HOUSE OF REPRESENTATIVES—*Monday, May 24, 1993*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to see other people as created in Your image and entitled to respect and ultimate value. We see our family and friends as recipients of our concern and care and yet Your Word calls us to an understanding that reaches every person of every background and of every place. May Your good Spirit that opens our eyes to truth, lead us in the way of truth, so we respect and honor all Your creation, now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY] to lead us in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

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

NO WONDER AMERICA IS LOSING JOBS

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

Mr. TRAFICANT. Mr. Speaker, no wonder America is losing jobs.

A Kansas City Federal courthouse is being built with granite mined in China. That is right, Chinese granite, even though there is an American quarry that produces granite within a stone's throw of this new courthouse.

A spokesman for our Government said that China got the contract because they are much cheaper. No kidding, Sherlock: Slave labor, child labor, no workers' rights, a dictatorship, and the average wage, America, is $9 a month, not an hour, $9 a month, and to kick it off, we give this dictatorship most-favored-nation trade status and the right to take our Government contracts.

We then wonder why we are broke and losing our keisters. Beam me up. It is time to deal with China and everybody else, put them on a level playing field so we develop some jobs in America before we do not even have hamburger flipper jobs available.

TAX INCREASE WILL PRODUCE MORE SPENDING

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

Mr. GILLMOR. Mr. Speaker, today I would like to talk about two myths that continue to pop up in the current tax debate.

Myth No. 1: Deficits were caused by the Reagan tax cuts. That is simply false, and the Government tax collections since that time prove it to be a myth. Figures from the Congressional Budget Office show Federal revenues, that is, tax collections, from 1980 to 1992 increased 122 percent.

The deficits were caused because Federal spending went up even faster, 234 percent, more than triple.

Myth No. 2: The tax increase is needed now to reduce the deficit. Tax increases under a Democratic Congress do not reduce deficits. There have been three major tax increases since the Reagan tax cut. People were told they were going to reduce the deficit, but the deficits were not.

The last tax increase passed by a Democrat Congress to reduce the deficit was in 1990. Since that time, the deficit has doubled, and spending has gone up.

Now, we have more of the same hokum from President Clinton. He has proposed the biggest tax increase in history on the average American family and it is not a tax increase to reduce the deficit. It is a tax increase for more spending, and it ought to be defeated.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to welcome all of our guests, but would like also to admonish them that House rules prohibit the expression of approval or disapproval of any statements made by Members on the floor of the House, and your cooperation will be greatly appreciated.

INVITATION TO THE DRIVE AMERICAN QUALITY EVENT

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

Mr. KILDEE. Mr. Speaker, as cochair of the congressional automotive caucus, I would like to invite my colleagues to participate in the drive American quality event taking place on The Mall this week.

The event is sponsored by Chrysler, Ford, General Motors, and the United Auto Workers.

Starting tomorrow, Members will have the opportunity to test drive the latest American-made automobiles from the big-three automakers. As you may know, the American auto industry is making a comeback, recapturing a bigger share of the American market, and aggressively exporting American-made autos to other countries.

Auto industry analysts agree that a major reason for the big three's success has been the introduction of high quality, stylish new models. The drive American quality event gives Members of Congress the opportunity to experience the new models firsthand.

I hope you and your families can join us for this exciting event on The Mall.

APPOINTMENT AS A MEMBER OF COMMISSION ON THE BICENTENNIAL OF THE U.S. CAPITOL

The SPEAKER. Pursuant to the provisions of section 324(b)(6) of Public Law 102-392, the Chair appoints to the Commission on the Bicentennial of the U.S. Capitol the following Member of the House:

Mr. FAZIO of California.

PRESIDENT CLINTON'S NEW TAX STRATEGY

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

Mr. LINDER. Mr. Speaker, the President has tried everything to hide the fact that he is just another tax-and-spend, spend-and-tax Democrat.

Strategy No. 1 was to say he would only tax the rich. When he proposed a Social Security tax on those making as little as $25,000, and an energy tax on everyone, he had to come up with another strategy. Strategy No. 2 was to not use the word "taxes," instead calling taxes contributions, patriotism, and responsibilities and even called Social Security taxes spending cuts.

Since America saw through both strategies, President Clinton fell back to old faithful—strategy No. 3: The

never-ending campaign. The only problem with strategy No. 3 was that he took it to Hollywood, the only place in the country that can either afford his taxes or agree with them.

So after three failures, President Clinton has evidently come up with a fourth strategy: Controversial White House firings and $200 haircuts in hopes of getting America's mind off his taxes. It is a unique idea, but it will not work either. Instead, President Clinton should fire the administration's tax advocates and get his $200 barber, Cristophe, into the White House for some spending cuts.

THE RECONCILIATION BILL: TAX FAIRNESS AND REAL DEFICIT REDUCTION

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

Mr. RICHARDSON. Mr. Speaker, this week we cast a vote on whether we allow the President to govern as the American people elected him to do.

His economic plan is the only game in town. The so-called bipartisan alternative coming out of the other body is not realistic. It protects the energy industry. It hurts the middle class, and it slams the elderly.

It may have the attention of the press and the drama of a challenge, but realistically it does not have the votes, so far only five in the other body.

Mr. Speaker, we cannot allow this President's plan to go down.

We are once again showing how gridlock governs Washington. There are some in my own party who do not realize that we have a Democrat in the White House. The other side is united against the President no matter what.

Let us put politics aside and pass the President's plan and unite behind the President.

Mr. Speaker, If you have watched TV lately, you have heard an awful lot about the reconciliation bill. Unfortunately, most of what I am hearing is not true. What is true is that this is one of the fairest, most honest pieces of legislation we have seen around here in a long time.

After 12 years of smoke and mirrors, President Clinton has proposed a reconciliation bill that will cut the deficit by $500 billion over 5 years. The plan calls for real reduction—over 200 specific and concrete cuts. At the same time, it funds some very important and positive programs.

It includes a $75 billion tax incentive for investment and jobs. It includes an increase in the earned income tax credit, a program that encourages the poor to work.

The bill does raise taxes but the burden falls on those who can afford to pay—about 75 percent of the net tax increase will be on upper-income Americans—about 5 percent of the population.

Mr. Speaker, President Clinton is doing what he was elected to do. Now we must do our job and vote for the President's package. It restores fairness to the tax code, cuts the deficit and moves the economy in a positive direction.

CLINTON'S BTU TAX: BLEED THE UNDERCLASS

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

Mr. HUTCHINSON. Mr. Speaker, this week the House is supposed to take up the largest tax increase in American history. This $327 billion more-of-the-same monstrosity from the administration is another backward step on the road to prosperity.

The most onerous of the new taxes is the tax on energy, or Btu tax, which should stand for bleed the underclass. It will hit every American directly or indirectly, and it will hit the poorest the hardest. It could cost up to 600,000 jobs and $475 per family by 1998 according to the National Association of Manufacturers. These 600,000 jobs lost will be the poor's jobs and the $475 will be dollars the poor can least afford.

Last year when Mr. Clinton sought the Presidency, he spoke of fairness in tax policy. Now in full control of the political apparatus, we find out what the administration really wants from tax policy is more money to pay for more spending. This administration is not about fairness, it is about bigger Government, more spending, and more taxes.

□ 1510

DRIVE AMERICAN QUALITY

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

Mr. DINGELL. Mr. Speaker, the U.S. automobile industry has had a great impact on our lives and the American economy by supporting 1.4 million U.S. jobs and over $50 billion in wages. This vital industry creates 15,000 jobs for every 100,000 vehicles produced. It also performs over 12 percent of all corporate research and development, is the biggest U.S. customer of small business and has a supplier, manufacturing, and assembly network involving 4,400 facilities in 48 States.

With all of this, the quality of American automobiles continues to improve, more people are buying and driving American vehicles, and American workers are responsible for and proud of these accomplishments.

To demonstrate this quality, from 11 a.m. to 7 p.m. tomorrow, and from 11 a.m. until 7 p.m. on Wednesday, the big three American companies and the United Auto Workers are hosting a very special event on Maryland Avenue directly in front of the U.S. Capitol. This "Drive American Quality" event will feature an opportunity to test drive one of the quality 120 American cars and trucks, a luncheon on both days and a buffet dinner on Wednesday evening from 7 p.m. to 9 p.m.

Mr. Speaker, I encourage my colleagues and their families to attend these important events and to drive American quality.

DEEP IN THE HEART OF TAXES

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

Mr. SMITH of Texas. Mr. Speaker, I think I have found the reason why President Clinton is so proud of his plan to pass the largest tax increase in history.

Apparently, he overheard Lloyd Bentsen singing a song that described an idyllic paradise.

What President Clinton heard was:

The stars at night are big and bright deep in the heart of taxes.
The time is right to make things right deep in the heart of taxes.
The time has come to spend a large sum deep in the heart of taxes.

But, Mr. Speaker, Secretary Bentsen was not humming about tax policy. He was thinking of his home State of Texas.

And given the latest polls in the Texas special election, the people of Texas are none too happy with President Clinton's tax plans. The stars may be bright, but the people of Texas are afright when it comes to the heart of President Clinton's taxes.

CUTS VERSUS TAXES

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

Mr. GOSS. Mr. Speaker, this week we have a simple choice: Are we going to burden the American people with the single largest tax hike in our history? Or are we going to cut wasteful Federal spending? Despite the technical and intentionally confusing mumbo-jumbo swirling around the Halls—despite the admonishment of the well-known big-spenders in this town, despite risk of being labeled "obstructionist by the media—we can cut unnecessary spending and we can cut it enough to wipe out the need for the proposed energy tax and social security tax hikes. Together those new taxes would produce $104 billion. Well, I have a list of cuts that could save $104 billion so we do not need these new taxes. I and others will make this case on Wednesday in the Rules Committee, and if you do not like our cuts, pick some of your own. There is plenty of pork out there to chase down. It can be done—and it is something the American people de-

mand that we do. The energy tax will hit families, workers, seniors—just about everybody will pay more. The Social Security tax hike will hit seniors who are just trying to make ends meet.

Why do something so stupid to the economy as energy and our Social Security tax hikes when cuts of wasteful spending are such a smart choice?

CLINTON AND THE GOLDEN STATE

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

Mr. BAKER of California. Mr. Speaker, President Clinton just got back from California. He told the people of San Diego that with his programs, and I quote: "I think you're going to see an enormous amount of new jobs in this State in the next 4 to 5 years."

But it turns out, Mr. Speaker, that they do not call it the Golden State for nothing. Because California is where Bill Clinton is getting the gold for his program of tax and spend. According to the California State Department of Finance, Californians will pay over $11.6 billion more in taxes than they will receive from the Federal Government over the next five years. That is right, California will be a donor State, sending more to Washington than the State receives from the Government.

The President says he will create jobs in California. But with the massive Clinton defense cuts and now the tailspin in the aerospace industry, and the Clinton taxes on Social Security and energy President Bill Clinton converts the Golden State into a bankrupt State.

MAMMOGRAPHY BILL

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, breast cancer is the second leading cause of cancer death among women, affecting one in every eight.

Ironically, this deadly disease is treatable. Studies show that early detection through mammography screening offers a reasonable chance for treatment and recovery.

Through mammograms, it is estimated that death rates could be reduced by nearly 30 percent. Yet tragically, few utilize this procedure because they simply cannot afford it.

Thursday, May 20, I introduced legislation that will amend the 1986 Internal Revenue Code to provide an employer a tax credit for the cost of providing mammography screening for employees.

This incentive will encourage more employers to promote quality health care for their female employees.

I urge my colleagues to cosponsor this legislation which better arms the working women of America in their fight against breast cancer.

FOOD STAMP PROGRAM: ANOTHER CASE OF PUTTING SPENDING FIRST

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

Mr. STEARNS. Mr. Speaker, the budget reconciliation we will be voting on this week includes a proposal for $7 billion of additional spending on the Food Stamp Program over the next 5 years.

We have all heard reports over the years of the many ways the Food Stamp Program is abused. The wide majority of Americans support providing nutritional assistance to needy Americans, but are also wary of the readily apparent problems in this program.

During the Presidential campaign, President Clinton promised the American people to reform the welfare system as we know it, and this should have included food stamps.

Before requesting additional funds for food stamps, the administration should initiate a study of waste, fraud, and abuse of this program. This would ensure Americans who are paying higher taxes to increase spending on this program that their money is going to aid deserving recipients.

To many Americans, reports of abuse of the Food Stamp Program are the clearest example of a welfare system that needs to be reformed. Let us take a closer look about how this money is being spent before taxing and borrowing more from our children.

BALANCE BUDGET BY CUTTING FIRST

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

Mr. HOEKSTRA. Mr. Speaker, for the last 4 weeks, I have been spending my time wondering how the President and the Democrats in this House can go to the American people and say that raising taxes $250 billion is not really that much money. I have also watched and listened to the President saying that an $80 billion Btu tax, directly affecting the middle class, is not that much money, which $450 per year in the Btu tax to the average American family is not that big of a deal. Well, last week I found out: $450 is only the price of two haircuts.

The fact is that the President has misunderstood the American people. He has misunderstood where the American middle class is today.

The American people want Government to spend less. The American people want smaller Government. We can and should start this process of balancing the budget by cutting first.

NORTH AMERICAN FREE-TRADE AGREEMENT

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

Mr. MAZZOLI. Mr. Speaker, there are many good reasons to support the North American Free-Trade Agreement [NAFTA]. It is something which could open vast markets in North America for goods made by U.S. men and women. It could solve a lot of foreign policy problems that we might have among the three nations on North America.

But there are three elements, Mr. Speaker, that must be taken into careful consideration. One is to be sure that the ancillary agreements to the trade agreement which are being hammered out, dealing with worker rights and with safety in the plant and with environmental considerations, are tight and enforceable.

□ 1520

The second thing is a field in which I have studied some, on immigration, to be sure that the more open borders and the more free passage under NAFTA does not lead to wholesale entry of people into this country without legal papers.

And the third element is, today's New York Times carries a front page story about reports from United States intelligence people who say that open borders could very well lead to more drug trafficking of Colombian cocaine through Mexico into the United States.

Certainly, Mr. Speaker, the North American Free-Trade Agreement should not unwittingly lead to any elements of harm to the United States, and we must, therefore, look very carefully at that agreement and all of the ancillary agreements to it.

THIS ADMINISTRATION DOES NOT NEED HELP BEING EMBARRASSED

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

Mr. WALKER. Mr. Speaker, there are some Democrats who are saying that there is a partisan conspiracy, trying to embarrass the President on his economic plan.

Let me explain a fact to everyone that is painfully evident to the rest of America: This administration does not need any help in embarrassing itself.

The Clinton administration has become known for high-priced haircuts and no spending cuts. It breaks a promise a day. When, on April 15, the White House celebrated tax day by going back on its word yet, again, and cozying up

to the idea of a VAT tax on top of the biggest tax increase in American history, how did they explain it? Well, the President's press spokesman came out and said, "The President has a right to change his mind."

He does have a right to change his mind. This administration changes its mind like the rest of Americans changes socks.

In fact, it seems that the only thing one can count on from this administration is that it will not do what it says, and that it will do whatever taxes more Americans' income and spending, more of the American people's money seems to be the only thing that this administration is good at.

Do not blame partisan conspiracies for opposing taxes and opposing the spending increases on the American people. Please do not try to accuse any of us trying to embarrass the administration. They are proving they can do that very well on their own.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KILDEE). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after consideration of House Resolution 172.

VETERANS EDUCATION OUTREACH PROGRAM

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 996) to amend title 38, United States Code, to establish a veterans education certification and outreach program, as amended.

The Clerk read as follows:

H.R. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VETERANS EDUCATION OUTREACH PROGRAM.

(a) ESTABLISHMENT.—Chapter 36 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§3697B. Veterans education outreach program

"(a) The Secretary shall provide funding for offices of veterans affairs at institutions of higher learning, as defined in section 3452(f), in accordance with this section.

"(b)(1)(A) The Secretary shall, subject to the availability of appropriations, make payments to any institution of higher learning, under and in accordance with this section, during any fiscal year if the number of persons eligible for services from offices assisted under this section at the institution is at least 50, determined in the same manner as the number of eligible veterans or eligible persons is determined under section 3684(c).

"(B) The persons who are eligible for services from the offices assisted under this section are persons receiving educational assistance administered by the Department of Veterans Affairs, including assistance provided under chapter 106 of title 10.

"(2) To be eligible for a payment under this section, an institution of higher learning or a consortium of institutions of higher learning, as described in paragraph (3), shall make an application to the Secretary. The application shall—

"(A) set forth such policies, assurances, and procedures that will ensure that—

"(i) the funds received by the institution, or each institution in a consortium of institutions described in paragraph (3), under this section will be used solely to carry out this section;

"(ii) for enhancing the functions of its veterans education outreach program, the applicant will expand, during the academic year for which a payment is sought, an amount equal to at least the amount of the award under this section from sources other than this or any other Federal program; and

"(iii) the applicant will submit to the Secretary such reports as the Secretary may require or as are required by this section;

"(B) contain such other statement of policies, assurances, and procedures as the Secretary may require in order to protect the financial interests of the United States;

"(C) set forth such plans, policies, assurances, and procedures as will ensure that the applicant will maintain an office of veterans' affairs which has responsibility for—

"(i) veterans' certification, outreach, recruitment, and special education programs, including the provision of or referral to educational, vocational, and personal counseling for veterans; and

"(ii) providing information regarding other services provided veterans by the Department, including the readjustment counseling program authorized under section 1712A, the programs of veterans employment and training authorized under the Job Training Partnership Act and the Service Members Occupational Conversion and Training Act of 1992, and the programs carried out under chapters 41 and 42; and

"(D) be submitted at such time or times, in such manner, in such form, and contain such information as the Secretary determines necessary to carry out the functions of the Secretary under this section.

"(3) An institution of higher learning which is eligible for funding under this section and which the Secretary determines cannot feasibly carry out, by itself, any or all of the activities set forth in paragraph (2)(C), may carry out such program or programs through a consortium agreement with one or more other institutions of higher learning in the same community.

"(4) The Secretary shall not approve an application under this subsection unless the Secretary determines that the applicant will implement the requirements of paragraph (2)(C) within the first academic year during which it receives a payment under this section.

"(5) Any institution which received funding under section 420A of the Higher Education Act of 1965 during fiscal year 1993 shall be eligible under this section for fiscal year 1994.

"(c)(1)(A) Subject to subparagraph (B), the amount of the payment which any institution shall receive under this section for any fiscal year shall be $100 for each person who is described in subsection (b)(1)(B).

"(B) The maximum amount of payments to any institution of higher learning, or any branch thereof which is located in a community which is different from that in which the parent institution thereof is located, in any fiscal year is $75,000.

"(2)(A) The Secretary shall pay to each institution of higher learning which has had an application approved under subsection (b) the amount which it is to receive under this section. If the amount appropriated for any fiscal year is not sufficient to pay the amounts which all such institutions are to receive, the Secretary shall ratably reduce such payments. If any amount becomes available to carry out this section for a fiscal year after such reductions have been imposed, such reduced payments shall be increased on the same basis as they were reduced.

