has the meaning given the term in section 802.

"(2) FIREARM.—The term 'firearm' has the meaning given the term in section 921(a)(3) of title 18, United States Code.

"(3) HANDICAP.—The term 'handicap' has the meaning given the term in section 802.

"(4) BODILY INJURY.—The term 'bodily injury' has the meaning given the term in section 1515(a)(5) of title 18, United States Code.".

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

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

The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY, MAY 6, 1994

Mr. LEVIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, May 6; 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; and that at 10 a.m., the Senate resume consideration of S. 1935.

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

RECESS UNTIL 10 A.M., FRIDAY, MAY 6, 1994

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate today, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 12:45 a.m., recessed until Friday, May 6, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 5, 1994:

THE JUDICIARY

H. LEE SAROKIN, OF NEW JERSEY, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

WILLIAM F. DOWNES, OF WYOMING, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990

LEWIS A. KAPLAN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE GERARD L. GOETTEL, RETIRED.

BLANCHE M. MANNING, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE MILTON I. SHADUR, RETIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NELBA R. CHAVEZ, OF ARIZONA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE FREDERICK K. GOODWIN, RESIGNED.

DEPARTMENT OF DEFENSE

EAMON M. KELLY, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE S. WILLIAM PATTIS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, U.S. AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 8034:

To be vice chief of staff, U.S. Air Force

To be general

LT. GEN. THOMAS S. MOORMAN, JR. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS 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. PAUL G. CERJAN xxx-xx-xx...
LT. GEN. JEROME H. GRANRUD xxx-xx-xx...

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 3040(B):

To be chief of the National Guard Bureau

To be lieutenant general

MAJ. GEN. EDWARD D. BACA xxx-xx-x...

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA:

MEDICAL SERVICE CORPS

To be lieutenant colonel

MAJ. MILLIE E. HUGHES–FULFORD xxx-xx-xx...

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

GREGORY ROSS REAIRS
CHRISTOPHER JON REMSHAK
THOMAS GEORGE SOBIECK

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

MICHAEL STEPHAN CUSHANICK
BRYAN JAY LOWER

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT SECOND LIEUTENANTS IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