"(B) In making payments under this section for any fiscal year, the Secretary shall apportion the appropriation for making such payments, from funds which become available as a result of the limitation on payments set forth in paragraph (1)(B), in an equitable manner.

"(d) The Secretary, in carrying out the provisions of this section, shall seek to assure the coordination of programs assisted under this section with other programs carried out by the Department pursuant to this title, and the Secretary shall provide all assistance, technical consultation, and information otherwise authorized by law as necessary to promote the maximum effectiveness of the activities and programs assisted under this section.

"(e)(1) From the amounts made available for any fiscal year under subsection (f), the Secretary shall retain one percent or $10,000, whichever is less, for the purpose of collecting information about exemplary veterans educational outreach programs and disseminating that information to other institutions of higher learning having such programs on their campuses. Such collection and dissemination shall be done on an annual basis.

"(2) From the amounts made available under subsection (f), the Secretary may retain not more than two percent for the purpose of administering this section.

"(f) There is authorized to be appropriated $3,000,000 for each fiscal year to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of title 38, United States Code, is amended by inserting after the item relating to section 3697A the following new item:

"3697B. Veterans education outreach program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days to revise and extend their remarks, and to include therein extraneous matter, on the bill now being considered.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 996, as amended.

This bill would transfer the Veterans Education Certification and Outreach Program from the Department of Education, and continue it in the Department of Veterans Affairs.

H.R. 996 would authorize the Secretary of Veterans Affairs to provide seed money to help counselors assist veterans at colleges;

It would require that veterans' affairs offices at participating schools provide services in veterans' certification, outreach, counseling, and special education programs to eligible veterans.

To qualify, Mr. Speaker, for this assistance, a participating school must have at least 50 veterans receiving VA education assistance and the school must match the VEOP funds, which means Veterans Education Outreach Program. Of the 500 colleges receiving VEOP grants last year, most were small schools and community colleges, 2-year colleges.

This program has provided valuable assistance to veteran students. Counselors conduct outreach activities to maximize usage of GI bill benefits; they counsel veterans regarding vocational choices; they assure prompt certification for VA education benefits; and they assist veterans in interpreting VA education-related regulations.

As the downsizing of the military continues, Mr. Speaker, there will be a significant increase in the number of veteran students on college campuses. As a result, there will be an increasing need for the services provided under this program.

The bill, as amended, is authorized so it would have no "pay go" effect.

Mr. Speaker, I want to commend the gentleman from Arizona [Mr. STUMP], who is the ranking member of the committee, for his support and help and also commend the ranking minority member of the subcommittee, the gentleman from Arkansas [Mr. HUTCHINSON].

This is a very important piece of legislation to help veterans pursue their education.

I urge the adoption of H.R. 996.

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

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

Mr. Speaker, I rise in support of H.R. 996, which would transfer the Veterans Education Outreach Program from the Department of Education to the Department of Veterans Affairs.

Having this program at the VA makes sense, because the counseling and outreach for veterans education programs, such as the Montgomery GI bill, can be done better by the Department which runs them.

What I do not want to see is higher priority VA programs losing funding to support a new program. The bill addresses this concern by making the funding authorization subject to appropriations. As our active duty military forces are reduced, the Veterans Education Outreach Program would be a good adjunct to the Transition Assistance Program for the increasing numbers of separating service members, if new funding can be found.

Mr. Speaker, I hope my colleagues will give H.R. 996 their favorable consideration.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I also rise in support of H.R. 996. Educational assistance today is one of the most important benefits for those who choose to serve their country in the Armed Forces. It is unfortunate that some recent veterans are not taking advantage of programs such as the Montgomery GI bill. They have earned this benefit, they deserve this benefit, and it is an extremely valuable one. This is particularly frustrating in cases where nonuse is due to lack of assistance regarding a veteran's rights and benefits. H.R. 996 would address this with the VEOP program of counseling assistance and outreach which has helped so many veterans in the past.

In light of the constrained VA budget, it is important that we move cautiously in enacting any program which could spread the limited resources of the VA even further. By making the VEOP funding subject to appropriations, I am assured that its cost will not adversely affect more vital responsibilities.

As our active duty military forces are downsized, VEOP will provide important assistance for the increasing numbers of separating service men and women. I thank Chairman MONTGOMERY and ranking member STUMP for their efforts to bring this legislation before us. I recommend that my colleagues support H.R. 996.

□ 1530

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am honored to rise in support of H.R. 996, the Veterans Education Outreach Program. I commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the distinguished ranking minority member, the gentleman from Arizona [Mr. STUMP] for introducing this beneficial veterans legislation.

Mr. Speaker, H.R. 996 is legislation that will assist in providing education for our Nation's veterans. By amending title 38 of the United States Code, this measure will reestablish the Veterans Education Outreach Program [VEOP] as part of the Department of Veterans Affairs. Currently, the Veterans Education Outreach Program is managed by the Department of Education. However, the VEOP program was repealed by Public Law 102–35, and, accordingly, the appropriations are scheduled to expire on June 30, 1993. As amended by the Committee on Veterans' Affairs, H.R. 996 will reestablish this beneficial program, and will provide an indefinite authorization of $3 million. This measure would be effective upon the date of enactment.

In previous years, the Veterans Education Outreach Program has provided assistance to many eligible honorably discharged veterans. By staffing college campuses with VEOP coordinators, eligible veterans are provided with valuable information regarding the various educational programs and entitlement that are offered by the VA. In fact, recent reports demonstrate that in 1992: 169,081 veterans received assistance under this program.

And, over 500 VEOP grants, averaging approximately $5,000 were provided to institutions of higher learning.

As outlined in H.R. 996, the VEOP will continue to provide an important educational assistance to eligible service men and women who have so valiantly supported the United States. Specifically:

H.R. 996 will require that, in order to qualify for a VEOP grant, an institute of higher learning must have a minimum of 50 enrolled and eligible veterans. This is a reduction from the current law which states that at least 100 eligible veterans must be enrolled;

H.R. 996 will designate that every veteran that receives VA educational assistance is eligible for VEOP assistance. As opposed to current provisions, H.R. 996 will provide educational benefits to eligible active duty service members and members of the Selected Reserve;

And H.R. 996 will simplify educational payments by establishing a set payment schedule of $100 per eligible veteran;

While this measure will result in outlays, the Congressional Budget Office has stated that this measure will not affect direct spending, I believe this is a small price to pay as we continue to assist our veterans as they face the challenges and changing needs of America today.

Mr. Speaker, I am proud to support H.R. 996. I believe the Veterans Education Outreach Program will continue to assist our Nation's veterans to reach

their highest potential. Our Nation places great value in a solid education. By providing educational grants and entitlement, our veterans will be prepared to address the demands of today and the challenges of tomorrow.

I commend the significant work of the Committee on Veterans' Affairs. Under the leadership of its distinguished leader, the gentleman from Mississippi [Mr. MONTGOMERY], and its ranking Republican leader, the gentleman from Arizona [Mr. STUMP], this Congress has demonstrated that our Nation supports our veterans. H.R. 996 as well as the other legislative measures that have already been approved by the 103d Congress, confirm this commitment. While we must continue to realize the financial constraints that face our Nation, I hope that my colleagues will join with me, as we continue to focus on providing beneficial programs and valuable services to our Nation's veterans. They deserve no less.

Mr. STUMP. Mr. Speaker, I would like to commend the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], and also the gentleman from Arkansas [Mr. HUTCHINSON]. Mr. Speaker, I urge the adoption of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to thank the gentlemen on the other side of the aisle for the kind words they have said about this legislation. We have a good bill here. We have the blue sheets that we have at the desk that further explain the bill. I hope Members will pick up these sheets.

Mr. Speaker, I encourage a full vote on this program, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 996, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT

Mr. GLICKMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1723) to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, as amended.

The Clerk read as follows:

H.R. 1723

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 "Central Intelligence Agency Voluntary Separation Pay Act".

SEC. 2. SEPARATION PAY.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "Director" means the Director of Central Intelligence; and

(2) the term "employee" means an employee of the Central Intelligence Agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(b) ESTABLISHMENT OF PROGRAM.—In order to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, the Director may establish a program under which employees may be offered separation pay to separate from service voluntarily (whether by retirement or resignation). An employee who receives separation pay under such program may not be reemployed by the Central Intelligence Agency for the 12-month period beginning on the effective date of the employee's separation.

(c) BAR ON CERTAIN EMPLOYMENT.—

(1) BAR.—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the Central Intelligence Agency; or

(B) participate in any manner in the award, modification, extension, or performance of any contract for property or services with the Central Intelligence Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

(2) PENALTY.—Any employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section times the proportion of the 12-month period during which the employee was in violation of the agreement.

(d) LIMITATIONS.—Under this program, separation pay may be offered only—

(1) with the prior approval of the Director; and

(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

(e) AMOUNT AND TREATMENT FOR OTHER PURPOSES.—Such separation pay—

(1) shall be paid in a lump sum;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(4) shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(f) TERMINATION.—No amount shall be payable under this section based on any separation occurring after September 30, 1997.

(g) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

(h) REPORTING REQUIREMENTS.—

(1) OFFERING NOTIFICATION.—The Director may not make an offering of voluntary separation pay pursuant to this section until 30 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (d).

(2) ANNUAL REPORT.—At the end of each of the fiscal years 1993 through 1997, the Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the effectiveness and costs of carrying out this section.

SEC. 3. EARLY RETIREMENT FOR CIARDS AND FERS SPECIAL PARTICIPANTS.

Section 233 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2053) is amended—

(1) by inserting "(a)" before "A participant"; and

(2) by adding at the end the following new subsection:

"(b) A participant who has at least 25 years of service, ten years of which are with the Agency, may retire, with the consent of the Director, at any age and receive benefits in accordance with the provisions of section 221 if the Office of Personnel Management has authorized separation from service voluntarily for Agency employees under section 8336(d)(2) of title 5, United States Code, with respect to the Civil Service Retirement System or section 8414(b)(1)(B) of such title with respect to the Federal Employees' Retirement System.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

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

I introduced H.R. 1723 on April 20 at the administration's request. That we are able to consider the bill on the House floor slightly more than a month after its introduction is a tribute to the dedicated efforts of the chairman of our Subcommittee on Legislation, the gentleman from Texas [Mr. COLEMAN] and the ranking Republican member, the gentleman from

Pennsylvania [Mr. GEKAS]. They are to be commended for the cooperative spirit with which they have worked with the Director of Central Intelligence to produce a measure which could be brought expeditiously to the House floor.

In the Intelligence Authorization Act for fiscal year 1993, Congress signaled its judgment that personnel levels in the intelligence community were too high by mandating a 17.5-percent reduction in the work force. This reduction is to be accomplished, in stages, by 1997. When the personnel cuts were proposed, the Intelligence Committee indicated its strong preference for accomplishing them without resorting to involuntary separations, or reductions-in-force.

In seeking to comply with this congressional directive, the intelligence community, a did the Defense Department before it, discovered that attrition is a reliable tool to effect reductions in personnel only if the economy to which the retirees are headed is healthy. If economic trends are unsettled, employees do not generally opt to leave their jobs, unless some type of incentive is provided. The Secretary of Defense has statutory authority to provide voluntary separation incentives to civilian employees of the Department, including those employed by defense intelligence agencies. H.R. 1723 provides similar authority to the Director of Central Intelligence for civilian employees at the Central Intelligence Agency.

The bill will produce two important results. First, it will assist the Agency in meeting its mandated personnel reduction ceilings. In addition, it will hopefully reduce personnel levels further than required so that new employees, with the skills necessary to meet the intelligence challenges of the future, can be hired without exceeding the ceilings.

I want to emphasize that the incentives to be provided by H.R. 1723 will be available only to CIA employees in certain occupational groups or geographic locations to be designated as "surplus." This designation is a reflection that the end of the cold war has brought to the intelligence community, as it has to other parts of the national security establishment, a need to re-examine the mix of skills in its work force. Employees whose expertise is no longer in demand must either be retrained, if possible, or be encouraged to retire or resign so that those with the skills necessary for the future can be recruited. H.R. 1723 will be a tool in not only shrinking the size of the CIA, but in reorienting it from its cold war focus and methods.

To ensure that the incentives are directed only at surplus employees, the bill prohibits the re-employment of any individual receiving a separation pay incentive for 12 months from the date of separation. Similarly, employees receiving a separation pay incentive will be prohibited from representing a party, other than the United States, before the CIA, or participating in the award or performance of any contract with the CIA. In addition, it is the committee's intention that separation pay incentives be awarded to an employee on a one-time-only basis regardless of whether the employee subsequently qualifies for re-employment with the CIA.

Mr. Speaker, H.R. 1723 will enhance the ability of the Director of Central Intelligence to reshape the CIA's work force in a sensible fashion. While there are some initial costs, in the long run the bill will save money through reductions in salaries, benefits, and the size of annuities. I urge my colleagues to support this legislation which will contribute to the paring down of the personnel rolls at the CIA in a manner which is effective and fair.

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

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

Mr. Speaker, I thank my colleagues, the chairman of the Intelligence Committee, for his description of this bill and for moving this bill. I strongly urge my colleagues to support it. The Director of Central Intelligence, James Woolsey, appeared before our committee on the 23d of April and outlined clearly why the CIA requires this legislation. It is designed to enable the CIA to hire new employees to meet the intelligence challenges of the 1990's, while simultaneously achieving a significant overall personnel reduction by the end of fiscal year 1997. It will facilitate the identification of categories of employees where there is a surplus and permit the CIA to pay each of these employees up to $25,000 on a one-time basis to retire or resign.

It is important to note that the CIA is in a special situation because its employees all hold top-secret clearances and have access to very sensitive information. Given that this is a voluntary program, this bill would minimize any potential counterintelligence risk arising from their being targeted by hostile foreign intelligence services. One area about which I am very sensitive is the fact that the CIA has made considerable progress in hiring minorities and women. This bill is sensitive to those gains while ensuring no one group is shown favoritism as the CIA begins the painful process of personnel reductions.

In conclusion, I again emphasize my strong support for this bill. It is carefully crafted to meet the needs of the CIA, minimize the cost of the American taxpayer, and ensure that the CIA is capable of meeting the new and very difficult intelligence challenges that it will face throughout the 1990's. This is good management. This is good sense.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I strongly support H.R. 1723. It is a carefully crafted piece of legislation that meets the needs of the CIA to reduce the overall size of its work force in a carefully planned 5-year, phased downsizing. This plan is designed to avoid, where possible, involuntary terminations of CIA personnel and give them a cash incentive to retire or resign early. It will remove from the CIA work force employees who fall into surplus categories. Many of these personnel have become surplus as a result of the end of the cold war and the changed threat that the U.S. faces.

The Soviet Union is no longer the monolithic problem that we faced from the end of the World War II to 1989. Responding to the changed threat, former Director of Central Intelligence, Bob Gates, and the current DCI, James Woolsey, found that the CIA had to change its skills mix in order to focus more on problems such as proliferation, terrorism, and narcotics and hire new personnel with specialized skills. In order to do that in a reduced budgetary environment, the CIA has designed a plan to encourage employees to retire early to make room for new employees with other skills and to reduce the overall size of its work force. This bill will achieve both goals, and I strongly support it and I urge all of my colleagues to vote for it.

Mr. GLICKMAN. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from New Mexico [Mr. RICHARDSON].

□ 1540

Mr. RICHARDSON. Mr. Speaker, first I commend the new chairman of the Intelligence Committee and the ranking member for producing a good bill, one that will enable us to move ahead into the intelligence challenges of the 1990's.

This legislation authorizes the Director of CIA to implement a program whereby certain CIA employees will be offered cash incentives to voluntarily resign or retire from the agency.

Why is this legislation important? It basically is important because it means that we now will be able to hire those new recruits, new people with new skills to develop the new mission of the Central Intelligence Agency. In the past, many of the employees at the CIA have been geared toward the cold war, toward the Soviet Union's specialities, and we need new recruits for the new challenges facing this country, nuclear nonproliferation, economic competition, counternarcotics, Arabists, experts on the Middle East and Africa. We need this good management tool to move ahead and be able to recruit some new people with new skills into the agency.

Mr. Speaker, the fiscal year 1993 Intelligence Authorization Act mandated

that the intelligence community reduce its personnel by 17.5 percent by the end of fiscal year 1997. At the time the fiscal year 1993 Intelligence Authorization Act was being debated, the Central Intelligence Agency was experiencing their traditional levels of attrition. Agency managers informed the intelligence committees that the CIA would be able to meet its reduction targets through the normal rate of attrition. However, Mr. Speaker, a sluggish economy accompanied by reduced employment opportunities in both the private and public sectors has resulted in falling attrition rates at CIA.

Despite low attrition rates, CIA maintains their ability to meet fiscal year 1993 personnel levels, although it will be at the expense of hiring new persons possessing skills critical to the future mission of the CIA. The collapse of the former Soviet Union and the resulting end of the Cold War has created new demands on our Nation's intelligence agencies and entities. In order to meet these challenges, the CIA must employ those persons trained in the academic disciplines which figure prominently in future intelligence requirements. If the CIA is unable to recruit such individuals. Then our entire future will be placed in jeopardy.

Mr. Speaker, H.R. 1723 provides the Director of Central Intelligence a management tool to assist in reducing the Agency's personnel levels while at the same time addressing the skills mix of the future Central Intelligence Agency. Mr. Speaker, I might add that the Secretary of Defense enjoys similar authority which H.R. 1723 seeks to authorize for the DCI. At present, civilian employees at the National Security Agency and the Defense Intelligence Agency are entitled to separation bonuses if the Secretary of Defense designates their occupational skill category as excess to the needs of the Defense Department. H.R. 1723 would establish a degree of uniformity within the U.S. intelligence community with regard to personnel reductions and future work force composition.

In addition, the Director of CIA is urged very strongly to ensure that minorities and women get the proper opportunities in this new, future intelligence structure.

I urge passage of this legislation.

Mr. COMBEST. Mr. Speaker, I have no further requests for time, and I yield the balance of my time.

Mr. GLICKMAN. Mr. Speaker, I again would like to commend the gentleman from Texas [Mr. COMBEST], particularly for his efforts in holding hearings and doing the necessary work to develop the record. He and the gentleman from Pennsylvania [Mr. GEKAS] were responsible for getting the material so quickly to the House floor which the Director of Central Intelligence says was so important for their agency.

Mr. COLEMAN. Mr. Speaker, I rise in support of H.R. 1723 which authorizes the Director of Central Intelligence to offer separation incentives to designated Central Intelligence Agency employees who resign or retire voluntarily.

Mr. Speaker, as a result of the end of the cold war, fewer U.S. resources are being dedicated to national security agencies.

To correspond to this fiscal reality, the Intelligence Authorization Act of 1993 directed the Central Intelligence Agency to reduce its personnel levels by 17.5 percent by the end of fiscal year 1997. Initially, Central Intelligence Agency managers believed they could achieve the mandated reductions through attrition alone. However, attrition rates have fallen significantly from the levels experienced just 1 year ago, and while the Central Intelligence Agency still expects to meet their fiscal year 1993 reduction targets through attrition, it will be at the expense of new hires. Mr. Speaker, in an ever-changing and unpredictable world, our intelligence agencies must have the flexibility to hire, although at a substantially reduced rate, new individuals, who with current Central Intelligence Agency employees, will provide the Central Intelligence Agency the necessary skills mix to perform its mission well into the future. H.R. 1723 will give the Central Intelligence Agency an important management tool to meet this challenge.