To be second lieutenants

JASON A. ABELL
JAMES A. ALEMAN
MARC A. ALEXANDER
VICTOR W. ARGOBRIGHT II
ERIK A. ARRINGTON
JEREMIAH J. ASHCROFT III
RAMZY C. AYACHI
WOLCOTT D. BAIRD III
CHRISTOPHER D. BAKER
JAMES P. BALET
ROBERT O. BALL
MATTHEW W. BANCROFT
DANA R. BARNES
JOEL N. BARTIS
STEPHEN D. BATES
JASON A. BELL
TRACI T. BENJAMIN
DAMIAN A. BESS
BENJAMIN T. BIERLY
DOUGLAS O. BIRD
GREGORY E. BLAKE
DAVID M. BLANKENSHIP
MICHAEL C. BOYD
JAMES T. BRADY
MICHAEL A. BROOKS, JR.
CHRISTOPHER J. BROWNING
BRIAN T. BRUGGEMAN
JEANNE M. BUCHANAN
PATRICK M. BURGER
ERIC T. BURTON
JOSEPH P. BUSS
CHRISTOPHER T. CABLE
DAYTON CALHOUN IV
DOUGLAS C. CAMPBELL
TOMAS CARLOS
JEFFREY W. CARPENTER
MICHAEL A. CARTER
DAVID A. CHLEBNIK
CHRIS J. CLAIBORNE
CHARLES S. CRASE
CANDI B. CUNNINGHAM
SHAWN P. CUNNINGHAM
WILLIAM J. DARRENKAMP, JR.
SEAN N. DAY
KEITH R. DEERKOSKI
CHARLES B. DOCKERY
JOSE P. DOMINGUEZ
PETER B. DUMONT
PHILIP H. DWYER
DOUGLAS S. DYSON
ANDREW C. EANNIELLO
CHARLTON M. EVANS
GREGORY L. EZELL, JR.
TYRONE H. FERREL
JOHN FORMOSO
JASON R. FREI
CHRISTOPHER M. FREY
KEVIN D. GLATHAR
DOUGLAS W. GLOVER
GRANT G. GOODRICH
JASON A. GORDON
TERRENCE P. GORDON
GREGGORY A. GRAY
BARTT G. GREENE
ALLEN D. GRINALDS
JOHN M. HACKEL
JAMES G. HAMILL
BRADLY F. HANNER
ROGER A. HARDY
CHRISTOPHER M. HARRELL
MYRON C. HARRINGTON III
MICHAEL R. HEDE
SEAN K. HENDERSON
DANIEL W. HERLIHY
JEFFREY R. HOAGLUND
SCOTT K. HORNBUCKLE
LEON HSI
JOE D. ISLAS, JR.
JAMES F. JACKSON, JR.
MICHAEL H. JOHNSON
WARD A. JONES
CHRISTOPHER M. KENNEDY
LAURA J. KRATZ
BRYAN J. LAIRD
GREGORY J. LANE
STANLEY M. LAUCK
AMBER M. LEHNING
THOMAS A. LENHARDT
CHRISTOPHER W. LOVELL
GARRETT C. LUNDE
CHICO MANNING
ANDREW J. MARCELIS
ROBERT F. MASON, JR.
KEVIN J. MASSETT
KEVIN S. MATTIX
RICHARD P. MATYSKIELA
SCOTT W. MAYFIELD
PETER L. MCARDLE
MICHAEL G. MCCARTHY, JR.
RONALD C. MCCRANIE
JAMES P. MCDONOUGH III
MICHAEL J. MCGURR
ROBERT V. MCMILLEN, JR.
JOSE L. MERCADO, JR.
RICARDO MIAGANY
DEBBIE S. MILLER
GORDON D. MILLER
CRAIG C. MONROE
MARC H. MORGAN
BRIAN D. MURPHY
ADAM L. MUSOFF
MICHAEL T. NELMS
ERIK T. NILSON
JENNIFER A. OGILVIE
MARIA J. PALLOTTA
THOMAS M. PALMQUIST
JAMES R. PARKER IV
NICHOLAS S. PATE
STEVEN C. PAYNE
JOSHUA M. PAYTON
JEFFREY P. PELLEGRINO
MICHAEL J. PEREZ
JACK D. PERRIN
ERIC J. PETERSON
JOHN F. PETERSON
WESLEY A. PHILBECK
DAVID M. PHILLIPPI
RANDOLPH G. PUGH
ROBERT G. PUGH
RODOLFO A. QUILES
YOLANDA Y. RAY
FREDERICK J. REGAN
MARK S. REVOR
LEWIS P. RHODES
EDUARDO B. RIZO
JOHN H. ROCHFORD II
BRIAN A. ROSS
JOHN W. ROSS
JOHN P. RUCCI
DAVID F. RUPPERT
JOHN B. SALMON
SHENANDOAH SANCHEZ
PHILLIP J. SCHENDLER
MARC E. SCHNEIDER
LISA J. SCHULE
MATTHEW R. SEAY
CHRISTOPHER B. SHAW
MICHAEL R. SIRECI
DAVID A. SKINNER
JAMIESON J. SLOUGH
DUANE F. SMILE
DAVID J. SMITH, JR.
SINCLAIR D. SMITH
BLAIR J. SOKOL
JAMES T. SPOLYAR
BERT L. STEELE III
CHRISTOPHER M. SWINDULL
JEFFREY A. SYMONS
ALISON J. THOMPSON
ADAM J. TREANOR
PATRICK M. TURNER
PAUL W. URBINE
JEREMY C. VANDERLOO
SCOTT W. VOGT
SCOTT W. WADLE
JASON W. WALKER
DAVID C. WALLIS III
MATTHEW O. WATT
CHRISTINE D. WESTRICH
BRIAN D. WHITE
WADE E. WIEGEL
AHMED T. WILLIAMSON
JULIAN W. WILSON
RAISSA WILSON
SETH E. YOST
MARK W. ZIPSIE

IN THE NAVY

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGNS IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