Mr. Speaker, H.R. 1723 will also save the American taxpayers' dollars. The amount of separation bonuses to be paid out will be more than offset by the savings realized by not having to pay future salaries and benefits. Moreover, additional savings will be realized in later years through reduced annuity payments brought about by voluntary early retirements.

Finally, H.R. 1723 is closely modeled on legislation enacted last year which authorized the Secretary of Defense to offer separation pay incentives to Department of Defense civilian employees. Thus, H.R. 1723 would put CIA employees on par with their counterparts at the National Security Agency, Defense Intelligence Agency, and other elements of the Nation's intelligence community within DOD who are eligible to receive this benefit.

Mr. Speaker, H.R. 1723 provides the Director of Central Intelligence a humane and cost-saving measure to facilitate the congressionally mandated 17.5-percent personnel reduction. CIA employees often live undercover and place their personal safety second to the mission of the Agency. H.R. 1723 is an excellent expression of gratitude to those CIA employees who now find their skills and services no longer needed by the Agency but who tirelessly dedicated their lives to ensuring the security of our great country.

Mr. Speaker, I commend the chairman of the Intelligence Committee for bring this important legislation to the floor of the House and urge my colleagues to support it.

Mr. GLICKMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill, H.R. 1723, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1723, the bill just passed.

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

There was no objection.

JERRY L. LITTON UNITED STATES POST OFFICE BUILDING

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1779) to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

The Clerk read as follows:

H.R. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, is designated as the "Jerry L. Litton United States Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 1779, which will designate the U.S. Post Office in Chillicothe, MO, the "Jerry L. Litton United States Post Office."

Mr. Litton was elected to Congress on November 7, 1972 and was considered one of the most active Members elected that year and served as a distinguished member of the House Agriculture Committee.

Mr. Litton won reelection to the House in 1974 and became chairman of the Subcommittee on Forests and the Full Committee on Agriculture.

Mr. Litton was well respected by many of his colleagues as was indicated by numerous favorable remarks made by Members of this House upon his untimely death in 1976.

I am pleased to join Congresswoman DANNER, and the citizens of Chillicothe, MO, in their desire to name the postal facility in Chillicothe, MO the "Jerry L. Litton United States Post Office," and I urge my colleagues to support the passage of H.R. 1779.

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

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

Mr. Speaker, over the years as the use of the airplane has grown and become such an integral part of our daily lives the number of our colleagues who have lost their lives in airplane crashes have grown as well. One of those crashes, on August 3, 1976, took the life of our former colleague, Congressman Jerry Litton of Missouri.

Elected to this body in 1972, he was an active member of the House Agriculture Committee. As a youth he had served as the Missouri State Future Farmers of America president and had a lifelong interest in the raising of Charolais cattle. His death was made more tragic because he had just won the Missouri Democratic Primary for a seat in the U.S. Senate and was beginning a flight to a victory party in another part of the State when his airplane, with family and supporters on board crashed upon take-off from the Chillicothe Airport.

I would be remiss if I did not express the appreciation of the minority to one of Congressman Litton's successor's in the House, the gentlewoman from Missouri, for her introduction of H.R. 1779 and giving us the opportunity of honoring his memory in this fashion.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Speaker, it is with pride that I rise today in support of H.R. 1779, a bill which will recognize the enduring legacy of a former Member of this body, the late Congressman from the 6th District of Missouri, Jerry Litton.

There is a phrase: "Gone but not forgotten." The late Congressman Jerry Litton is gone from this body but he has not been forgotten by the colleagues here today with whom he served.

Jerry Litton was born in Lock Springs, MO. He received his early education there and in Chillicothe, MO. Even in those early days, the trademark Litton work ethic was evident.

As a high school student, he farmed land that he leased, and, in addition, he worked as an announcer at a local radio station. By the time he graduated from high school, he had saved nearly $15,000.

Jerry attended the University of Missouri where he majored in agriculture journalism and economics. Upon graduating from the university, he devoted full time to the Litton ranch and quickly became a nationally recognized expert on the subject of bovine genetics. The Litton name became synonymous with that of pure bred Charolais. In addition, he served the ranchers of north Missouri, the United States, and the world by publishing a magazine devoted to perfecting the art and science of bovine breeding.

Jerry traced his political interest to a 1957 meeting with President Harry Truman. The scheduled 15-minute meeting lasted 2 hours while they discussed the greatness of our country and the obstacles facing those in public service.

President Truman told Jerry that he could either become part of the political establishment or go into business and establish a nonpolitical relationship with the voters. Jerry took the President's advice and did just that—instituted a direct, relationship with the people of the sixth district as a businessman who understood the concerns and needs of the people of the district—because he was one of them.

His calling to public service came in 1972 when he and six other Democrats competed for Missouri's Sixth Congressional District seat.

He always said "I may not be smarter, I may not be as well known, but I know I can outwork any of them." In typical Litton fashion, he overwhelmed his opponents and, once in Congress, wasted no time making a name for himself.

He built a consensus between rural and urban residents when a nationwide beef boycott threatened to divide and injure both groups. With hard work and skillful negotiating, the boycott was averted. That was how Jerry Litton operated.

Perhaps Jerry Litton's most enduring legacy is the principle which states "that government governs best which governs closest to the people". Just 3 months into his first term, he began a series of public forums called "Dialogue With Litton" in which constituents were invited to come together and ask questions of their Congressman and outstanding guests such as the Secretary of Agriculture, every Democratic Primary Presidential candidate, as well as others who Jerry felt were too often only names on the evening news to his constituents. The forums were pure Litton: a close but tough discussion in which public officials responded to the concerns of the audience.

President Carter said that Jerry had, "with a great sensitivity, figured out a unique way . . . to stay close to folks back home." The forums were televised and became an overwhelming success. Again, Jerry Litton took government to the people and the people responded. Commenting on Jerry's extraordinary efforts as a freshman, former Speaker Tip O'Neill said that he'd "been in Congress 22 years and never yet met a freshman Member that could equal Jerry Litton."

In 1974, Jerry won reelection by a record 79 percent of the vote. Following that election, he was made chairman of the Agriculture Subcommittee on Forests.

Jerry Litton entered the 1976 Democrat primary for U.S. Senate against three better known and more experienced opponents. In typical fashion, he compaigned tirelessly, often outrunning and outlasting his staff, knowing that if nothing else, he could outwork the competition.

On primary night, August 3, 1976, the returns showed Jerry had won the primary with 53 percent of the vote. From his home in Chillicothe, Jerry, his wife and their two children boarded a plane for a flight to Kansas City for the victory celebration. The small plane crashed just outside of his hometown, ending the lives of all aboard.

Mr. Speaker, that might Missouri and our Nation lost one of our truly bright stars. He was a man who, President Carter said "had a good chance to be President of the United States."

As his district assistant, I saw first hand the relationship between Jerry and the people of the sixth district. I saw the way he listened to them and the way they responded to him. He told them the truth and never forgot who his real employers were. He often spoke of the need for people to have real faith; ". . . our country" he said, "cannot function when its people have lost faith; be it faith in God, faith in their country, faith in their leaders, or faith in its system."

He believed in his heart and said often to those he touched "I have faith in God, in myself, in my country, in our democracy and in our systems. And if enough of us do, we'll make America not what it is but what it ought to be and what we know it can be."

On the granite memorial that stands in Jerry Litton's honor are the words "Happy are those who dream dreams and are ready to pay the price to make them come true." Jerry Litton was a dreamer of dreams. Those of us who knew and worked with him could fill volumes with what he was like and what his dreams meant to each of us. But, his true legacy is with the people of the sixth district. There are so many people who say "Yes, I knew Jerry Litton. I'll never forget him. He was a good friend of mine."

It is in this spirit that I urge passage of H.R. 1779, a bill to honor the late Congressman from Missouri's Sixth District, Jerry L. Litton.

□ 1550

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for

time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 1779.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ABE MURDOCK UNITED STATES POST OFFICE BUILDING

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 588) to designate the facility of the U.S. Postal Service located at 20 South Main in Beaver, UT, as the "Abe Murdock United States Post Office Building".

The Clerk read as follows:

H.R. 588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 20 South Main in Beaver, Utah, is designated as the "Abe Murdock United States Post Office Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the facility referred to in section 1 is deemed to be a reference to the "Abe Murdock United States Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Abe Murdock was elected to serve as the attorney for Beaver County, UT in 1923. He also served four terms in the U.S. House of Representatives. In 1941, he won a seat in the U.S. Senate, where he was active in assisting the State of Utah in becoming one of the leading States in the West.

The passage of H.R. 588, would allow for the Beaver County, UT, community to come together on July 18, 1993, and honor the memory of their distinguished citizen, by officially designating and prominently marking the Beaver County Federal building—on the 100th anniversary of the Senator's birth, "The Abe Murdock Federal Building."

I am pleased to join Congressman HANSEN, primary sponsor of H.R. 588, along with the Murdock family and friends, in their desire to name the postal facility at 20 South Main Street, Beaver, UT, in honor of Abe Murdock and I urge my colleagues to support the passage of H.R. 588.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, today I rise on behalf of the citizens of Beaver, UT, and their loyal efforts to rename the Beaver post office after a former Representative and Senator, the late Abe Murdock. H.R. 588 will designate the facility of the U.S. Postal Service in Beaver, UT, as the "Abe Murdock United States Post Office Building." I also thank my colleagues on the Post Office and Civil Service Committee for their efforts to quickly bring this legislation to the floor.

This is the second time the House has acted on this legislation. Last session, we unanimously passed H.R. 4786 and sent the bill to the Senate. Unfortunately, the text of an unrelated bill was attached to the Murdock measure and the House would not agree to the language. Consequently, the 102d session came to an end without officially renaming the post office after Abe Murdock.

The Beaver citizens are anxiously waiting to plan a July celebration to commemorate Abe Murdock's 100th birthday. Since the Beaver post office was erected during Mr. Murdock's term in Congress, this event seems very appropriate. With this in mind, it is my hope that we can place our final stamp of approval on H.R. 588.

Abe Murdock was born on July 18, 1893 to parents whose roots were deeply embedded in the settlement of southern Utah. In the early 1800's his grandfather, Mr. John R. Murdock, was selected by state leaders to establish the town of Beaver, UT. His own parents, Orrice Abram Murdock and Lucinda Robinson were both advocates and leaders within the Beaver community as well. It is obvious that this strong family heritage taught Abe Murdock to believe in the West and stand by his principles.

Mr. Murdock built his life on public service. After studying law at the University of Utah, he lived in Beaver, UT, and served as the Beaver County attorney. In 1932, he was elected to the U.S. House of Representatives and fought to establish and maintain Utah's water rights. He served four terms in the House and in 1940, he was elected to the U.S. Senate. Throughout his political career, he supported Utah by protecting grazing rights and ensuring the conservation of both water and soil. To the best of my knowledge, he is the only person in the history of Utah politics to successfully win a seat in both the House and the Senate.

He was an active supporter of labor law and believed in the working man. His work was recognized in 1948 when President Harry S. Truman appointed him to the National Labor Relations Board. He served two consecutive 5-year terms. Later, he was appointed to a Presidential panel which addressed labor-management relations in the atomic energy industry. His advocacy and leadership planted many of the seeds which spurred Utah's success as a leading State in the West.

It is obvious that this fine man, a good Democrat, I might add, deserves this special recognition. I urge my colleagues to support final passage of H.R. 588 and permit the citizens of Beaver to pay homage to their friend and community leader. I am honored to offer this bill and thank the House for placing Abe Murdock's name on the Beaver, UT, post office.

□ 1600

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 588.

The question was taken.

Miss COLLINS of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bills, H.R. 588 and H.R. 1779.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1159, PASSENGER VESSEL SAFETY ACT OF 1993

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 172 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 172

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of

the Whole House on the state of the Union for consideration of the bill (H.R. 1159) to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Florida, Mr. GOSS, pending which, I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 172 is an open rule which provides for the consideration of H.R. 1159, the Passenger Vessel Safety Act of 1993.

This open rule provides 1 hour of general debate and will allow for any Member who has a germane amendment to offer his or her amendment to the bill.

Mr. Speaker, H.R. 1159 is a bill which will close a loophole in the maritime safety laws that currently allows bareboat charterers to escape Coast Guard safety inspections of their vessels.

This legislation reclassifies the terms, small passenger and passenger vessel, and requires that these vessels meet the minimum Coast Guard requirements for safety.

I would like to commend the chairman of the subcommittee, the gentleman from Louisiana, Mr. TAUZIN, and the full committee chairman, the gentleman from Massachusetts, Mr. STUDDS, for bringing this bill to the floor in such a timely fashion.

While this is noncontroversial legislation, the closing of this loophole in the maritime laws will allow the Coast Guard to better insure the safety of bare boat charterers and their passengers.

Again, I would like to state that this is an open rule which allows for the offering of any germane amendment to the bill and I urge its adoption.

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

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

Mr. GOSS. Mr. Speaker, I thank the chairman of the Committee on Rules for yielding and wish to tell him how pleased we are on this side to have this open rule, as I am sure he understands.

Mr. Speaker, in the last few days there have been some who have asked me if there might be a new dawn breaking in the House. Today we have another open rule and one that really is truly 100 percent pure, no restrictions, no waivers, no strings, no magic, no tricks.

Clean and simple, I guess is the way to say it, and that is that way it used to be most of the time, and I think most of us hope that that is the way it should be most of the time.

The legislation, the Passenger Vessel Safety Act, is a bill that is very important, obviously, to anybody who has charter boats, whether it be from the private owners perspective, the public user, public safety agencies or others involved.

There is no doubt that that is important, and we should be very clear that this bill could nevertheless, as important as it is, it is equally noncontroversial, I understand, and probably could come forward under suspension of the rules. And I suspect that in this very extraordinary year when we have so much incredibly challenging legislation in front of us, it would not really qualify as the type of major legislation that was promised to us under open rule by the Speaker of the House.

Of course, I do not wish in any way to diminish the very hard work of my colleagues on the Committee on Merchant Marine and Fisheries, a committee which I hold in the very highest regard and personal interest. I am a former graduate of that particular committee, and I appreciate the work that they have done on this.

Still, I am very delighted to support the open rule because, despite the merits most of us see in this bill, in fact that there are some questions about it and there are some who feel that it will have some effect on the small charter business. In fact, I have been advised there are some parties who are involved who believe they will be negatively impacted by this legislation.

Those are precisely the people for whom an open rule is designated, to allow Members to fully air any and all concerns that have been raised and any Member who wishes to become an advocate of those concerns, to clarify or to challenge a point in this legislation, may do under an open rule.

That is the way democracy was envisaged to work.

So let us hope that this open rule is not a false dawn. We are certainly going to need plenty of daylight for the others tasks that lie ahead.

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

Mr. MOAKLEY. Mr. Speaker, I have no requests for time.

Mr. GOSS. Mr. Speaker, I have no further requests for time, and in the spirit of bipartisan support, this side will not call for a vote on this open rule for which we are so thankful.

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

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The Chair will announce that this will be a 15-minute vote to be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 0, not voting 124, as follows:

[Roll No. 176]

YEAS—308

Ackerman	Coleman	Gallo
Allard	Collins (GA)	Gekas
Andrews (ME)	Collins (IL)	Gephardt
Andrews (NJ)	Collins (MI)	Gibbons
Andrews (TX)	Combest	Gillmor
Archer	Condit	Gilman
Bacchus (FL)	Costello	Glickman
Bachus (AL)	Cramer	Gonzalez
Baesler	Cunningham	Goodlatte
Baker (CA)	Danner	Goodling
Barcia	Darden	Gordon
Barlow	de la Garza	Goss
Barrett (NE)	Deal	Grams
Barrett (WI)	DeLauro	Green
Bateman	Dellums	Greenwood
Becerra	Derrick	Hall (OH)
Beilenson	Deutsch	Hall (TX)
Bentley	Diaz-Balart	Hamburg
Bereuter	Dickey	Hamilton
Bevill	Dingell	Hancock
Bilirakis	Dixon	Hansen
Blackwell	Dornan	Harman
Bliley	Dreier	Hastert
Blute	Duncan	Herger
Boehlert	Dunn	Hinchey
Bonilla	Durbin	Hoagland
Bonior	Edwards (CA)	Hobson
Brooks	Emerson	Hoekstra
Brown (CA)	English (AZ)	Horn
Brown (OH)	English (OK)	Houghton
Bryant	Eshoo	Hoyer
Bunning	Evans	Huffington
Burton	Everett	Hughes
Buyer	Fawell	Hunter
Byrne	Fazio	Hutchinson
Callahan	Fields (LA)	Hyde
Camp	Fields (TX)	Inslee
Canady	Filner	Istook
Cantwell	Fingerhut	Jacobs
Castle	Fish	Jefferson
Clay	Ford (MI)	Johnson (CT)
Clayton	Frank (MA)	Johnson (GA)
Clinger	Franks (CT)	Johnson (SD)
Clyburn	Franks (NJ)	Johnson, E.B.
Coble	Furse	Kanjorski

Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McMillan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Nussle
Oberstar
Obey
Olver
Orton
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Swett
Synar
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wolf
Wyden
Wynn
Yates
Young (FL)

NAYS—0

NOT VOTING—124

Abercrombie
Applegate
Armey
Baker (LA)
Ballenger
Bartlett
Barton
Berman
Bilbray
Bishop
Boehner
Borski
Boucher
Brewster
Browder
Brown (FL)
Calvert
Cardin
Carr
Chapman
Clement
Conyers
Cooper
Coppersmith
Cox
Coyne
Crane
Crapo
DeFazio
DeLay
Dicks
Dooley
Doolittle
Edwards (TX)
Engel
Ewing
Flake
Foglietta
Ford (TN)
Fowler
Frost
Gallegly
Gejdenson
Geren
Gilchrest
Gingrich
Grandy
Gunderson
Gutierrez
Hastings
Hayes
Hefley
Hefner
Henry
Hilliard
Hochbrueckner
Hoke
Holden
Hutto
Inglis
Inhofe
Johnson, Sam
Johnston
Kennedy
Kingston
Klink
Knollenberg
Leach
Lehman
Linder
Lipinski
Livingston
Maloney
Margolies-Mezvinsky
Matsui
McCollum
McKeon
McKinney
McNulty
Meehan
Mineta
Minge
Murphy
Neal (MA)
Neal (NC)
Ortiz
Owens
Oxley
Parker
Payne (VA)
Quillen
Rahall
Ridge
Rostenkowski
Rowland
Sanders
Sangmeister
Santorum
Sarpalius
Schaefer
Schroeder
Shaw
Skelton
Smith (MI)
Smith (OR)
Stokes
Stupak
Sundquist
Swift
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thompson
Torricelli
Vucanovich
Washington
Waters
Williams
Wise
Woolsey
Young (AK)
Zeliff
Zimmer

□ 1638

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ABE MURDOCK UNITED STATES POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. KILDEE). The pending business is the question of suspending the rules and passing the bill, H.R. 588.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 588, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 3, not voting 123, as follows:

[Roll No. 177]

YEAS—306

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Brooks
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Castle
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallo
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Horn
Houghton
Hughes
Hunter
Hutchinson
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McMillan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Natcher
Nussle
Oberstar
Obey
Olver
Orton
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Swett
Synar
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wolf
Wyden
Wynn
Yates
Young (FL)

NAYS—3

Huffington
Penny
Pombo

NOT VOTING—123

Abercrombie
Applegate
Armey
Baker (LA)
Ballenger
Bartlett
Barton
Berman
Bilbray
Bishop
Boehner
Borski
Boucher
Brewster
Browder
Brown (FL)
Calvert
Cardin
Carr
Chapman
Clement
Conyers
Cooper
Coppersmith
Cox
Coyne
Crane
Crapo
DeFazio
DeLay
Dicks
Dooley
Doolittle
Edwards (TX)
Engel
Ewing
Flake
Foglietta
Ford (TN)
Fowler
Frost
Gallegly
Gejdenson
Geren
Gilchrest
Gingrich
Grandy
Gunderson
Gutierrez
Hastings
Hayes
Hefley
Hefner
Henry
Hilliard
Hochbrueckner
Hoke
Holden
Hoyer
Hutto
Inglis
Inhofe
Johnson, Sam
Johnston
Kennedy
Kingston
Klink
Knollenberg
Leach
Lehman
Linder
Lipinski
Maloney
Margolies-Mezvinsky
Matsui
McCurdy
McKeon
McKinney
McNulty
Meehan
Mineta
Murphy
Neal (MA)
Neal (NC)
Ortiz
Owens
Oxley
Parker
Payne (VA)
Quillen
Rahall
Ridge
Rostenkowski
Rowland
Sanders
Sangmeister
Santorum
Sarpalius
Schaefer
Schroeder
Shaw
Skelton
Smith (MI)
Smith (OR)
Stokes
Stupak
Sundquist
Swift
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thompson
Torricelli
Vucanovich
Washington
Waters

Williams	Woolsey	Zeliff
Wise	Young (AK)	Zimmer

□ 1647

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Madam Speaker, I wish to have the RECORD show that I was unable to be present for votes on rollcall Nos. 176 and 177. Had I been present, I would have voted in the affirmative on both votes.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, unfortunately, I was detained and missed rollcall votes 176 and 177 on May 24, 1993. Had I been present, I would have voted "aye" on each noncontroversial bill.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on Monday, May 24, 1993, I was unavoidably absent from the House Chamber during rollcall vote No. 176 and rollcall vote No. 177. Had I been present, I would have voted "yea" in both cases.