To be ensigns

CRAIG L. ABRAHAM
ANTHONY F. ACOSTA
DEANNA L. ADAMS
JONATHAN Q. ADAMS
MICHAEL J. ADEN
JASON C. ADLER
BRADLEY A. ALANIZ
JOHN P. ALCORN
BYRON V. ALEXANDER
ERIK P. ALFSEN
PAUL R. ALGOSO
WILLIAM B. ALLRED III
ARNOLD B. ALQUEZA
GREGORY B. AMES
BRADLEY J. ANDROS
ALBERT ANGEL
PETER L. ANTONACCI
PHILIP ARMAS, JR.
SCOTT E. ARMENTROUT
ANTHONY E. ARZU
ELLIOT S. AVIDAN
OSCAR D. AVILA
ADAM M. AYCOCK
DEMIAN A. BAILEY
LEE G. BAIRD
RALPH C. BAJA
BRADFORD W. BAKER
BRENNA C. BAKER
DAVID C. BAKER III
GEORGE P. BALL
ROBERT J. BALLISTER, JR.
MICHAEL J. BALOW
MICHAEL P. BANASZEWSKI
AARON J. BARBOSA
ANDREW C. BARRY
MATTHEW P. BARTEL
DAVID S. BARTELL
ROY F. BARTKOVAK
CHARLES B. BASSEL
AMY N. BAUERNSCHMIDT
BRENT A. BEACH
TIMOTHY D. BEACH
CRAIG R. BEAL
JOSEPH S. BELL
LAURA A. BELL
MICHAEL A. BELLOTTI
SCOTT A. BELTZ
NED M. BIEHL
DANIEL B. BILOW
MITSU C. BINNS
JIMMY T. BISHOP
BRENT M. BLACKMER
STUART R. BLAIR
GREGORY M. BLAKE
JEFFRY J. BLOCK
HELEN M. BLOOM
MARK A. BLUESTEIN
KEVIN R. BOARDMAN
TODD D. BODE
DAVID E. BOLDUC
MARC D. BORAN
KEVIN D. BORDEN
MICHAEL L. BOSSHARD
ERICK J. BOWER
CHARLES J. BOWSER III
SEAN P. BOYLE
SCOTT T. BRACHER
CHRISTOPHER L. BRADNER
MICHAEL T. BRAHAN
GILLIAN A. BRESTVANKEMPEN
TODD G. BRILL
ROBERT M. BROADUS, JR.
FRANK M. BRONSON
SAMUEL R. BROOKS IV
CHARLES W. BROWN
TODD A. BROWN
MICHAEL R. BRUNEAU
PAUL B. BRYANT
JOSEPH A. BUCK IV
ALEXANDER BULLOCK III
GERALD J. BURGHARDT
BENJAMIN T. BURING
CHAD B. BURKE
DESA L. BURTON
BRIAN A. CAMPBELL
PHILIP N. CAMPBELL
BEATRICK R. CANNON
JOSEPH F. CARILLI, JR.
MARVIN W. CARLIN III
VIQUE CARO
DOMINIC S. CARONELLO
TARA A. CAROSELLI
JAMES T. CARROLL
RYAN T. CARRON
KATHERINE A. CARTER
JEFFREY J. CARTY
ROBERT S. CATTEN
CHRISTOPHER L. CAUDILL
BRIAN V. CELLILLI
VAN K. CHAPPELL
MELISSA J. CHERWIN
CHONG S. CHO
CHAD M. CHRISTENSEN
MARK E. CHRISTENSON
JAMES D. CHRISTIE
DONALD J. CHUDZIK
STEVE C. CHUNG
GREGORY M. CISZ
BRIAN L. CLARK
JEFFREY D. CLARK
SEAN M. CLARK
TRACY L. CLARK
MATTHEW C. CLAY
KIRK L. CLERMONT
GREGORY M. COHEN
CHARLES M. COHN
DANIEL J. COLPO
KYLE J. COLTON
ROBERT S. COLVIN
MITCHELL R. CONOVER
PETER A. CONTOSTAVLOS
BENJAMIN R. COOK
JEFFREY M. COOPER
MICHAEL R. COOPER
MARIO M. CORREA, JR.
SHANE D. CORREA
BRADLEY W. COUGHER
CHRISTOPHER R. COURTRIGHT
KIMBERLEY T. COWLING
DAVID C. COX
PATRICK H. CRAIS
JAMES M. CRIMMINS
TREMAYNE G. CRINER
SEAN N. CRONIN
TYRELL E. CROUGHTER
SARAH A. CROUSE
RUSSELL A. CROW
ADAN G. CRUZ
RICARDO C. CUENCA
STEVEN J. DACZKOWSKI
MARKUS E. DALE
PETER J. DALVE
JOSEPH J. DANTONE III
MICHAEL C. DAVILA
BENJAMIN P. DAVIS
CLEDO L. DAVIS
DEARCY P. DAVIS IV
JASON H. DAVIS
LEONARDO A. DAY
CHRISTOPHER P. DEAN
CARL W. DEGRACE
JOEY R. DEGUZMAN
ROLAND V. DEGUZMAN
MICHAEL J. DEL GROSSO
KEVIN H. DELANO
RENEE M. DELHIERRO
CHRISTOPHER R. DEMAY
BRIAN A. DENEVE
HOMER R. DENIUS III
JOHN D. DENNEY, JR.
CHRISTOPHER L. DENNIS
DAVID J. DERMODY
GARRY M. DEVINGER
GARTH P. DEVRIES
HEATH T. DEWITZ
JOSH E. DITTMAR
THOMAS J. DIXON
ROBERT V. DOHERTY
BRANDON S. DOMINQUEZ
GERALD J. DONAHOE
PATRICK L. DONAHUE
MARGARET A. DOTOLO
RONALD A. DOWDELL
RICHARD R. DOWDY
JOHN B. DOWNES
ANTHONY G. DRUMMINGS
HAROLD W. DUBOIS
DENNIS A. DUCKWORTH
ROBERT M. DUDLEY
JONATHAN C. DUFFY
ERIC V. DUKE
JAMES P. DUNN III
EOIN J. DUNSTAN
DAVID M. DUTROW
MARK J. EARLY
JASON C. EATON
JOSEPH A. ECKSTEIN
MATTHEW W. EDWARDS
NICHOLAS L. EDWARDS
TODD M. ELLSWORTH
JASON R. EMBREE
DANIEL M. EMERY
JOE M. EMMERT
CORTLAND M. ESCH
SETH A. EVANS
DARIN A. EVENSON
NOEL P. FAGAN
DAVID G. FAGEN III
SEAN M. FAHEY
ROBERT J. FALK
CHRISTOPHER A. FARWICK
FRANCIS J. FEENEY II
EDWARD A. FERGUSON III
KEITH D. FERNANDEZ
DAVID W. FINK
BRIAN E. FISH
CHRISTOPHER J. FISHER
JOHN R. FITZGERALD
PHILIP E. FLORES
GREGORY J. FOSTER
DAVID E. FOWLER
JUSTIN K. FRANCIS
JOEY L. FRANTZEN
MATTHEW D. FRIEDLANDER
HARRY P. FULTON III
JON R. GABRIELSON
JOHN S. GALIPEAU
ERNESTO C. GAMBOA
JUSTIN P. GANS
DAVID J. GARCIA
VICENTE C. GARCIA
MICHAEL T. GARDNER
MICHAEL S. GARRICK
ARMANDO A. GARZA III
BRENT C. GAUT
ROBERT E. GENTRY