PERSONAL EXPLANATION

Mr. BISHOP. Mr. Speaker, during rollcall votes 176 and 177 I was unavoidably detained. Had I been present I would have voted "aye" on both.

PERSONAL EXPLANATION

Mr. COPPERSMITH. Mr. Speaker, I was unavoidably absent during rollcall votes No. 176 and 177.

Had I been present on the House floor during those votes, on rollcall vote No. 176, I would have voted "yea" to revise, clarify, and improve marine safety laws.

Finally, I would have voted "yea" on rollcall vote no. 177, to designate the facility of the U.S. Postal Service at 20 South Maine in Beaver, UT, as the "Abe Murdock United States Post Office Building."

PASSENGER VESSEL SAFETY ACT OF 1993

The SPEAKER pro tempore (Mr. KILDEE). Pursuant to House Resolution 172 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bills, H.R. 1159.

□ 1648

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1159) to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes, with Mrs. CLAYTON in the chair.

The Clerk read the title of the bill.

□ 1650

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Madam Chairman, I yield myself such time as I may consume.

H.R. 1159, the Passenger Vessel Safety Act of 1993, will help protect the lives of thousands of Americans who charter boats. The bill closes a loophole in our safety laws which allows some boatowners to charter their vessels to large groups of people without complying with Coast Guard safety regulations.

Under current law, a boatowner can escape Coast Guard passenger vessel safety regulations by bareboat chartering the vessel. A bareboat charter is similar to renting a car, because the charterer rents only the vessel—the bare boat—and is responsible for its operation. Charterers often assume that the vessel is Coast Guard inspected and operated by a licensed individual. Unfortunately, this assumption is usually wrong.

H.R. 1159 closes this loophole by restricting recreational bareboat charters to 12 or fewer passengers. This will allow families and groups of friends to bareboat charter recreational vessels for vacations, but treats larger, commercial charters as passenger vessels and thus subject to Coast Guard inspection.

Some bareboat charter operators have argued that this legislation will put them out of business. We have given this group every opportunity to meet and develop an alternative that is acceptable to the Coast Guard and meets minimal safety standards. However, no proposal has surfaced because the bareboat charterers insist they are recreational vessel owners.

Let me assure Members that the Passenger Vessel Safety Act will not put any legitimate passenger vessel owner out of business. It does not make bareboat charters illegal. It does force those who so charter their vessels to meet Coast Guard safety standards. The bareboat industry is given until May 1, 1994, to upgrade its vessels.

This is a good bill. It is supported by the Passenger Vessel Association, the National Association of Charterboat Operators, the Boat Owners Association of the United States, the National Marine Manufacturers Association, and the U.S. Coast Guard. I urge all Members to support it.

Madam Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as the ranking Republican member of the Committee on Merchant Marine and Fisheries, I rise in support of H.R. 1159, the Passenger Vessel Safety Act of 1993.

While this may not be a perfect bill, it is an important step forward for safety on the water and I would like to compliment our colleagues, BILLY TAUZIN and HOWARD COBLE, for their leadership in crafting this proposal. This bill is the product of nearly 2 years of careful consideration and it will close a dangerous loophole in our Coast Guard inspection laws.

Madam Chairman, the Coast Guard estimates that there are between 500 and 700 vessel operators using something called a bareboat charter arrangement to carry passengers without having to meet Coast Guard safety standards. Under this arrangement, the owner of a vessel enters into a contract with a person or group of individuals whereby they take possession of his ship for a specific period of time.

By so doing, this bareboat charter is able to avoid all Coast Guard safety laws because these vessels are now considered recreational in nature.

Regrettably, this type of business practice allows individuals to operate vessels that are potentially unsafe and it subjects unsuspecting members of the public to serious injury or death. This bill closes the loopholes in existing law and it brings all vessels that are engaged in the business of carrying passengers under the present safety scheme.

I know that some Members are concerned that requiring the owners of these vessels to comply with Coast Guard safety standards may put some safe operators out of business. The intent of this legislation is not to put safe vessel owners out of business. The Coast Guard safety standards for passenger vessels are flexible enough to allow truly safe vessel operations to continue, while stopping unsafe or marginally safe vessel operators from carrying large groups of people aboard their vessels. There is a phase-in period of nearly 1 year for the requirements under this bill, with an additional year available at the discretion of the Coast Guard.

Finally, this bill will still allow recreational bareboat charters to continue in the future. H.R. 1159 allows friends and families in groups of 12 or fewer to charter a vessel for a holiday without having to undergo a Coast Guard inspection.

Madam Chairman, this bill has been proposed by both the Bush and Clinton

administrations. I would urge my colleagues to vote aye on this important legislation. We must not wait for tragedies to occur before mandating these most basic safety requirements.

Madam Chairman, I reserve the balance of my time.

Mr. STUDDS. Madam Chairman, I yield 5 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN], the chairman of the Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries.

Mr. TAUZIN. Madam Chairman, I rise today to urge support of H.R. 1159, the Passenger Vessel Safety Act of 1993. I would first like to thank the chairman of the Merchant Marine and Fisheries Committee, the Honorable GERRY STUDDS of Massachusetts, for his support, and also our ranking minority member, Congressman JACK FIELDS of Texas, and the gentleman from North Carolina, Mr. HOWARD COBLE, our subcommittee ranking minority member, for their cooperation. This has been a truly bipartisan effort, which, Madam Chairman, is typical of the work of the Committee on Merchant Marine and Fisheries.

This bill is the product of the Subcommittee on Coast Guard and Navigation, which I chair. It has not been without controversy in our committee. It is the result of a great deal of effort on the part of our members, their staffs, and the Coast Guard. We have spent many hours negotiating with groups and organizations affected by this legislation and I am proud that these efforts have produced what I believe is a bill that may save lives in the future.

Madam Chairman, the purpose of this legislation is to bring recreational vessels which may carry large numbers of paying passengers into the Coast Guard's vessel safety inspection program. There are a growing number of vessels that are being chartered out under what is called a bareboat charter agreement. A bareboat charter is a legal arrangement whereby the boatowner charters his vessel to a person who assumes all legal liability and responsibility for the vessel during the term of the charter. Under these types of arrangements, each passenger is required to sign the bareboat charter agreement upon boarding the vessel. Many of these passengers are not even aware that they are signing such a transfer of liability. These vessels can carry large numbers of people but are not required by current law to be inspected by the Coast Guard. The current trend in these operations is to charter for less than 1 day to up to 200 people for parties, weddings, receptions, and the like. These vessels are documented as recreational vessels and are only subject to recreational vessel safety standards.

H.R. 1159 will impose additional safety requirements on bareboat charters carrying more than 12 passengers or over 100 gross tons. Those carrying over 12 passengers will be required to upgrade their vessels and provide additional firefighting and lifesaving equipment. They may also be subject to standards for hull construction, stability, manning, electrical wiring, and machinery installation. The bill gives these vessels until May 1, 1994, to come into compliance, but gives the Coast Guard the discretion to allow vessels up to 1 additional year to comply where the vessel owner has made a good faith effort.

Many of those who are entering into these charter arrangements are unaware that these vessels are not required to meet safety standards required of other types of passenger vessels. Coast Guard safety standards vary according to the type of vessel, with recreational vessels having the least stringent, and inspected passenger vessels having the most stringent. These bareboat charters have made the argument that they are recreational vessels and should be subject only to recreational vessel standards which are very minimal. In opposing this bill, they have argued that the bill will put them out of business.

The Coast Guard has brought to our attention some of the cases which illustrate the need for this legislation. In one case in California, a vessel was chartered to 120 high school students and their chaperones for a postgraduation party. The hours of the party were to be from 10:30 p.m. to 3 a.m. As each student and the chaperones boarded the vessel, they were required to sign a document. There was one short sentence on the document which indicated that it was a bareboat charter agreement. The terms of the agreement were not attached. One of the parents who acted as a chaperone later told the Coast Guard that he had no idea what he was signing and would not have signed had he known the liability he was assuming. The Coast Guard boarded the vessel and cited the owner for operating the vessel without a certificate of inspection, employing an unlicensed individual to operate the vessel, and using the vessel in a trade other than that for which it was documented. The Coast Guard fined the owner $3,000 and found that it was not a valid bareboat charter. The difficulty in these cases is that the Coast Guard must challenge the validity of each of these bareboat charters in order to impose any of these safety standards. These teenagers and their parents had no idea that those kids became the owner of that vessel for that limited time, became liable for the vessel, and that the vessel was not Coast Guard inspected. They had no idea that their children were on a vessel operated by an unlicensed individual on a voyage in the Pacific Ocean in the middle of the night. Hopefully, this bill will stop this type of practice and the dangers it poses.

The bill will provide a means by which the passengers, who pay hard-earned money for a safe and pleasant day on our waters, can be assured that they will not be placing themselves, their families, and friends on board an unsafe, uninspected vessel in the hands of an unlicensed master. Many of our vessel safety laws are the result of catastrophic accidents with the loss of many lives. I urge my colleagues not to wait for a serious accident before we take further action. I urge that Members join me in supporting this important safety measure.

□ 1700

Mr. DIAZ-BALART. Madam Chairman, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to the gentleman from Florida.

Mr. DIAZ-BALART. Madam Chairman, in my district there are private vessel owners who on occasion allow their vessels to be used for charitable events. According to the Coast Guard, persons who purchase tickets for a charitable event on a vessel would be considered passengers for hire, and thus subject the vessel to the passenger vessel safety rules. It is my understanding that H.R. 1159 authorizes the Coast Guard to grant excursion permits for specific outings such as this, where the Coast Guard may waive inspection requirements for a specific vessel to take a specific voyage.

Mr. TAUZIN. Madam Chairman, under this bill, the committee intends that the Coast Guard would grant voyage-by-voyage excursion permits under the authority of 46 U.S.C. 2113 for vessels donated to charities for fund-raising events. However, to avoid abuse and exploitation of the process, the Coast Guard should require the following:

First, the charity would have to be a bona fide charity along the lines of a nonprofit organization qualified under 28 U.S.C. 501(c)(3);

Second, all funds received must go to the named charity;

Third, the vessel could only be used as a charitable excursion vessel by individual charities on an occasional basis;

Fourth, the charity would be required to apply to the local marine inspection office for an excursion permit for each voyage; and

Fifth, that a permit shall be issued if the Coast Guard is satisfied that the vessel will be safe for its use and route.

Mr. DIAZ-BALART. Madam Chairman, I thank the gentleman.

Mr. FIELDS of Texas. Madam Chairman, I yield such time as he may consume to the great gentleman from North Carolina [Mr. COBLE] and I yield him this time because he is filled with such knowledge that I cannot really put a specific time limit on the time he might consume.

Mr. COBLE. Madam Chairman, the gentleman from Texas is embellishing this matter a bit, and I thank him for yielding me the time.

Madam Chairman, as an original cosponsor of H.R. 1159, I am pleased to rise in strong support of the Passenger Vessel Safety Act of 1993.

As the ranking minority member of the Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation, I have had the opportunity to help in the development of this legislation from the beginning. Our subcommittee and full committee amended the original Coast Guard proposal several times in order to balance our interest in increased maritime safety with the concerns of the vessel owners and operators whose livelihoods depend on the carriage of passengers.

I agree with the Coast Guard's assessment that the surge of recreational vessels carrying hundreds of passengers in our Nation's waterways, with little or no Coast Guard safety oversight, is an accident or a disaster waiting to happen. Every American who boards a commercial vessel, whether it be for an extended vacation or a dinner cruise, should be assured that his or her safety will be protected.

Some critics of this legislation contend that this bill is merely another attempt by Government to overregulate our lives and a way to destroy a growing industry. Anyone who examines my 8 years in Congress will quickly observe that I have opposed efforts to overregulate our Nation. I would be the first to vote against a bill which required recreational boaters to become subject to unnecessary and expensive inspections. However, I strongly believe that Congress has the responsibility to provide the public with an acceptable level of safety when they board commercial vessels.

I urge my colleagues to vote in favor of this legislation which will allow the Coast Guard to bring all commercial vessels into compliance with our Nation's commercial vessel standards.

Mr. FIELDS of Texas. Madam Chairman I yield myself such time as I may consume.

I just want to point out to the committee that this is one more example of the Merchant Marine and Fisheries Committee working together in a bipartisan fashion addressing concerns that some Members had early on, and coming forward with a piece of legislation that should be acceptable to everyone, particularly when we think about the delicate nature of the subject matter. I, too, want to compliment Chairman STUDDS and Chairman TAUZIN and my good friend, the gentleman from North Carolina, Mr. COBLE.

Madam Chairman, I yield back the balance of my time.

Mr. STUDDS. Madam Chairman, I just hear the sound of bipartisan harmony and lifesaving at the same time. I commend all of the Members.

Mr. Speaker, I rise in support of H.R. 1159, the Passenger Vessel Safety Regulations Act. I believe this is a balanced bill which attempts to protect public safety, and preserve opportunity for the men and women who engage in charter operations.

This legislation will help instill confidence in the boating public that the vessels they charter are seaworthy and meet the standards promoted by the U.S. Coast Guard. This bill will provide clearer definitions of what constitutes a passenger for hire, and a better understanding of what kind of safety features are needed on vessels carrying multiple passengers. Currently, there is no guarantee that the passengers for hire who charter two different vessels at different times will receive crafts of comparable safety standards.

I believe it is in the interest of the boating public and the charter industry to provide consistent regulation of this industry, and to clarify what the rules are and to whom they apply.

I would like to commend Chairman TAUZIN and his staff for their hard work and determined effort to let all interested parties in this legislation have their day in court. This bill is also a testament to the U.S. Coast Guard which has spent considerable time reaching out to businesses and people potentially affected by this legislation. Finally, H.R. 1159 represents the best alternative for all parties and will once and for all end the confusion which has frustrated owners and passengers alike. I urge my colleagues to support this bill.

Mr. STUDDS. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Mr. STUDDS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. CANTWELL] having assumed the chair, Mrs. CLAYTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1159) to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, May 20, 1993 at 5:40 p.m. and said to contain a message from the President whereby he submits the annual report of the Corporation for Public Broadcasting for Fiscal Year 1992 and the Inventory of Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1992.

With great respect, I am
Sincerely yours,
DONALD K. ANDERSON,
Clerk.

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING AND INVENTORY OF FEDERAL FUNDS DISTRIBUTED TO PUBLIC TELECOMMUNICATIONS ENTITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1992 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 20, 1993.*

□ 1710

DISTRICT OF COLUMBIA GOVERNMENT'S 1994 BUDGET REQUEST AND 1993 BUDGET SUPPLEMENTAL REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO.)

The SPEAKER pro tempore [Mrs. CLAYTON] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia government's 1994 budget request and 1993 budget supplemental request.

The District of Columbia government has submitted a 1994 budget request for $3,389 million in 1994 that includes a Federal payment of $671.5 million, the amount authorized and requested by the Mayor and City Council. The Presi-

dent's recommended 1994 Federal payment level of $653 million is also included in the District's 1994 budget as an alternative level. My transmittal of the District's budget, as required by law, does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the 1994 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 24, 1993.*

ORDER OF BUSINESS

Mr. GEKAS. Madam Speaker, I ask unanimous consent that the 60-minute special orders heretofore granted for today to the gentleman from Texas [Mr. ARCHER] and the gentleman from Indiana [Mr. BURTON] be interchanged in their order.

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

There was no objection.

OPEN RULES IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, somebody recently said that, "What are they afraid of? Why are they afraid of the people participating in the democratic process? Why do they not let us vote? Do not be afraid of democracy."

Some of my colleagues on the Democrat side of the aisle might very well assume that this passionate statement came from a member of the minority, someone like me or any of my colleagues on this side who have become frustrated by being repeatedly and shamelessly shut out of the democratic process by restrictive rules in this House. After all, this Congress has seen the greatest percent of restrictive rules on major pieces of legislation in recent memory, so much so that well-respected publications in this country have seen the need to comment on it either by columnists or on their editorial pages.

The Wall Street Journal, on May 21 on its editorial page, referred to this Congress as "the kangaroo Congress," and made particular note that moderate House Democrats certainly as well as the minority party are not given a chance for an up-or-down vote for replacing the energy tax with entitlement caps. They say, "These folks are steaming." I think they may have it right.

In the Washington Post, George Will on May 23 made a very, I think, profound observation when he said:

> This year in the House, more than ever before, members of the minority and Democrats dissenting from liberal orthodoxy are being prevented from offering amendments to major bills. They are prevented by the Democrat-controlled Rules Committee, which adopts restrictive or even closed rules rather than the open rules of particular bills heading for the floor.

Mr. Will then goes on to characterize this as a gagging procedure.

I think it might be a good assumption that those words about letting the people participate in democracy that I started with would have come from a member of the minority, but, in fact, that assumption would be wrong. That statement was actually made by a gentleman of tremendous power in this town, in this Congress, a member of the Democrat leadership with nearly absolute control over just how open and democratic this Congress really is; as if to refute his party's tendency to shut down debate and restrict votes, that member of the Democratic leadership made a fervent plea for openness to all America. The speaker to whom I am referring is the majority leader of the other body, the gentleman from Maine, Mr. MITCHELL. He made his comments elsewhere, but they hold equally true in this House.

Madam Speaker, as we approach this massive tax increase bill proposed by the President fashioned behind closed doors by Democrat leaders of the Committee on Ways and Means and scheduled to be brought to this floor later in the week, I hope Mr. MITCHELL's Democrat colleagues in the House leadership will heed his words.

Madam Speaker, I implore them, as he has, do not be afraid of democracy. Why not open up the process and let all 435 Members of this House participate fully in crafting this very critical money bill? This legislation will affect every American family, every worker, every senior citizen, and it will determine the course of our Nation's economy in the coming years.

This bill deals with issues of taxation and spending, of economic security and productivity, issues that require the careful consideration and attention of every Member of this House.

To allow this bill, which has largely been pieced together by a handful of all-powerful members of the Democrat leadership in secret, without public scrutiny, to proceed to the floor without adequate opportunity for all Members to make improvements is to shortchange millions of Americans from their right to have equal representation in this body, the people's House. Quite simply, it would be wrong, and I predict that it would yield less than the best legislation if we do not open debate.

Madam Speaker, I intend to offer an amendment to the reconciliation bill that incorporates the very strong message I have received from my constituents, and that message is simply: "Do not raise taxes. Cut spending first."

My amendment offers the exact amount of spending cuts, $104 billion over 5 years, that are needed to offset the projected revenues from the proposed energy and Social Security taxes. if my amendment were adopted, we could do away with these two unfair taxes. They are inflationary, they are punitive, and instead we could take a small step toward fiscal sanity and restoring credibility of this institution by cutting unnecessary Federal spending.

There is no magic in my list of cuts. It includes programs that affect my State as well as the rest of the Nation. It is a portion of a list that I have made available to the President and to the Committee on the Budget several months ago. It has been largely ignored despite the very real savings it would realize, about $200 billion over 5 years.

I know that others have similar amendments, and they will seek to offer them. I urge the Democrat leadership to acknowledge the importance of an open process and allow these amendments to come to the floor.

If Members do not like my list of cuts, I hope that they will offer a list of their own. There are certainly plenty of wasteful, redundant, low-priority, or no-priority programs to choose from.

The Democrat-controlled Committee on Rules which has authority to determine whether the full House will get a chance to vote on my amendment or any others that will be proposed will likely be meeting this Wednesday. Because of the significance of these issues, I hope all Americans will be paying attention and will make themselves heard as appropriate.

Madam Speaker, what is there to be afraid of? In my view, nothing, as long as we stick to open rules and fair play.

Madam Speaker, I am including at this point in the RECORD the proposed list of cuts, as follows:

SPENDING CUTS TO OFFSET BTU AND SOCIAL SECURITY TAXES—SAVINGS ARE IN MILLIONS OVER 5 YEARS

Cancel the National Aerospace Plane (NASP)—$650.

Continue partial civilian hiring freeze for D.O.D. thru 1997—$8,850.

Cancel NASA's advanced solid rocket motor—$1,650.

Cancel the superconducting supercollider—$2,300.

Cut space station funding by 15%—$1,560.

Eliminate below-cost timber sales from national forests—$230.

Lower target prices for subsidized crops by 3% annually—$11,200.

Eliminate price support for wool and mohair—$760.

Eliminate the Honey Program—$60.

Eliminate the Market Promotion Program—$900.

End the Federal Crop Insurance Program and replace with standing authority for disaster assistance—$2,400.

Reduce subsidies to the Rural Electrification Administration—$660.

Phase out the Foreign Agricultural Service Cooperation funding—$70.

Eliminate the Appalachian Regional Commission—$530.

50% of the arts and humanities—$2,600.

Facilitate contracting out and privatization of military commissaries—$4,200.

Close the Interstate Commerce Commission—$145.

End funding for all non-energy related Tennessee Valley Authority activities—$580.

Lower by 3% per year the projected growth rate of all non-Postal Service civilian agency overhead costs—excluding travel.—$18,350 (The Heritage Foundation).

Eliminate all funding for highway demonstration projects—$5,200 (The Heritage Foundation).

Sell the National Helium Reserves—$700 (The Heritage Foundation).

Phase out subsidies for AMTRAK, and sell the northeast corridor to the private sector—$2,660 (The Heritage Foundation).

Cut the foreign aid budget (150 account) by 15%—$11,000 (in-house calculation).

Fully implement H.R. 1080 to prohibit direct Federal benefits and unemployment benefits to illegal aliens—$27,000 (National taxpayers Union).

Total five year savings: $104.91 billion.

□ 1720

SUPPORT FOR SPACE PROGRAM REMAINS STRONG, NATIONAL SURVEY SHOWS

The SPEAKER pro tempore (Mrs. CLAYTON). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Madam Speaker, I rise tonight to share with the House the results of a new survey that was released today nationwide.

The survey was by Yankelovich Partners, one of the most reputable and prestigious of all polling firms in this country. The survey was a survey of American attitudes toward the space program, which, as we, all know, is in some jeopardy in this body.

I would like to share, Madam Speaker, with my colleagues the consequences of our ignoring the true will of the American people.

The true will of the American people is that we support the space program, and the survey bears that out.

Let me quote:

Despite changes in presidential Administrations, a new political agenda and increased attention to deficit reduction, a large majority of Americans continue to strongly support the U.S. civilian space program, with a majority saying it should be expanded.

Support was particularly strong for maintaining a human presence in space through such programs as the space shuttle and space station, on which we will be voting in a few weeks, and 9 out of 10 voters said they view the shuttle as a "remarkable technological achievement" and a source of pride for the United States. In addition, 70 percent favored a program to build a permanently-manned space station to orbit Earth.

Seventy-six percent of those surveyed, and these were registered voters, said they "approve of America's current civilian space program," with 57 percent agreeing that America's civilian space program should be expanded.

Moreover, 87 percent believe the civilian space program has a vital role in allowing the United States to remain economically competitive and continue its status as a world leader in technology.

Now, why do they feel this way? Americans viewed the possibility of making new and important scientific and medical discoveries as the program's most important benefit. Other benefits include keeping the Nation's young people interested and involved in studying science, math and engineering, and increasing the understanding of the Earth's weather, climate, and environment. In fact, 88 percent of registered voters surveyed noted the value of using space satellites as a means of monitoring the Earth's environment, something we are planning to do with the mission Plant Earth.

American support for U.S. space efforts increased in relation to the amount of information provided about the program. When informed that the U.S. space budget makes up only 1 percent of the Federal budget, more than half, 64 percent, of the voters said NASA's share would be increased to 1.5 percent. In addition, the number of voters who want the Government to spend whatever is necessary to maintain U.S. leadership in space held steady at last year's all-time high of 63 percent.

Madam Speaker, voters also voiced support for the space program based on an international perspective. They said the space program was an effective means of building relationships with other nations. Seventy-eight percent suggested that the United States conduct joint space missions with other countries.

Over the next few weeks we will be considering the future of the space program in this House. We will undoubtedly have one more battle over the fate of the space station. I hope that as we do, we will keep these survey results in mind. I hope we will remember, as obviously the American people remember, that for every dollar we invested in the space program, we generated $7 in additional gross national product for the American people. I hope we will remember that although the past half century two-thirds of our productivity increases can be attributed to advances in technology, such as the space program. I hope we will remember that most of the new jobs that have been created in the past decade have been occasioned by investments in technologies such as the space program.

Certainly we must cut our budget. We are doing that. We need to cut more. We will be cutting. It is all in the President's economic plan. And we will be doing more.

But as we cut, we must not be shortsighted. We must not cut those things that increase the possibilities of economic growth in this country. We must create conditions that would be conducive to economic growth by reducing not only our budget deficit but also our investment deficit. That means the new direction that the President has been talking about, means shifting our resources toward those investments that will create a better future for America: children, education, transportation, other infrastructure and, above all, advanced technologies such as the space program.

TRAVELGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Madam Speaker, and now we have Travelgate. The news of the last few days indicates that seven career employees of the White House were summarily discharged and then some kind of report issued and then the FBI involved in an investigation; personal politics, Hollywood politics, possible nepotism, if you can stretch the rules of blood and consanguinity far enough. All kinds of shenanigans happening at the White House. And perhaps they are important, perhaps they are just trial. But the one item that stands out from all of the hullabaloo of the last weekend is that the Congress of the United States has no mechanism in place to look more closely at this situation.

What am I referring to, Madam Speaker? As we speak here on the floor at this very precise moment, there is no independent counsel apparatus operating here in Washington. If this had happened during the Bush administration, I tell you, Madam Speaker, there would have been 50 Members of the House, primarily from the opposition, of course, from the then-opponents of the President, the Democrats, who would have been lining up to sign a petition to have an independent counsel look at what was happening in the White House in this type of situation.

But here today those of us in the American public sector who are interested in determining what happened in this Travelgate situation, we cannot, at this moment, file a petition; Members of the Committee on the Judiciary, in order to bring about the Office of Independent Counsel to look at this situation with close scrutiny.

And so we have to wonder, what are these investigations that have been launched? What is the FBI doing in this situation at this moment? Should we not learn more about it?

When the independent counsel statute first was considered by the subcommittee of the Committee on the Judiciary and then by the full commit-

tee, many of us were strenuously inclined to support that bill if we also included Members of Congress as possible targets of an independent counsel inquiry. And many of us would be willing to support independent counsel whether or not Members of Congress were listed as possible targets of an independent inquiry such as the type that independent counsel's office could conduct.

But in either case, this new situation, this Travelgate is a signal, a clarion call to the Congress to proceed with the consideration of the independent counsel bill at the closest possible moment and to allow the American people and Congress which represents it, too, itself, independently inquire as to the happenings at the White House.

Madam Speaker, I am convinced that with the new constrictions that will be placed on independent counsel, we would not have that kind of melodrama that is occurring in the Walsh special prosecutor's office; we would have, under our new bill, tight reins on what the independent counsel can or cannot do.

□ 1730

We would have an annual reporting system where independent counsel would have to report to the Congress as to the expenditures made, to the scope of inquiry, to the parameters of the entire maneuvers of the Office of Independent Counsel. If we were able to put those audits in and those restraints which this new bill contains and add to it the provision that Members of Congress shall not be exempt from investigations of themselves, then we would have a bill in front of the Congress which we can support, and perhaps the day will come when many of us will be signing a petition to have an independent counsel look into the affairs of Travelgate.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON A BILL MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1993

Mr. NATCHER. Madam Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

Mr. MCDADE reserved all points of order on the bill.

The SPEAKER pro tempore (Mrs. CLAYTON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE LARGEST TAX INCREASE IN HISTORY

The SPEAKER pro tempore (Mrs. CLAYTON). Under a previous order of the House, the gentleman from Texas [Mr. ARCHER] is recognized for 60 minutes.

Mr. ARCHER. Madam Speaker, unless common sense prevails, we will take up later this week the largest tax increase in the history of the human race. The tax bill will come with deficit reduction written on its cover, but spending at its heart.

The bill reflects quite well its sponsor, the President who ran as a new Democrat, promising to cut spending and lower taxes on the middle class, but the campaign is over now.

The President is proposing to increase taxes on the middle class while allowing spending for everything but our country's defense to proceed as if spending were not an issue.

Madam Speaker, it is the issue. It seems that a new Democrat is really just an old tax-and-spend Democrat. The President is asking us to vote on $332 billion in tax increases, and that is just in the next 5 years. The tax drain on the economy under the President's plan will be even greater in future years because of the built-in increases due to inflation.

The tax increases are effective immediately, except for the rate increases which are retroactive to the 1st of January this year; but under the President's budget, there are zero net spending cuts in the first 2 years. That is correct, zero net spending cuts in the first 2 years of his budget.

Yes, there are promised spending cuts over the 5 years, in the third, fourth, and fifth years, but we have heard that so often before. That was the thesis of Gramm-Rudman, but the big spending cuts were never permitted by the Congress to take effect in the fourth and fifth years.

We heard it again under the 1990 Budget Agreement, but the big spending cuts were not permitted to take effect in the fourth and fifth years; but as if $332 billion were not enough, press reports are that the President will ask for even more taxes, perhaps an even larger aggregate of taxes on the American people under his health care reform package.

Madam Speaker, in addition, in the wings are taxes to cover the President's proposal for taxpayer financed campaigns, political campaigns financed by the taxpayers of this country, and the taxes to pay for the rest of the President's campaign proposals his staff just has not had the time to draft yet, such as guaranteed college education and the tax increases to pay for the middle-class tax cuts the President now says he will try to do in the next 4 years.

The economy is clearly showing signs of nervousness over the President's proposals. Interest rates are climbing. Companies are now postponing hiring new workers. Consumers are reconsidering new purchases and the housing market is in limbo.

Economists are quite clear where to lay the blame for this renewed weakness in the economy. They lay it squarely on the shoulders of President Clinton and his proposals.

As an American, I would much rather be here today supporting the President and I would do so if his proposals could expect to increase jobs and the standard of living for Americans, but I believe his massive tax increases will do just the opposite.

The American people need to know why Republicans will vote against his misguided economic initiatives. Our alternative, the Kasich budget which was voted down earlier this year by the House, has specific spending cuts that would cut the deficit by almost $500 billion without any tax increases.

I would say to my Democrat colleagues, tell the President that you have already voted en bloc against these specific spending cuts because he still does not seem to realize that Republicans are not just naysayers, that we have a specific program to cut spending and cut the deficit.

He still says, "Show me specific spending cuts."

Tell him they are there and you voted against them.

The procedure by which this tax bill was deliberated in the Ways and Means Committee should also concern Americans who believe that this Congress with all of its new Members, the largest in memory, would be a reform Congress, a Congress that would open up to the people, yet over the unanimous objections of the Republicans on the Ways and Means Committee, committee Democrats voted to exclude the public and the news media from the deliberations on the tax bill.

Not only did they do that, but they wrote the specifics in secret over 3 days where only Democrats were in the room. Then they came back to the committee and in only 45 minutes they permitted Republicans in closed session, not open to the public, to offer their amendments.

We had many, many improving amendments, but after offering six the gavel went down and we were prohibited from offering any more amendments, so that the bill was reported out of committee in only 45 minutes.

Mr. GEKAS. Madam Speaker, will the gentleman yield?

Mr. ARCHER. I am happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Madam Speaker, I was very much interested in what the gentleman from Texas was referring to with respect to the state of the economy and how the projection of the new tax package is actually dampening an economy that showed signs of life on

its own at the beginning of the year, at the end of last year and the beginning of this year, and now is in danger again.

The President, I believe, is saying, and I would ask the gentleman to correct me if I am wrong, that this is precisely, because of the state of the economy, is precisely why he wants these tax increases. He thinks that, along with his jobs program and everything else, will stimulate the economy.

Is he now still pointing the finger at those who are delaying the tax increase as people who are hurting the economy?

The gentleman said, and I was glad to hear it, that the economists themselves are saying that the fear of the tax increases, the trepidation that is being caused at the new spending proposals is causing business cycles to hold back, is holding the consumer from spending, those kinds of things.

The economists then are countering that.

What is the President saying in that regard that I am missing, I would ask the gentleman from Texas?

Mr. ARCHER. Well, Madam Speaker, I think the gentleman from Pennsylvania is precisely correct. The President seems to be trying to convince the American people that massive tax increases will improve the economy, and yet we know from historical, empirical experience, that that is never the case.

□ 1740

We cannot increase taxes, take more money out of the people's pockets and expect the economy to improve.

Mr. GEKAS. In that regard, Madam Speaker, if the gentleman would further yield, as the new Democrat that the President is supposed to be, he seems to be indulging a great deal in some of the old Democrat rhetoric of tax the rich or get the rich, and this particular tax package is veered toward what they consider rich, the people over 200,000. Now we learn it is over 100,000, and there are other theories that bring it down to 60,000 and 30,000.

So, Madam Speaker, rich depends on whose ox is being gored, I guess, or is in the eyes of the beholder.

Mr. ARCHER. If the President is permitted to redefine rich one more time, there will be no poverty in this country.

Mr. GEKAS. That is correct, but, if the gentleman would further yield, let us assume that was correct for a moment, that he was taxing the rich. Is it not true that the people over $200,000—I think it is true, so I am answering my own question—have more disposable income than a person earning $30,000 or should have? Is it not one of the basic tenets of the economy that we ought to be giving incentive and reason for the disposable income to be sent around in the economy through investment, and job creation and even in buying yachts and other kinds of so-called luxury items just to keep the economy spurred, and to move the money around, and the investments and the business activity? Is that not one of the basic tenets of what those of us who wish to see an economy grow like to see happen?

Mr. ARCHER. The gentleman from Pennsylvania [Mr. GEKAS] again is precisely correct, and, if he would reflect back on the 1990 budget agreement for which President George Bush was so severely criticized, the Democrats insisted in that bill that there be major new tax increases on the, quote, rich, and they also insisted that in that proposal there be a luxury tax on boats. Now the result of that, that entire agreement, was to harm the economy and to cancel jobs for people who were in the boat-building business.

So, Madam Speaker, it is deja vu, or, as Yogi Berra would say, "It is deja vu all over again," that this projected proposal of this President is so very similar to the budget proposal of 1990 with the taxes up front, quote, on the rich, unquote, and the spending reductions to come in the third, fourth, and fifth years.

Mr. GEKAS. And one other piece of news reporting that has occurred: I am convinced that his fellow Democrats, particularly in the Senate, are stressing the fact that spending cuts must be put into place ahead of any consideration, let alone imposition, of new taxes. Am I correct on that?

Mr. ARCHER. Of course the gentleman is correct, and there are a few thoughtful Democrats, and I am sure there are some in this Chamber, who understand that massive tax increases up front, and some retroactive, with spending reductions only to occur as a promise down the line, is not what the country needs.

Mr. GEKAS. One other question, Madam Speaker, if the gentleman would further yield:

Is it true that the Committee on Ways and Means' final product on the tax negotiations would contain or do contain a retroactive feature on any of the new income taxes to be proposed? If that is so, I would like the specifics of that.

Mr. ARCHER. Yes; the rate increases are retroactive to the 1st of January, which means that many taxpayers are going to find that they misestimated their tax or they did not have enough withheld in the withholding part of their paycheck and, therefore, will face on April 15 an additional tax burden that they have not been able to prepare for.