BRIAN F. GERMANN
FRANK E. GIANOCARO
MATTHEW R. GIBSON
JUAN J. GIL
LEROY R. GILBERT, JR.
MICHAEL W. GLEESON
DARRELL L. GOBBLE
BRIAN M. GOEBEL
BRIAN P. GOLDSCHMIDT
TRENT R. GOODING
DANIEL C. GORDON
WILLIAM M. GOTTEN, JR.
ROBERT T. GRAFFUM III
MICHAEL C. GRAHAM
JENNIFER A. GRAVES
KENNETH N. GRAVES
SCOTT W. GRAY
ERIC W. GREEN
JOHN P. GREENE
TRAVIS W. GREENE
DAVID W. GREENWOOD
SCOTT D. GRIMES
ARTHUR P. GROWNEY
JAMES M. GULLION
SCOTT A. GUNDERSON
SHANNON C. GUTHRIE
EDDY HA
IN H. HA
BRYAN M. HAAS
CRAIG A. HACKSTAFF
KEVIN K. HAGAN
JAMES E. HAIL
KATHERINE M. HALLMAN
KEVIN P. HAMILTON
BRANDON S. HAMMOND
GODDARD B. HAMPTON
CHRISTOPHER S. HANNAN
RUSSELL E. HARDY
JAMES W. HARRELL
MICHAEL K. HARRIS
MATTHEW W. HARTKOP
KEITH E. HARTMAN
ROBERT L. HARTMAN
KEITH A. HASH
JENNA K. HAUSVIK
KEVIN W. HAVENS
BRIAN W. HAWKINS
MATTHEW A. HAWKS
JACK H. HAWVER III
WILLIAM K. HAXTON
THOMAS H. HAYGHE
DAVID K. HAZLEHURST
MICHAEL R. HEARTHER
JASON J. HEDBERG
ARMANDO HEDRICK
KAREN M. HEINE
DRAKE H. HENDERSON
STEPHANIE A. HENSON
LAURA A. HERATH
KENDRA A. HERBER
STEVEN C. HERNANDEZ
ENOCHIA T. HERRING
JAMES D. HICKS
LEON A. HIGGINS
PAULA E. HILDEBRAND
DONALD M. HILLEGAS
LIONEL G. HINES
CHADWICK Q. HIXSON
JEFFREY L. HOCKETT
JASON H. HOEPPNER
BRIAN D. HOFFER
CURTIS E. HOLIWAY
JAMES W. HOLLINGSWORTH
ROBERT C. HOLLOWAY
JOHN M. HOLMES
WILLIAM M. HOLMES
CHESTER A. HOM
PATRICK R. HOOPER
TODD A. HOOT
WILLIAM T. HOOVER
CHRISTIAN M. HORAK
CHRISTOPHER J. HOWARD
JEFFREY W. HOWARD
GREGORY H. HRYNIEWICZ
TODD C. HUBER
KYLAN A. HUFFMAN
ROBERT E. HUGHES, JR.
TODD C. HUGHES
KIMBERLY C. HURD
RYAN C. HURT
SCOTT C. HURT
FRANKIE D. HUTCHISON, JR.
DUNCAN N. INGRAHAM, JR.
REBECCA J. INGRAHAM
KASEY T. INGRAM
MATTHEW C. JACKSON
MELISSA L. JACKSON
JAMES E. JACOBS
LUKE P. JAMES
WILLIAM D. JAMES
KEVIN A. JANKOWSKI
GREGORY T. JASSO
STEVEN M. JAUREGUIZAR
RICHARD M. JOHNS
BRYAN L. JOHNSON
IAN L. JOHNSON
DEVIN D. JOHNSON
MARK D. JOHNSON
CHARLES T. JONES, JR.
ERIC M. JONES
GARRETT D. JONES
JENNIFER B. JONES

MICHAEL K. JONES
WILLIAM S. JONES
RICHARD E. JORDAN
SCOTT B. JOSSELYN
BRADLEY D. JUHL
TARA J. KALAFUS
ROBERT A. KAMINSKI
HEATHER C. KEANE
MATTHEW D. KEEFE
NEIL P. KEEGAN
JOHN R. KELLY
CHRISTOPHER W. KELSON
MICHAEL L. KENNEDY
CHRISTOPHER M. KIDD
DAVID C. KIM
MICHAEL H. KIM
BRENT C. KINMAN
ADAM S. KINNEAR
KEVIN M. KIRIN
JOHN T. KNOX, JR.
JOHN N. KOCHENDORFER
PAUL R. KOCHER
SCOTT O. KOENIG
STEPHANIE P. KOGLER
ROBERT S. KOH
ROBERT P. KONOLD
SEAN M. KRANICK
RICHARD E. KREH, JR.
EDWARD A. KRUK
KERRY D. KUYKENDALL
ANDREW T. LAHAIE
VICTOR A. LAKE
JASON D. LAMB
THOMAS J. LANDIS II
JENNIFER A. LANE
JOHN P. LANGIS II
JOSHUA LASKY
BRIAN D. LAWRENCE
SCOTT C. LAZENBY
THOMAS E. LAZO
BEN P. LE
ERIC J. LEDNICKY
MARCUS H. LEE
TYRUS M. LEMERANDE
BRETT H. LESSMANN
BRIAN M. LESTER
JEFFREY R. LEUENBERGER
DANIEL D. LIEBMANN
BRADFORD D. LIGO
CHRISTOPHER A. LINDER
KEON LINDSEY
STEPHEN A. LIPSEY
JOSE N. LLOREN III
NANCY W. LO
DOUGLAS V. LOF
DAVID S. LOHR
KRISTEN A. LOPACINSKI
JEFFERY D. LOPES
JOSEPH E. LOTTERHOS, JR.
SARAH E. LOVERICH
MICHAEL D. LUCKETT
JON R. LUNGLHOFER
MAXWELL J. LUTER
LELAND J. LUTZ
ANGELA R. LUZIER
TODD W. LYMAN
ALICIA M. LYNCH
ADAM C. LYONS
IAN D. MACDIARMID
ROSS H. MACKENZIE
MICHAEL P. MAKELA
ELIZABETH A. MALECHA
WILLIAM H. MALLORY
MICHAEL V. MARCHESE
MEGHAN B. MARIMAN
DONALD W. MARKS
RAYMOND B. MARSH III
JAMES T. MARTIN
PATRICK S. MARTIN
GINA M. MARTYN
DANTE J. MARZETTA
DANIEL S. MASSEY
MICHAEL S. MATTIS
JOHN H. MAURER III
DAVID E. MAXWELL
KEVIN A. MAYS
MICHAEL A. MCABEE
JOHN D. MCCLELLAN
DARREN F. MCCLURG
TERRENCE J. MCCOLLOM
GREGORY L. MCCONNELL
JOHN A. MCCULLOUGH
TIMOTHY J. MCDOUGALL
JAMIE C. MCGANN
ROBERT F. MCGUNNIGLE
JEFFREY D. MCINTOSH
SEAN G. MCKAMEY
ZACHARY C. MCMECHAN
DANIELLE L. MCNAUGHTON
CHRISTINE M. MEDEL
LAWRENCE E. MEEHAN
JOHNNY F. MENESES, JR.
ROBERT J. MERRILL
ROBERT A. MESSER
JOHN R. MESSICK
BRIAN A. METCALF
RICHARD M. MEYER
VICTOR D. MICKEL
ROBERT A. MIDDLETON
ANTHONY H. MILLER
MICHAEL J. MILLER
PHILIP S. MILLER
STEVEN L. MILLER
WARD N. MILLER
PABLO F. MIR
ERIC P. MITCHELL
THOMAS P. MONINGER
BRIAN A. MONTGOMERY
MICHELLE E. MONTGOMERY
ROBERT B. MOORE III
KRISTOPHER J. MOORHEAD
CATHERINE G. MORGAN
RICHARD R. MORIN
JEFFREY J. MOROSETTI
ROBERT T. MORRIS
RICHARD H. MOSLEY
PATRICK T. MOWLES
CLINTON D. MOXEY
RYAN C. MURPHY
WILLIAM J. MURPHY
ANDREA J. MYERS
JERRY L. MYERS, JR.
WILLIAM S. MYERS
ERIC J. NARANJO
CHRISTOPHER A. NASH
JOSEPH C. NEFFLEN
LEAH G. NELSON
BYRON B. NEWELL
CARL D. NEWSOME