Mr. GEKAS. Madam Speaker, I thank the gentleman from Texas [Mr. ARCHER] for having yielded to me.

Mr. ARCHER. I thank the gentleman for his questions.

If the public had been permitted to watch the deliberations of the Committee on Ways and Means, Madam Speaker, they would have seen Democrats, as a group on a straight party-line basis, vote to approve the Clinton energy tax which falls most heavily on middle income and elderly Americans. They would have seen, on a straight party-line vote, the Democrats vote to increase the taxes almost double on Social Security benefits. And they would have seen, on a straight party-line vote, the Democrats vote to transfer the new taxes on Social Security benefits, not back into the trust fund where they have gone in the past, but into the general Treasury where they could pay for new spending programs. And they would have seen the Democrats, on a straight party-line vote, defeat Republican attempts to provide a tax incentive to help self-employed persons acquire health insurance.

Let me lay out some of the things contained in the tax bill that will show up as a negative on the economy:

First, the bill reverses the fundamental principles of tax reform by increasing rates and restoring the culture of tax shelters. The President's tax bill will add two new regular rate brackets for individuals, the 36-percent rate for single persons making more than $150,000 and $140,000 for couples, and the 39.6-percent rate for those with income exceeding $250,000. In case my colleagues forgot the campaign promises made by President Clinton, the people with $115,000 are getting stuck with the tax the President promised would not hit people below $100,000 dollars, and the people with incomes of $250,000 are getting hit with the tax the President said would apply only to those with incomes of $1 million.

It is interesting to note that President Bush in the campaign debates said that Clinton could not raise the money that he projected unless he lowered those thresholds significantly. He said that the President was dealing in political falsehoods, and now, by his own admission, he has lowered it to where it impacts on people with $30,000 a year of family income.

There are also hidden rate increases in the President's package. The temporary rules phasing out permanent exemptions which add almost 1 percent of a marginal rate increase per family member to your tax rate and the rules limiting itemized deductions which add 1 percent to your tax rate would be made permanent. It is interesting to note that the tax law says you have certain legitimate tax deductions, not nearly as many as before the 1986 act, but they are still there for contributions to charities, for interest paid on your home mortgage, for your property taxes levied against your home, legitimate, authorized, legal tax deductions. But as your income rises under President Clinton's proposal, those deductions are phased out.

The last provision is of particular concern to charities, to home owners

with mortgages and to people living in States having income and property taxes. Removing the upper limit on income subject to the Federal health insurance tax adds about another 3 percent marginal rate for self-employed persons and 1½ percent for employees. Small business people, wives who might want to start their own business while their husbands are also working gainfully, can find that for a very small business their marginal tax increase can be over 50 percent when you include the self-employment tax of 15.3 percent.

As if the income tax rate situation were not bad enough, individuals have a second alternative minimum tax to deal with. Corporations will have another rate bracket and higher estimated tax hurdles. Family-owned businesses and farms will get socked with higher estate taxes, rates up to 55 percent. In a democracy such as ours the Government should never have its hand on the savings that one would like to pass on to their children and heirs of over 50 percent.

□ 1750

Of course, the businesses will have to be sold in many cases to pay the confiscatory taxes. The comprehensive energy tax on middle income taxpayers, which the President would rather call a Btu tax, will lower economic growth by $35 to $50 billion a year. It is not a tax on Btu's, it is a tax on middle income Americans, and it will cost the country and the economy at least one-half million jobs by 1998, and more after that.

President Clinton's energy tax will raise the cost of practically every good and service produced in America, forcing consumers to pay more and making American workers and companies less competitive in the world marketplace.

Factories using large amounts of energy will in the future not be built in America. They will be built overseas where Btu's are not taxed. I say to my colleagues, there is no other country in the world that taxes its raw energy, for a very good reason—because they know jobs will suffer.

The Committee on Ways and Means carved out additional exemptions and special deals to silence particular industries and to help make their program more politically popular in certain regions. But in doing so, they were required to increase the taxes on everyone else. These exemptions will lead and continue to lead to massive tax evasion.

For example, the fact that home heating oil has an exemption from the punitive higher level of Btu tax and the fact that home heating oil has exactly the same chemical properties as diesel fuel will mean, you guessed it, lots of trucks are going to be running on home heating oil to evade the tax.

It now seems likely that the other body will kill the energy tax when it considers the President's tax bill. In light of this, it is hard to understand why the President is demanding that House Democrats support the energy tax. This seems to be a misguided sacrifice of Democrat Members to prove their partisan loyalty instead of their independent wisdom.

In the President's tax proposal, the elderly are specifically targeted for higher new taxes in addition to paying the extra taxes of the energy tax, and that will be on all the fuel to heat and cool their homes and drive their automobiles. They will see a near doubling of the energy taxes they pay on Social Security benefits.

These increased taxes on 10 million Social Security recipients, growing to 14 million in 1998 and increasing every year thereafter, would even be siphoned off from the Social Security Trust Fund in order to permit new spending in the Clinton plan.

With the added concern of the elderly that Medicare may be the next program cut or revised significantly under the President's health plan, it is no wonder the elderly are nervous.

Some of the justification of the Clinton administration for increasing taxes on Social Security beneficiaries is that they get more money back than they paid in. But just the reverse is true. It may have been true 5 or 10 years ago, but no more.

In a recent Congressional Research Service analysis, an official body of the Federal Government, it shows that under the current situation the average life expectancy of a 65-year-old man in this country is 15 years. But if he is an average Social Security recipient, it will take him 17.8 years to recover the money that has been paid in taxes for his benefit during his work life. Again, 17.8 years. That even includes the projection that he will get a cost-of-living increase in each of the 15 years that he lives, and it includes the repayment of compounded interest at the low Treasury rate during the time of his worklife.

Under the Clinton proposal, if you also include the increased taxes on income, it will take 28.8 years for that individual to recover what has been paid in to justify that Social Security benefit. There is no way that he can live long enough, and Clinton wants to reduce the net benefit to that individual.

In addition, look out if you are an elderly American who has to continue to work, either part time or full time, to pay your bills. Let me give an example where the marginal tax rate, coupled with the loss of benefits under the earnings limitation, how that will affect people to where they can end up getting less back from what they earn than what it costs them.

Here is an example. Following her husband's death, Mrs. Pensioner, aged 63, took a job at $8,000 a year. She also had income of $17,000 a year from a taxable pension and other savings, and she had $10,000 in Social Security benefits.

In order to make ends meet, she is thinking about an additional part-time job that would pay her $1,000 a year. Should she take the job?

Not if President Clinton's tax proposal goes into effect, because as a result of the interrelationship of Federal income taxes, payroll taxes, Social Security earnings limitation, and the Clinton Social Security tax proposal, Mrs. Pensioner would actually be $35 worse off financially. Her marginal tax rate on that extra $1,000 would be 103.5 percent, and that is exclusive of State and local taxes.

What could be more misguided to hit the elderly?

We are just getting started talking about what is in this bill. If you happen to work in a restaurant you are going to be impacted negatively, with the chance that you are going to lose your job, because it will have a major setback under the Clinton proposal. Cutting the deductibility of business meals from 80 to 50 percent will mean a direct drop in restaurant spending and a direct increase in restaurant worker unemployment.

Limitations on pension contributions contained in the bill would discourage pension savings, with the result that the current generation will have even less of an expectation of a secure retirement.

A 250-percent increase in taxes paid by waterway users will jeopardize the American barge industry as well as the industries which are dependent upon water-borne transportation.

The tax bill will add immeasurable complexity to the tax law, especially in the taxation of international operations which are so essential to gain exports for this country and create new jobs for American workers. For example, one provision moves the U.S. tax system further away from the world norm by imposing U.S. taxes on all but a part of the profits of foreign subsidiaries of U.S. companies. These changes will only add to the lack of competitiveness of American companies and increase the incentive to build factories abroad.

Although a number of Republicans support the concept of wage subsidies through the tax system for low income families with children, we really must question the huge increase for the earned income tax credit in the administration's proposal, whether or not it is designed as some sort of offset for the Clinton energy tax. The EITC, as it is called, was substantially increased in both 1986 and 1990. Yet we have no empirical research on whether these multibillion increases have actually increased either work effort or family income.

The Human Resources Subcommittee received testimony in a hearing last month that the credit may actually

have a work reduction effect in the phaseout range, and that the administration proposal may boost this effect by expanding the phaseout range. According to the witness, a labor economist of the American Enterprise Institute, there could be as many as 15 workers in the phaseout range of roughly $17,000 to $30,000 for every worker in the phasein range of zero to 6,000.

□ 1800

The importance of considering worker response in the phaseout range is demonstrated by a recent study by the Congressional Research Service showing that marginal tax rates in the phaseout range reach more than 70 percent.

Confiscatory tax rates of this sort could cripple work incentive.

Thus, the administration's proposal could have the ironic effect of reducing work by subsidizing wages.

It is folly to spend $28 billion over 5 years on a policy that may not have its intended effect, especially in a budget supposedly focused on deficit reduction.

The human resources provisions of the committee bill raise taxes, spend too much money, continue the committee's long-term agenda of infiltrating the Federal budget with more and more entitlement programs, and pass up several opportunities to improve Government services.

We applaud and strongly support the half-dozen human resources provisions that produce budget savings.

Taken together, they account for $1.2 billion over 5 years.

But the majority bill also increases spending in more than 20 programs and creates one entirely new entitlement program. These spending provisions will cost almost $1.9 billion over 5 years. When the cuts and new spending are combined, they increase the deficit by about $.7 billion over 5 years.

That is one reason why the committee found it necessary to increase taxes so much.

Most Americans think we are raising taxes in order to reduce the deficit. But in fact, a significant percentage of the tax money in the human resources provisions of the bill, just like a significant percentage of money in the entire bill, is used to increase spending.

One tax raised by the majority is particularly objectionable.

Created originally as a temporary surtax on the Federal Unemployment Tax Act, called FUTA, to shore up unemployment funding shortfalls in the 1970's, the surtax has achieved permanent status as a temporary tax.

Now the majority wants to extend the tax yet again because, they claim, the revenues are needed to meet future shortfalls in the unemployment trust funds.

Yet the administration's own estimates show that the unemployment trust funds, without any tax increases, will have a surplus of $13.5 billion in 1997 and $14.6 billion in 1998—the 2 years for which the surtax is supposedly extended.

There is no justification related to unemployment insurance for extending the FUTA tax at this time.

The only clear employment effect is that it will kill jobs because of its disincentive to employers to hire people with a higher tax on payroll.

Why then is this tax being extended? The answer is simple: To pay for new human resources spending called for in the committee bill.

Most budget experts agree that the major cause of rising deficits is the wild growth of entitlement programs. Nonetheless, the committee bill creates yet another entitlement program, this one for child welfare—despite the fact that there are already six open-ended entitlement programs devoted to child welfare.

These programs have been among the most rapidly growing in the entire Federal budget. Between 1981 and 1992, spending on these entitlements grew from $474 million to $2.5 billion, an increase of over 400 percent. Republicans offered an amendment to allow States more flexibility in how these growing resources are used, thereby reducing or eliminating the need for yet another entitlement, but the amendment was rejected on a straight party line vote.

Perhaps most surprising of all, both the administration and committee Democrats opposed putting additional work incentives in the Aid to Families With Dependent Children [AFDC] Program.

Republicans proposed allowing AFDC recipients who start a small business to accumulate a higher level of assets in these businesses before they lose AFDC eligibility.

These small businesses have proven to be an effective method for helping AFDC recipients, many of them women, get off welfare by starting small businesses. Expanding the asset limit would allow these enterprising mothers to create their own safety net by building equity in the fledgling business while they are still receiving AFDC benefits.

The majority supported this program in subcommittee but, when it came to the full committee, they changed their position and said, "Oh, now we don't want to do that now. Let's wait." Then they came forward in the Medicare section with a 2-year freeze on provider payments that will particularly hurt rural Medicare-dependent hospitals, as well as many inner-city hospitals.

Many rural hospitals will likely have to close their doors, if this bill is signed into law, depleting the resources of already medically vulnerable rural areas even further.

Ironically, this is occurring at a time when everyone is worried over how rural America, with its special problems and limited resources, will cope with the restructuring of the Nation's health care system.

In a misguided attempt to find a solution for overutilization, this bill, through the ill-conceived expansion of the physician ownership and referral ban, will cripple the growth of efficient health care provider networks. Once again, the irony here is that the health care provider networks that this bill stymies are the same provider networks that Democrats and Republicans alike have said are critical to health care reform.

Because of recent announcements by certain Members of the other body, I am optimistic that common sense will prevail and that we will not be forced to vote on the President's legislation in its current form this week.

I await the outcome of negotiations and the decision of the Committee on Rules, which I understand is even now taking place.

Madam Speaker, I yield to our respected minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Madam Speaker, I hate to interrupt the gentleman while he is making his exposition here. I think for those within the sound of our voices, we ought to make it very clear that the gentleman from Texas [Mr. ARCHER], is our ranking Republican member on the Committee on Ways and Means, which, incidentally, is dominated by the majority party, 24 Members of the Democratic side, 14 on our side; is that not correct?

Mr. ARCHER. Madam Speaker, the gentleman is correct.

Mr. MICHEL. So when the gentleman earlier talked about straight party line votes on these individual amendments, he was talking about 24 Democrats following a party line against our 14 Members that the gentleman hopes to command, but independently minded individuals who are willing to listen to a good argument from time to time and vote their conscience. But it was strictly party-line votes that we saw the gentleman was confronted with.

First, I want to, before going any further, commend and compliment the gentleman for taking time in these special orders for several days, because we are headed for a big vote on Thursday, when the Omnibus Budget Reconciliation Act of 1993 is considered.

As I understand it, this is going to be about a 1,500 page bill, containing 14 titles and thousands of provisions. And since we have been told that the debate on this huge bill will be limited to 1 day, it is imperative that Members and the American public be informed of the many details buried in the bill through these special orders that the gentleman from Texas has taken and will be joined in, I am sure, by other members of his committee, several who I see on the floor at this moment.

Now, this reconciliation bill can be described first and foremost, I guess, as the largest tax bill this Congress has ever considered, as the gentleman has pointed out.

I guess one of the things that distresses me is while we were being told during the course of the campaign and subsequent to that, "Oh, we will have at least two times in volume expenditure reductions versus a dollar in taxes," and what is that ratio now today, as the gentleman sees it?

Mr. ARCHER. In the first year, I would say to the gentleman from Illinois, that the ratio is 38 to 1 in tax increases over spending cuts. And in the second year, 24 to 1. But in reality, the net spending cuts, if you consider the new increased-spending programs, and I think we should point out to the American people, the President keeps saying he has made these specific spending cuts, and there are some specific spending cuts in his proposal, but they are offset by all of his spending increases in the first 2 years. So it is a zero-net-spending cut in the first 2 years.

Mr. MICHEL. Madam Speaker, I thank the gentleman.

I was distressed, when he mentioned during his earlier part of his remarks, that very few of the people would realize, I guess, that in the marginal tax increases that he alluded to will be, the effective date for them will be retroactive to, is it January 3, 1993?

□ 1810

Mr. ARCHER. I think January 1.

Mr. MICHEL. January 1, excuse me. Normally we would enact tax bills or any kind of legislative proposal here effective 30 days or some arbitrary figure after the date of enactment, which means passing the House, passing the Senate, going to conference, and being signed into law by the President.

In this case, as the gentleman has pointed out, we are going to get caught unaware of the fact that we ought to be adding up more in our withholding to make up for these increases that take effect after the bill is eventually passed, if it is, and assume some part of it may very well be enacted into law January 1, 1993. That is a significant amount for any number of people.

While some people like to boost their withholding taxes a little bit so that they will not have to ante up at the end of the year, but rather maybe have a little in return, that certainly is not going to be the case next year.

As the gentleman knows, the gentleman from Illinois is going before the Committee on Rules, as the gentleman from Texas [Mr. ARCHER] will also be doing, I am sure, on Wednesday to make our respective cases on amendments that we would like to have made in order to this omnibus reconciliation bill.

I have been concentrating my efforts, and of course, the gentleman from Texas has, too, across the board, but with emphasis on the energy tax, that Btu tax the gentleman referred to earlier in the course of his remarks, which cuts right across the board and affects probably every individual American.

As I understand it, that is about a $72 billion tax out of the pockets of all Americans over the next 5 years, but, of course, that too represents a broken promise made during the course of the campaign where "oh, these taxes are going to be applied only to the rich and the wealthy, and they will not stretch down to the average individual."

I looked at some of the gentleman's tables, and I will tell the Members, it is so dramatic, it is unfortunate that we do not have some graphics here today, but maybe in the next special order or two, enough graphics to show that middle-income Americans are the ones who are really taking the brunt of this. Is that not correct, I would ask the gentleman?

Mr. ARCHER. The gentleman is correct, because the lower-income people will receive this major increase in EITC refundable tax credit, and it is interesting to note that the energy tax, which hits middle-income Americans to the most extent, and of course destroys the competitiveness of companies, is one which will generate, according to estimates, a projected $100 billion of new revenue over 5 years.

There is, of course, included the purchase by governments of this, in which case there is a rebate, so they come back to the $71.5 billion that they say will actually impact on the deficit.

However, by the time they give it back under the ETIC, the net impact on the operating deficit is only $31 billion, so it raises en gross almost $100 billion to only net out roughly $31 billion against the deficit.

Mr. MICHEL. If the gentleman will continue to yield, in other words, I guess it is an admission on the part of the administration that it is a bad tax per se, and in order to take care of lower-income people who will eventually have to pay this tax, let us come around on the back side and increase their food stamp allotment or their earned income tax credit, and that wipes out the overall gain that was supposed to be made by increased revenues, is that right?

Mr. ARCHER. Exactly. It provides for bigger welfare benefits in order to offset the cost of the energy tax on lower-income people, and those bigger welfare benefits are almost $30 billion.

Mr. MICHEL. It seems to me, Madam Speaker, when we have a tax that requires a second step to mitigate the impact of the tax, it really should raise a red flag in everyone's mind out there. This two-step process is, frankly, too complicated, and I guess that is why the gentlewoman from Maine [Ms. SNOWE] and I will be asking the Committee on Rules to allow consideration of an amendment to strike the energy tax increase, and we will substitute specific cuts for the energy tax.

That is a difficult thing to do, but in our budget resolution that we had earlier prepared by the gentleman from Ohio [Mr. KASICH] and budget members. We had a sufficient amount of specific expenditure reductions to make up for what we might have gained otherwise by way of tax increases.

We want to be credible when we go to the Committee on Rules and say, "We want to eliminate this Btu tax, and in lieu of that, these are the specific expenditure reductions we would make," because, as I am sure the gentleman from Texas [Mr. ARCHER] and the gentleman from Missouri [Mr. HANCOCK] and the gentlewoman from Connecticut [Mrs. JOHNSON] have found back home with our folks, cut spending first before raising the taxes.

We are prepared to do that, and I would hope, and we might as well make the pitch now for the majority, and particularly the Speaker, to take note that we would hope that we get the kind of rule that would give the gentleman from Texas an opportunity to offer his amendment and the gentleman from Illinois and whomever, for that matter, not wholesale, but if we could at least get two or three, then we could concentrate the debate on those significant issues and make the case. Then we will accept the will of the House, whether it is accepted or rejected.