GRAIG S. NEWTON
PATTI J. NICHOLS
ERIN M. NICKLES
ERICA L. NIEDERMEIER
MATTHEW R. NIEDZWIECKI
EDWARD E. NORTHWAY II
JOSEPH NOWICKI
JANA A. NULL
COLIN M. OBRIEN
MATTHEW D. OBRIEN
MICHAEL B. ODRISCOLL JR.
JAMES E. OHARRAH, JR.
RUDOLPH M. OHME III
ELIZABETH S. OKANO
SAKURA S. OKURI
MICHAEL W. OLDMAN
WILLIAM W. OLEY
STEVEN P. OLIVERA
EDWARD E. ONEILL
DAVID E. OSABA
ERIK L. OSTMO
DAVE B. OWENS
TODD C. OWENS
PATRICK L. PADGETT
CHRISTOPHER W. PALMENBERG
BARRY C. PALMER, JR.
RICHARD A. PAQUTETE
DAMIEN M. PARKER
MASON L. PARKER
CHESTER T. PARKS
MATTHEW S. PASCHAL
CHARLES S. PATRICK
ANDREW J. PATTERSON
SCOTT M. PATTERSON
MORGEN PAUL
DAVID A. PAWLOWSKI
ANDREW J. PAYNE
ALEXANDER W. PEASE
JASON D. PEEK
FRANK M. PELEKAI, JR.
DAVID E. PEREIRA
MARK C. PERRAULT
CHRISTOPHER L. PESILE
CHRISTOPHER A. PETERSON
JAMES A. PETTIT
RYAN D. PEUGH
WILLIAM D. PHARIS
BLAKE H. PHILLIPS
DANNY T. PIDGEON
WILLIAM M. POAGE
JONATHAN W. POWELL
KYRA A. PRAWLOCKI
JULIE A. PREYER
BRODY L. PRIETO
PAUL G. PROKOPOVICH
CHRISTOPHER J. PROULX
KATHERINE E. PRUITT
CHARLES J. PUGLIA
SJAHARI PULLOM
BRIAN K. PUMMILL
BERNADETTE S. QUATTRONE
TIMOTHY J. QUEEN
KEVIN G. QUINN
SEAN W. QUINN
JAMIE L. RAKOW
ARMANDO RAMIREZ, JR.
BRIAN H. RANDALL
NEIL L. RAPAWY
CHANEL C. RAY
WILLIAM K. RAYBURN
LAURA REAGAN
NATHANIEL R. REED
JUSTIN N. REEVES
MATTHEW B. REIMANN
JOHN C. RENNING
CHRISTOPHER M. REYES
ROBERT W. REYNOLDS
DAVID C. RICE
MATTHEW S. RICK
LORI J. RICKERT
ERIC S. RIDDLE
MICHAEL P. RIGGINS
CHESTON R. RILEY
MICHAEL J. RIORDAN IV
BRIAN J. RIVENBARK
RAYMOND A. RIVERA
RICHARD A. RIVERA
TRISTAN G. RIZZI
ANTHONY A. ROACH
ROBERT M. ROBERTS
DEREK W. ROBERTSON
JOEL C. ROBERTSON
ERNEST E. ROBINSON
RAFAEL A. RODRIGUEZ
JULIANA F. ROSATI
MICHAEL G. ROSENBAUM
BRAUNA ROSENBERG
ANTHONY E. ROSSI
AARON P. ROULAND
KEVIN J. ROWE
BRENT D. SADLER
JASON P. SALATA
DAVID J. SALMONS
DANIEL S. SAMEIT
KARYN J. SANDELL
CLARK D. SARGE
BRENDA SASSO
WILLIAM B. SCALLY
MARK A. SCHAFER
STEVEN E. SCHAIRER
JOHN R. SCHEDEL
MICHAEL T. SCHNABLE
ERIC P. SCHUETTE
TIMOTHY J. SCHULMEISTER
JAY S. SCHULTZ
JAYSON W. SCHWANTES
GEORGE E. SEGREDO
WILLIAM C. SELSOR, JR.
CHRISTOPHER M. SENENKO
ERIC L. SEVERSEIKE
KEVIN P. SHAEFFER
MICHAEL E. SHARP
KELLY M. SHEKITKA
THOMAS A. SHEPPARD
DANIEL F. SHERIDAN
REBECCA M. SHERRILL
JIM N. SHERROD
TODD C. SHIPMAN
BRET A. SHOCKNEY
J. SHOOK KIMI
TROY A. SHOULDERS
STEFAN T. SIDAHMED
JONATHAN A. SIEGLER
JOSEPH M. SILVER, JR.
EDWARD V. SIRIOS
CHRISTOPHER P. SLATTERY
GREGORY A. SLEPPY
CLEAVON SMITH
COLIN S. SMITH
ERIC B. SMITH
ERIK S. SMITH
RYAN C. SMITH
TODD L. SMITH
DAVID B. SNIDER
JOSEPH A. SOLTIS
JULIE A. SPENCER
MARK E. SPENCER
JOANNA L. SPRTEL
ANTHONY J. STAFFIERI
PAUL F. STANGL
MARCUS A. STARTZEL
ASHLEY G. STEELE
PAUL R. STEIER
MARK J. STEPHENS
MICHAEL J. STEVE
TODD W. STINSON
RANDY C. STOKER
CHRISTOPHER D. STONE
EDWARD M. STOUT
DAVID B. STOWERS
BRAD S. STRAMANAK
NATHANIEL J. STRANDQUIST
MARK G. STUFFLEBEEM
MARK B. SUCATO
SCOTT A. SUOZZI
MICHAEL J. SUPKO
JAMES B. SWANSKI
ALAN L. SWANTON
CHAD L. SWEAZEY
MICHAEL L. SWEENEY
JONATHAN D. SWEETEN
THOMAS L. SYDNOR, JR.
BRYAN H. SZELIGA
WILLIAM A. TANSEY
MATTHEW A. TATE
CHRISTOPHER A. TAYLOR
ERIC D. TAYLOR
DEREK M. TEFF
KENT A. TERRELL
MARIA E. TESTA
MICHAEL J. THIEL
IAN S. THOMAS
CHERYL A. THOMPSON
DEATRA M. THOMPSON
ROBERT W. TIDWELL
MARK A. TINDER
NICOLE C. TONNESSEN
JAMES K. TRAN
ROBERT H. TRAUGER
JULIE M. TREANOR
ROBERT E. TREIS II
MICHAEL D. TROUP
PAUL J. TRUDELL
DANIEL T. TURNBOW
KIMBERLY K. UHDE
FRANCISCO O. VALDEZ, JR.
RICHARD C. VALE
SEAN J. VALENTINE
ERIC D. VALERGA
JASON B. VAN MATRE
DAVID C. VANBRUNT
JENNIFER L. VANDUREN
PHILBERT V. VENTURA
CHRISTOPHER J. VOLK, V
SHANE C. VOUDREN
DOUGLAS T WAHL
VANN H. WALKE
MICHEY M. WALKER II
CHRISTOPHER WALSH
CHARLOS D. WASHINGTON
WILLIAM D. WASHINGTON II
DEANNE J. WASIELEWSKI
ERIC D. WATSON
RICHARD M. WEEDEN
BRIAN R. WEEK
BRIAN R. WEISKER
KENNETH C. WELLER
ALWIN E. WESSNER
BRENT F. WEST
DONALD J. WEST II
DANIEL A. WESTENBERGER
JENNIFER L. WHEREATT
KEITH A. WHITE
ROBERT E. WHITE II
STEPHEN D. WHITE
BRYCE A. WHITING
SEAN M. WHITLATCH
BRIAN S. WHITTAM
YOLANDA WIGHAM
ALETHA S. WILLIAMS
CHRISTIAN B. WILLIAMS
JEFFREY L. WILLIAMS
KENDRA M. WILLIAMS
WILLIAM A WILLIAMSON
DARRYL L. WILSON
KENNETH B. WILSON
SCOTT M. WILSON
MICHAEL D. WIMER
PHILIP B. WINDUST
BRIAN E. WINEKE
ROBERT E. WIRTH
GREGORY A. WISE
JEFFREY P. WISSEL
ROBERT E. WITTMAACK
FRANK C. WITTWER
CATHERINE M. WOLO
JAY L. WOODRUFF
DARREN C. WU
MATTHEW J. WUKITCH
THOMAS G. YAMAMOTO
KWANG S. YANG
ROBERT W. YAROSZ
DAVID J. YODER
STACEY W. YOPP
ADAM E. YOUNG
EARL YOUNG
LAWRENCE H. YOUNG
GREGORY M. ZETTLER
TODD A. ZIRKLE
HEATHER M. ZWYER

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 1994:

DEPARTMENT OF DEFENSE

ROGER HILSMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

ROBERT N. SHAMANSKY, OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

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.