As the gentleman pointed out in his Committee on Ways and Means, he was overridden by overwhelming numbers. I should point out for the record that in the Committee on Rules, the traffic cop that determines how we are going to consider this legislation, the Democrats have nine members, we have four members, two to one plus one. If the iron-fisted hand of the Speaker says that "it has got to be this way," it is going to be that way, strictly on the strength of the votes that are cast in that committee. We would like it to be otherwise.

In my earlier days in this body I could remember those days when the votes were split in the Committee on Rules and there were bona fide conservatives serving on that committee on the majority side that would vote with us on occasion to open up the process and let the American public really get a full flavor of what we are talking about.

Here, as the gentleman has pointed out, the largest tax increase in the history of the country, and we will probably be limited to 1 day of debate, when I can recall matters of far less importance being debated for a week or more in this body, giving Members an opportunity to offer amendments and then making their case or not making their case, and it is decided by the full Members of the House.

Mr. ARCHER. The gentleman is absolutely correct, and the American people expect this Congress to be different, for this Congress to be a reform Congress where the people were involved and able to participate.

A lot of people, I know, in my district, and I am sure all over the country, do not understand how they can do this. I am asked over and over again, "How can they close a meeting? How can they deny you the right to offer an amendment?"

The people of this country should know that under the House rules that were handed down as one of the first votes in this Congress by the majority that controls the Congress, that it is simply a numbers game. Once they have a majority on any committee, they can deny you the full democratic process. That is particularly true in the Committee on Rules.

I hope the American people will watch what happens this week, not just as to how much time we are given to get up here and talk in debate, how how many amendments are we permitted to vote on the floor that might offer alternatives that would improve this bill.

Mr. MICHEL. If the gentleman will yield, I would like to ask the gentleman, if I might, going back to the Btu tax, am I correct that it would, under present conditions, that every American would probably pay at least 8 cents per gallon more at the gas pump if this energy tax were to be adopted?

Mr. ARCHER. If they do not create more exemptions. For every exemption the increase, the basic tax would go up and the tax at that gasoline pump will go up accordingly. It is now roughly 8 cents to 9 cents a gallon, as best we can estimate, that is already built into the bill.

In addition, the utility bills that people pay for their electricity or for their gas or for any fuel that heats or cools their home is going to be increased significantly. And it is all going to be built in.

□ 1820

Whether we will succeed in having that put and disclosed on the bill each month, which is where it should be, or rather hidden in the total bill is something else.

Mr. MICHEL. That is one of those things that does concern me. A Btu energy tax is kind of a hidden tax, is it not?

Mr. ARCHER. Yes.

Mr. MICHEL. And it ought to be publicly exposed for all to see. But is that going to be required then? Or will that be an automatic consequence?

Mr. ARCHER. That was one of the amendments that I wanted to offer in committee, that I was not permitted to offer. But it also is true that this tax, according to the administration's own admissions, will be roughly $471 per year per family in this country, if you consider the impact across the board.

Mr. MICHEL. Well I know that every time you go to the grocery store, every time you go to buy a new appliance, every time you are going to buy anything that uses energy, or is manufactured or produced or transported, you are going to be paying higher prices for those goods, and I think the American public ought to be aware of that.

Mr. ARCHER. If it is made in this country, because no other country taxes its raw energy. So the clothes on your back, if they are made in this country, are going to cost you more. That is going to push consumers more to buying foreign goods and less domestic goods, and therefore be very, very negative on job creation in this country.

Mr. MICHEL. It is a great distinction that the gentleman pointed out, and just so the American public is aware, even paper products that we all use in our homes, if you are talking about paper towels, Kleenex will be more expensive because the paper industry uses a great deal of energy to manufacture its products. There is no one that really escapes this thing, and the gentleman having taken the time to alert the American public to what is going on I think is to be applauded.

Mr. ARCHER. Madam Speaker, I yield to the gentleman from Missouri, [Mr. HANCOCK].

Mr. HANCOCK. Madam Speaker, I appreciate everything the gentleman from Texas has said during this special order, and also our leader who is here speaking with us and standing behind what the Republican Party has stood for for quite some time.

But I want to talk about jobs for a minute. I think that one of the No. 1 issues that was campaigned on on both sides was jobs and more jobs. We also campaigned on the issue, or we have agreed pretty well that small business is where those jobs are going to be created, and that it is going to be the private sector, small business, the entrepreneurs, the people who are willing to invest their money for their economic future and the economic future of their employees. So I want to talk about the tax consequences that are associated with income generated by small businesses such as subchapter S corporations, partnerships, sole proprietorships, income that flows through to individuals irrespective of whether these profits are withdrawn from the business. The gentleman from Texas covered some of this, but I think it is worth repeating about these increased tax rates applicable to individuals, which would require additional taxes to be paid by them in these passthrough companies which otherwise could be retained in the companies as working capital for expansion purposes.

The administration has proposed, and the gentleman gave these figures earlier but I want to give them again because it's possible that some of the Members did not quite understand what was happening, they have proposed to increase the individual tax rates from the present 31 percent to 36 percent for joint taxable incomes of $140,000 and over and for $115,000 and over for single filers. In addition, a 10-percent surtax would be established for incomes of $250,000 and over, creating a new 39.6 percent tax bracket. And when you take into account the President's proposal to lift the health insurance tax cap, and the proposed further limitation on itemized deductions, a new maximum marginal rate of nearly 44 percent will be in place.

This large tax increase would limit the working capital and expansion funds available to small businesses which are taxed as individuals. And since there is general agreement that small business growth and expansion is necessary to grow the economy and create new, permanent jobs, increasing tax rates on small businesses is counterproductive.

During the hearings on the President's proposal, the administration denied the negative effect higher individual rates would have on these businesses and future growth and job creation. The administration claims that these tax increases would bring rates back to the levels of the mid-1980's when times were good, so this large increase would not have adverse effects on small business.

What the President fails to realize is that with the deductions available before the 1986 Tax Reform Act was enacted, effective tax rates were much lower during that time, but the deductions were eliminated in 1986 so this tax hike will hurt small businesses more than ever.

But do not believe me. Listen to what the small businessmen and women have to say throughout the country from the following excerpts from letters received from small business owners concerning the effects of this proposal, and you can decide whether to believe the business people in your district or the administration. Here are the letters.

The proposal to increase the top rate from 31 percent to 36 percent, with an additional 10 percent surtax on our taxable income exceeding $250,000, has caused us to defer most of our previously planned expansions for 1993 and 1994.

As a direct result of the increase of taxes on Subchapter S corporations from 31 to 36 percent we are freezing all future expansion plans for 1993.

Letter after letter of businessmen, small businesses that must retain capital for expansion purposes because of the tax increase, so the small companies will not be able to do so.

Here is another one:

We've retained almost all of the profits of our S corporations after taxes to cover growth and increased costs of buildings,

trucks, fork lifts, inventory and accounts receivable. We do not need increased taxes.

We're a small, 21-employee Subchapter S corporation. We had planned on adding two employees in the first quarter of the calendar year. As the tax plan unfolded, we started putting off hiring. Now, after talking with our customers and other business associates, we have decided to cancel these plans for 1993.

Hundreds of companies out there, people that want to expand, the entrepreneurs, the people that are the key to the job creation in this country are being taxed out of existence if we allow it.

Incidentally, while I was back home in southwest Missouri, a good friend of mine down there told me that he thought the Btu tax ought to be called the "buy thermal underwear tax," and I think there may be more truth to that than fiction. And the Btu tax, as the gentleman from Texas said, we will be the only country in the world taxing energy at its source. We cannot allow this plan to go through as it was passed out of the Ways and Means Committee.

Mr. ARCHER. I thank the gentleman for his contribution. I would observe that the gentleman from Missouri [Mr. HANCOCK], as a small businessman himself, understands empirically what this bill will do in a negative way on small business people and the reduction of jobs at that level.

The gentleman is also completely accurate when he talks about the massiveness of this tax increase. Most Americans do not really understand that in America today, Americans today pay the highest taxes in all of the history of this country if you include State, local, and Federal taxes, in the aggregate, and it is the highest in history.

The problem in the United States is not that Americans are taxed too little. The problem is Government spends too much.

Madam Speaker, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank my colleague very much for yielding. I wanted to pursue with the gentleman a couple of points that have been talked about, not to repeat, but to enlarge, and then I have a couple of other points that I think need to be made about this bill at this time.

We have talked a great deal tonight about the impacts of the energy tax, but one thing we have not really discussed is the triple whammy effect of that tax. You just made a point that Americans are paying more taxes now than at any other time in our history if we look at combined burdens of Federal, State, and local taxes. This increase in the energy tax is just one aspect of the problem that it creates. It does create a new Federal tax liability for the people of America.

But it is going to increase the property taxes of every community and every State throughout our Nation, because every small town is going to pay more to heat every school, every townhall, fuel every truck, and the cost of asphalt, which is a big item in small budgets in small towns is going to go up dramatically, because it is petroleum-based.

□ 1830

So this is only the first round of tax increases that this bill is going to cause; it is going to raise local property taxes, and it is going to raise people's State taxes.

One of my colleagues on the other side who is on our committee made the point that his State has a cap on local taxes, and so it will not raise property taxes in his town. Well, it certainly will then cut services, because if you have to pay more for energy costs in a town budget, you have less money to spend on education or the public library or other public services that are critical to the quality of life in the communities of our Nation.

I think that that triple-whammy aspect of this energy tax has been talked about too little.

The second point I wanted to make is that the crisis America faces is an economic crisis, and fundamentally a jobs crisis, and yet every product that we export abroad is going to cost more because of this energy tax, and it is going to cost more at a time when Europe is having a hard time, so all the multinationals have cut their prices to the bone, and our guys have to cut their prices to the bone. The competition out there is extraordinary, and to keep market share, which is the only way we can keep exporting, we have got to stay price-competitive. So we pass this tax.

TAXES AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 30 minutes.

Mrs. JOHNSON of Connecticut. Madam Speaker, at a time when Europe is in hard times and price competition in the international market is extraordinarily intense, we are going to impose on our international competitors the energy tax and several other increased costs in this bill.

Half of America's economic growth in the last 2 years came from increased exports. We cannot continue to grow our part of that export market, gain market share in the international market if we keep forcing the price of American goods up in that market at a time when our competitors are forcing their prices down.

In my State, which is per capita the No. 1 exporter in the Nation, this is going to cost jobs, and yet defense cuts are already costing jobs. The decline in the commercial aircraft industry is costing jobs. Connecticut is in desperate shape, and this bill, because of what it does to the multinationals, what it does to small businesses is going to cost additional jobs in my State.

When I think about this tax bill, I see in my mind all of those small companies I have visited in my State literally holding on by their fingernails, surviving month by month, year by year, hoping to make it until the economy turns around. Now we are going to hit them in this bill with three new tax increases for every small business.

Mr. ARCHER. If the gentlewoman will yield on that, I compliment her for presenting the impact of this tax in a way that I do not think most Americans understand.

The President would like to label anyone who is opposed to this energy tax as just someone who is trying to protect big oil. Not so. The impact is across the board in this country and will cost job after job after job as well as raise the cost not just to the operating of the cities but also increased medical-care costs that use considerable energy.

Mr. JOHNSON of Connecticut. Absolutely, and you know, our committee is also responsible for trade policy, and over the years the cry, "Let us have a level playing field," has been stronger and stronger, because our companies know that if they are going to export it has to be by the same rules. So now here we are in a sense changing the rules of the game on our own companies to their disadvantage at a time when job growth in America is the No. 1 issue.

You know, we had testimony before our committee that the energy tax is going to cost between 600,000 and 1 million jobs, and by 1998, I believe, our gross domestic product will be $39 billion less just because of this provision in this tax bill.

So the energy-tax issue is not a small issue. It is not about energy conservation. It is about a competitive America. It is about jobs for our kids. It is about career opportunities. It really is tragic that we have allowed it to become such a narrowly focused discussion, and somehow this is only whether you are for or against this new President; this is whether you are for or against America.

I also want to talk about one other aspect of this bill that I know the gentleman mentioned earlier, and that is that it is a massive shift of resources from investing to consuming. If there is one message we have heard every hearing we have had for the 5 years I have been on the Committee on Ways and Means, from everyone who has testified, is that we need to change our tax code so that it rewards investing and does not reward consuming, because investing creates jobs, and consuming does not.

But this bill takes money out of the investing sector, that is, corporate profits, and yes, you have got to have corporate profits, dirty word though in America that it is made out to be, to buy new machinery, open new plants and to create new jobs. Likewise, with the high earners, they are the guys who buy stocks on Wall Street. It is not my kids who are starting out earning not very big salaries and making car payments. They are not funding the investments that create jobs.

So to raise the taxes out of that investing sector and literally suck out the dollars that create jobs and then give it back to low-income folks who need protection from the energy tax, Government spending which tends to provide programs for low-income people, and now, I have been a big advocate of those programs, but those folks need jobs. They need jobs, not Government support.

So this bill moves us as a Nation in exactly the wrong direction, and the public needs to know that, needs to contact their Congressman and needs to help us move this around so that America's economy will be strong in the future.

You know, the gentleman mentioned the health-care provisions in this bill and the way the energy tax pushes health-care costs up. But this bill does something else that is truly bizarre, if you are out there in the streets with the folks that you represent. It "saves money"; I mean, the biggest saving that the President's budget, entire budget, makes is the savings that my subcommittee was supposed to make in Medicare, in the growth of Medicare spending.

Instead of going item by item like the Republicans have proposed in cutting reimbursements to people who sell durable medical equipment and things like that where there is some logic to it, my subcommittee and the Democrat-controlled committee chose to freeze reimbursements to hospitals and doctors. Now, maybe you think that does not affect you, but in my State, in my State those savings that we count as savings in Washington are going to be increased bills to you at home. That is not going to save you money. That is going to increase your costs.

In Connecticut, it is even set out on a bill as "uncompensated care," and people now can see that one-third of the cost of their hospital stay was not even a cost related to their care. It was related to somebody else's care that the Government did not choose to pay for.

So that freeze on hospital reimbursements just gets shifted to you and I and the next person, and it raises your insurance premiums. It increases your portion of hospital bills that you have to pay, and that is the cruelest kind of cut in spending I know, because it is just like the energy tax. It does not just hit you once, it hits you twice.

Mr. ARCHER. Madam Speaker, if the gentlewoman will yield further on that, because that relates to what our colleague, the gentleman from Missouri [Mr. HANCOCK], was just talking about, the small business person is struggling to be able to find the resources to pay for the health-care costs for his or her employees, and as the Government pays less, there will be most costs shifted over to their insurance policies, and it will become even more difficult for them to be able to make available health insurance for their employees.

Mr. HANCOCK. Madam Speaker, will the gentleman yield?

Mrs. JOHNSON of Connecticut. I am happy to yield to the gentleman from Missouri.

Mr. HANCOCK. Madam Speaker, in the comments by the gentlewoman having to do with the increase in medical expenses and the hospitals, I have seen some figures here recently on what the Btu tax is going to cost the hospitals. They use an enormous amount of energy. It seems to me like it was someplace in the neighborhood of 6 to—I do not want to give a figure, but it was up in the millions of dollars that the Btu tax that the hospitals were going to have to pick up, so there again, the compounding effect, as the gentlewoman said, the three or four steps of that Btu tax, and by the time it all washes through the economy, we still do not end up where the President wanted to go though regardless of how he is talking about it, because it is the bottom line.

The President says he is doing all of this for deficit reduction, deficit reduction. The deficit, based on his own figures, the national debt is $4.370 trillion right now, and after his plan, 5 years after his plan goes into effect, the deficit goes, I think, to $6.141 trillion.

In other words, we talk about we are doing this and people are going to have to sacrifice, and yet we are talking about even if everything goes exactly the way he wants it to go, the most rosy scenario is that we are going to increase the national debt by almost 50 percent in the next 5 years. Now anybody who is just logical at all knows that you cannot continue to do that, because we are borrowing money now to pay the interest on the debt. You cannot keep doing that. Nobody can, a country, a family, or a business. We cannot continue to go that route.

Mrs. JOHNSON of Connecticut. You know, that is a very good point that the gentleman makes.

In terms of deficit reduction, his plan will increase the national debt over a trillion dollars.

□ 1840

In terms of jobs, it is clearly going to cost jobs because that same little guy who is going to pay more for health care for his employees of what we did to freeze Medicare reimbursement also has to pay higher Medicare tax and a higher energy tax just to keep his business going. So it is going to cost jobs in the small-business sector, which is the only sector growing at all.

Mr. HANCOCK. Actually the figure is almost $2 trillion, $1.9 trillion.

Mrs. JOHNSON of Connecticut. On the debt.

Mr. HANCOCK. On the national debt. And that national debt, you know we have to borrow money to refinance it every time we turn around. Now, one of these days—I hope it never happens—but one of these days somebody might say, "Hey, I don't know whether I want to buy those bonds or not."

Then we have got serious problems.

It has happened in other countries.

Mr. ARCHER. The gentlelady made a great, great point on the deterrent and the disadvantage to our exported products, in that over the last 4 years the majority of new jobs that have been created in the United States are related to exports. there is a good reason for that, because we are currently as Americans spending 100 percent of our net earnings.

Now, if the American consumer is going to be expected to buy, to create the demand and jobs, that American consumer is going to have to do it on the credit card.

Mrs. JOHNSON of Connecticut. That is a very important point, that we are spending 100 percent of our net income, so we cannot increase our buying.

Mr. ARCHER. We can if we want to buy more on credit. But our real opportunity to create jobs for Americans is to tap the export market. And this bill is totally negative on our ability to export products around the world.

Mrs. JOHNSON of Connecticut. So when you look at the President's promise of deficit reduction, it is certainly not accomplished by this bill, when you look at the need to create jobs, this will cost jobs, not create jobs. And when you look at his concern with health care costs, this will push those costs up, not help us get control of them.

I think that is a very serious fundamental criticism of this bill.

There is just one last thing that I want to talk about before we close off tonight because it has to do with how Government serves people. Government has to be predictable or people cannot invest and know what the terms are going to be of where they put their money. We have tried to keep that tax law as constant as we could to encourage a strong economy.

It is stunning that, in this bill, 75 years of precedent are going to be overturned and not even overturned by clear law, overturned by fuzzy-headed law. And then the Secretary of the Treasury, given the power on his own right, without any approval from Congress, to simply redefine certain trans-

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to move them into a different tax bracket and leave a person paying more taxes after he had planned on a certain level of tax liability.

We have never given the Secretary of Treasury that right. But he will have the right to redefine what is a capital gain and what is ordinary income, and he is going to be able to redefine this—we gave him a list in the bill of transactions he could define as constituting ordinary income and therefore subject to the higher rates instead of capital gains and therefore subject to lower rates. But then we give him this extraordinary power where he can redefine lots of transactions, and transaction he wants to redefine, if he thinks it has been done, in his opinion, as a way of avoiding the higher rate.

Now, the gentleman from Texas [Mr. ARCHER] has been on the committee, on this committee, longer than I have. I would ask him the question: In your experience, have you ever seen that kind of power delegated to a Secretary of the Treasury over the lives of the people of America?

Mr. ARCHER. I cannot recall such a broad delegation of legislative power that belongs to this body, not to the executive branch, in the 22 years that I have been on the committee. It is always a source of complaint to me, in my town meetings people can say, "How can the IRS do this? How can they issue these regs? How can they do these various things?" In some instances, the Congress orders them to do it, but in other instances the Congress gives them a blank check to do whatever they wish to do to the taxpayers of this country.

I believe that is such a serious offense that it should be resisted in this bill as it should be resisted in other bills that come before the Congress.

Mrs. JOHNSON of Connecticut. It is just one of the most egregious examples of some of the underlying problems this bill creates, if that provision is in there, because this bill for the first time in a while now creates a big difference between capital gains rate and ordinary income rate.

So the President is afraid that he will do exactly what we heard in our hearings will happen, that he will create the old gaming of the system that created the tax shelters, that created all of this real estate we do not need and created a lot of problems for us in past years. Of course, we did have testimony that this bill was going to create those kinds of games all over again. And those games have been destructive of creating good jobs in America that make us competitive abroad and provide well-paying career opportunities for our kids.

Mr. ARCHER. Well, the gentlelady is correct. In addition, there will be much gaming, as I mentioned earlier in my remarks, in the energy tax, as people attempt to get out from this punitive tax and find exemptions and loopholes in it.

In addition, it is interesting to note that this bill gives a new Federal tariff czar complete authority to make a determination without any particular formula as to how much energy content is in a product entering the United States of America, manufactured abroad, and then apply a tariff to it.

This is likely going to be in violation of the world trade rules and will likely precipitate retaliation against the United States of America and our products around the world, which could be highly negative to the economies of all the world.

This is an unseen factor that is in there. The administrative cost of this energy tax is going to be enormously complex and going to create an entire new bureaucracy. People are going to wonder why there are more and more Federal employees.

It makes no sense.

Mrs. JOHNSON of Connecticut. Well, I appreciate the gentleman's comments very much, and his leadership on the committee and on this tax bill and in developing this special order. I hope that from it our colleagues will understand how many problems there are with this bill and what a profound and negative impact it is going to have on the economic strength of our Nation.

I thank the gentleman for his comments.

Mr. ARCHER. I thank the gentlewoman for her contributions.

□ 1850

THE PRESIDENT'S ECONOMIC PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 30 minutes.

Mr. KOPETSKI. Madam Speaker, I think it is important that we talk a little bit about the President's tax plan and some of his campaign promises and what the Ways and Means Committee offered. As a member of the Ways and Means Committee and as a new Member, it was an enlightening process for me, because it was a very important tax bill to come before the American people.

First, I would like to talk about the question of fairness and the openness of the process by which we bring this matter before the full House, hopefully this Thursday.

To begin with, people have been debating taxes and the Federal deficit throughout the campaigns of 1992 and obviously into this legislative session, so it is not a new issue that comes before the House.

In addition, specifically on this bill, Members have debated among themselves in committee on the various positions of deficit reduction and funding the budget package.

In addition, it is a bit ironic to hear Members talk about the fact that we may have only 1 day of debate on this piece of legislation as they debate the legislation here before the House in the procedure we know as special orders. Any Member can come before the House, of course, and ask for time, and generally receive the time that they wish in order to make public their views on this very important issue of deficit reduction and economic stimulus for this Nation.

So Americans should keep in mind this process, that it is with a bit of tongue-in-cheek that Members come before the House and criticize the majority for not giving them time to debate this tax program while they are debating and criticizing and critiquing the tax program. There seems to be a great inconsistency in that logic as they present their case.

The fact is they are using the House time to debate the package and it is not limited to 1 day, but I am sure we are going to hear many speeches, not just in special orders but in the time we call 1 minutes at the start of our legislative business as well.

Next, I would also like to address the issue of fairness in the Ways and Means Committee process. The committees did take many hours of public testimony from a whole host and variety of groups. A lot of the debate, of course, has been focused on the energy tax, the Btu tax. At first people jokingly said, "Oh, we finally figured out, we are going to tax the British to resolve the deficit."

And of course, as we got down to seriously studying the impact of the energy tax on this country, different proposals and refinements were suggested to make the President's proposal much better.

So the committee did deliberate in public, received tremendous testimony from every region of the country from a variety of interest groups, paid lobbyists and not, consumer groups as well who came in and gave their opinions on the deficit reduction package, on the earned income tax credit for the working poor in our Nation, to the energy tax, to the effect of the corporate taxes as well. So the process was open.

Then it was time for the committee to get down to work in what we call a markup, a work session on the bill, where we considered the various amendments. We considered privately dozens of amendments and in public many amendments were offered before the committee. Most were rejected.

It came to the point where the chairman tells us that it was necessary to expedite the process so that we would not be stuck here all summer long trying to craft a tax bill, and the two caucuses went into private session.

Yes, we did emerge with a Democratic proposal. There was a lot of debate inside the room, if you will, with no lobbyists, no TV cameras there. Great progress was made, and we did

reach a consensus on the Democratic side, and I believe as well on the Republican side in terms of their position as well.

Refinements were made. Changes were made. Arguments were made with the White House. Some of us won some of our arguments and lost others.

I can tell you that the President was heavily involved directly, as was his Executive level staff in trying to bring this issue to a close.

So yes, sometimes you do close the doors and you do shut out the TV cameras and the newspaper reporters and all the lobbyists on this Capitol Hill, and you roll up your sleeves and craft a compromise that truly reflects the needs and concerns of a variety of regions of the country.

So many times it seemed to me that it was not a specific Member talking. It was a Member from the Northeast talking to a Member from the Northwest and arguing with the oil production States about the effect of one kind of energy tax over another. It did occur.

We went back into public session, of course. Amendments were offered again in public, were voted on in public. The bill was sent to the Budget Committee, which is our process, and to the Rules Committee and to the House floor in a public vote.

There is a bit of smoke out there in terms of how open the process was. I think clearly public testimony was listened to, adhered to in many instances. Good ideas were suggested to make this fair and to make this a good piece of legislation.

That does not mean it is going to be an easy piece of legislation. That leads me to the President and what he has talked about for the past year as a candidate, as an individual citizen, as a Governor, and now as our President.

He said that we should have tax fairness in this country, that those who made a lot of money in the 1980's ought to be called upon to help reduce the deficit and to meet some of the social needs that remain in this Nation during the 1990's to take us into a very competitive situation in the year 2000.

When you increase the deficit by $3 trillion, as we have done over the past 12 years, and both Congress and the administration can find fault and take blame for that, you do not erase that $3 trillion deficit in just 120 days of a new administration. It is going to take time. It is going to take patience, but most of all, as the President has said, it takes fairness. It takes fairness and sacrifice.

The premier part of this piece of legislation, which many colleagues on the other side of the aisle fail to address, is that we are asking the millionaires in this country to pay a surtax on their incomes. We are asking the millionaires to help pay for this reduction in deficits.

We are also asking some corporations, some corporations, not all corporations in this country, but some to pay a little bit more of their corporate earnings, of their profits, to help rebuild America by reducing the deficit and providing some other tax incentives, which I will go into.

We are asking those corporations who earn more than $10 million a year to—instead of paying a top rate of 34 percent—to pay a top rate of 35 percent.

How many corporations are in that category? Twenty-seven hundred. We are asking the 2,700 most wealthy corporations in America to pay a little bit more, 1 percent, just 1 percent for America. That is all we are asking.

The President proposed a 2-percent increase, to increase it from 34 to 36. Because of the public testimony we received, we argued successfully with the President to drop the income tax credit that he proposed as part of his package.

We did not take the savings that would be left over from that credit and spend it on a social program. No, we said you therefore do not need to raise the corporate tax rate that extra 1 percent, and that is what the Democratic proposal argued successfully and that is what we are arguing in this package come, we hope, Thursday or later this week.

So we have to focus on the good of this bill, that it is fair and that what the American people and the people back home in my district in Oregon have passed and demanded of us is deficit reduction.

There is no magic to deficit reduction. They have asked for spending cuts. We have passed the budget bill earlier this spring in March or early April and there are real spending cuts there. They are there. There are $3 in spending cuts for every new dollar in new investments.

In other words, for every dollar of new investment that goes to things like new police officers in our communities, which is part of this budget reconciliation bill, to national service, to child immunization programs which saves us health care dollars in the long run, and is only fair and humane to the little child in America, to defense conversion, to take all those defense workers, whether in southern California or the State of Missouri and other places in this country, and help them from the transition of a very good defense-related job, which is as we know dead-end economics, into a much more productive job that they are trained to do, whether it is building mass transit buses, whether it is rebuilding the infrastructure in America.

□ 1900

These are good Americans with a great American work ethic, and the only thing they know how to do is not, not, build a bomb, is to not build an MX missile, that, showing a limitation of their educational ability, they are able to put those work ethics and that knowledge into skill, into something that is productive for the world and our society that has potential for this country and for our society.

There are over 200 cuts in spending programs, $250 billion in deficit reduction through spending cuts. The cuts are there. There is no magic, Madam Speaker, to this.

It also takes tax increases. It is hard to say, it is hard to say, and we on the committee targetted those tax increases to where it could be fairly applied. We ask the top 2,700 corporations in this country who make over $10 billion a year in profits to pay a little bit more for America. We ask the millionaires in this country, the millionaires who do not have to worry about paying their rent, buying their food, to pay a little bit more to reduce the deficit in America.

And why is that so important? President Clinton talked about that for this past year. He has talked about it for the last 120 days. It does not get enough attention.

All one has to do is watch the stock market reports and look at the interest rates. Interest rates continue to remain low. The reports are they will continue to be low and may even drop further if, if, Congress does its job.

The President has done his. It is our responsibility to keep those, to keep those, interest rates low, and why? Why are they being lowered? Because the market is responding to the leadership of Bill Clinton who says, "Yes, I'm going to cut the deficit in half."

Now, if we do not follow through, I am afraid those interest rates are going to skyrocket, and what does that mean in terms of dollars and cents to the American taxpayer's pocket?

Let us take housing. A number of individuals in my State and throughout the country have refinanced their homes, or they have gotten the long term, the long term, mortgage that they were afraid they would never be able to pay because that balloon payment was right around the corner, and, instead of paying 10 or 12 percent home mortgage interest, they are now paying 7 or 7¼ percent interest, and the bank said, "Put on new employees to keep up with the demand of this refinancing program." That means more money for every homeowner in America.

And look at a State like mine that is so dependent on the wood products and forest products industry and at that first-time home buyer. They can now buy that great American dream, their own home, because they have not in their lifetimes—I am certain they have never seen interest rates this low, and this is the time for them to buy.

But those days will be limited if Congress does not respond to the President's challenge and keep the interest rates low by halving the deficit. That is our mission this week.

How else does this help the American taxpayer directly? I say to my colleagues, "You go to your local public school or your local government, and they're going to go out into the bond market to build that new school building because the one is outdated, or it got hit by an earthquake as truly happened in my district, or the numbers of students have grown and they need a new elementary school, and they're going to finance by going to the bond market to finance that."

These interest rates have a direct influence on that bond market as well because, if those bond interest rates are lower, that means that the local property tax payer, as it is in my home State, is going to pay less for those bonds to build that new school, and it is the same with local government financing whether it is some sort of very expensive infrastructure, a sewage treatment plant that is needed to bring in that new industry. It is cheaper, it is cheaper for those taxpayers, if we keep those interest rates low.

My colleagues on the other side of the aisle failed to explain the positives about this piece of legislation. They have centered only on, it seems, the Btu tax. They are not talking about this. But imagine if your local government is finally able to go build that water treatment facility or build that school. That is what we are talking about specifically for Americans to truly understand.

The unity tax is a difficult piece of legislation. I am from the Northwest. Water runs downhill, and that is how we make electricity in the Northwest. It is cheap. It is energy efficient to the tune of 85 percent. It is cost effective. Yes, it hurts the fish runs in my region. My region has spent a billion dollars over the last 10 years to fix those fish runs, and we will do it, and we will spend millions and hundreds of millions of dollars more.

But we have the luxury of lower, compared to other regions of the country, lower cost energy. No doubt about it. We get a benefit from that. We get energy intensive industry coming out to the Northwest. We have forests that are there, and it is no accident, therefore, that we have the paper-manufacturing businesses in the Northwest because we have the resources, that is, the trees, and we also have the lower cost energy which makes us competitive on a world market.

So, when they come to me and say—the President comes to say, "We all should pay a little bit more energy tax," I wince. I go back home to my district, and I talk to people.

The aluminum industry said, "Yes, we'll pay more of an energy tax to run our plants, but in terms of the chemical process we want a break."

I say, "Justify that."

They give me the science.

The President's tax bill—it is called the feedstock. I learned more about feedstock than I ever thought I would when I was in a sixth grade class, but the President allowed oil as a feedstock exemption. They allowed coal as a feedstock exemption. I argued that electricity as a feedstock ought to be exempted as well. He gave me 50 percent. He met me halfway. That was good enough for me.

For now we will see what our friends on the Senate might do to refine this, but it is a good bill, and my aluminum industries in the Northwest are supported because they understand the moral of reducing the deficit, that they will save their money, too, when they go to the financing institutions and ask for a business expansion loan. They know they are going to get a better interest rate for that.

Reference was made to the border adjustment bureau that will have to be set up. Yes, and that was compromised. That came from the committee—not from the President, but from the committee. Said, "Look, if we're going to impose this energy tax, yes, aluminum, for example, is a worldwide competitive market. We have some energy intensive industries as the paper industry, as other manufacturing concerns who use a lot of energy, but it's not part of a chemical process. What are we going to do to make sure that the playing field is as level as possible because we are in an international economy?"

And what the Congressman from Maryland [Mr. CARDIN], came up with was a border adjustment tax so that, when there are energy intensive imports into this country, that they pay a like tax as that similar industry in America so that we are leveling the playing field, and we are taxing energy in this country and on those competitive products that are international in scope.

Is that good policy? You bet. It is going to force industries into reexamining the energy wastes in their products? You bet. Is that good for energy policy in this country and throughout the world? You bet. You bet it is, and we can take this home and proudly say we are finally taxing energy in this country at a rate that will encourage energy conservation and make these industries much more efficient in the production and use of energy because the fact is businesses will do this because they know it is a direct way they can cut costs. At the same time, at the same time, they know that, if they are energy efficient, they will be helping to reduce further our Federal deficit.

It is phased in, does not go into effect until the summer of 1994, so businesses can adjust. The American consumer can adjust. Perhaps they can insulate their home a little bit more, save money over the long term. Anyway, they ought to do it.

Is this good energy policy for the American consumer? You bet it is.

The Btu tax, the energy tax, is going to be phased in, as I say, beginning in the summer of 1994, and phased in in three equal stages over a 3-year period.

□ 1910

A family making $40,000 household income a year will pay $1 a month more. Twelve bucks a year, folks. That is what we are asking for your contribution to reduce the deficit and to think energy conservation at home.

In 1995, it will be $7, and then only $17 a month when it is fully phased in, according to both the Treasury Department and the Congressional Budget Office. So 4 years from now you will be paying $17 more a month if you have a household income of $40,000.

We have established a deficit-reduction trust fund. We have a credibility problem in the Congress and the administration about deficit reduction. There is no problem about it. So the gentleman from New York has come up with this idea, agreed to by the President, that we will take the deficit money and put it in this trust fund to show that we truly are halving the deficit by about $246 billion.

Let me talk about this deficit reduction. Our colleagues on the other side in the minority party point out the number, what happens when this plan comes into effect and how much the debt will be.

The true question is, If we do nothing, how great will the deficit be? It will grow by another $246 billion if we do nothing.

The President is asking to cut the proposed deficit in half. That is what we are talking about, spending cuts. That is why we are talking about revenue increases, fairly applied to millionaires in this country and the richest corporations.

Madam Speaker, let me also talk about one other provision in this bill called the earned income tax credit, the EITC. This is probably one of the best social policy programs that this Congress has adopted in the past 6 or 8 years. It has great partisan support, because it gives a tax credit to those that work.

The President has long talked about the concept of making work pay in this country. What he has done is has asked this country to ensure that anybody in this Nation who is working full time, that they should not be living in poverty. That is what the earned income tax credit is all about. He has proposed an expansion which we on the Committee on Ways and Means fully endorsed so that we finally get to that level of coverage for the tax credit so that anybody who is working full time in America, whether they have children or not, will not be living below the poverty level.

It is very simple. It costs a little bit of money, yes, and I explained where we are getting the revenue to pay that. We are going to ask the millionaires to help fund this earned income tax credit, and they will.

So if you are making up to $26,000 a year, and depending upon the number of children you have, the numbers will work out that you apply for this credit, you will receive it, and the credit will be such that you will not be living below the poverty line in America.

We are making work pay. Through the President's leadership he is saying we should take away the incentive to stay on welfare. You should not be able to have more household income if you are on welfare than if you are working, even if it is a minimum wage job.

There are so many benefits to work, to having a job in this country, such as the role model that you provide for your children and your own self-esteem. The President is saying you should not be penalized for taking that minimum wage job, and that is why we are offering this great expansion of this earned tax credit.

I think that this is very significant to the American people. It is the first major step in welfare reform that the President is going to be presenting to the Congress later this year. It is almost as important as the deficit-reduction issue. Yet people on the other side of the aisle are not talking about this earned income tax credit and suggesting that maybe it is a very difficult vote. They are making it sound like it is very easy.

We are proposing an energy tax, and therefore it is a bad bill, and we should vote no. If this was all there was to this bill I would vote no myself. But we are spending the money on deficit reduction from the energy tax. We are spending the money on making work pay in this country. That is what we are doing in this piece of legislation.

As I mentioned before, we talked about the investment tax credit. It got so complicated that the only full employment program would be for the accountants and the tax lawyers in this country, and we shelved it.

We said what can we do that is very simple for the small business people in this country that would help stimulate the economy right now? What we did was say OK, right now they get in their business expenses, they get automatic business expense under current law $10,000.

The President said if you are going to take away the ITC, I want you to raise the expensing level to $25,000.

We said Mr. President, why don't you just double it, $20,000? That ought to be enough.

He said no, $25,000 or nothing, keep current law.

He was tough, and he is right. And I ran into Lois Kenagy, a farmer, a wonderful woman out in my district, very much involved in the peace movement. She came in to talk to me about the nuclear disarmament issue.

She said, "Explain to me this expensing thing again." I explained it to her.

She said, "OK, great. I can finally buy that diesel tractor that I have been needing for my farm."

She is going to go out, if we do our job, and buy that diesel tractor. That is jobs for America right away.

It is simple. Lois Kenagy, who does not have an accounting degree or tax degree, but is a smart business person, knows what it means to her and is going to take advantage of it. I would say to our colleagues on the other side of the aisle, we are talking about this great issue for our small businesses in this country, which we know create most of the jobs in this country.

So, Madam Speaker, we are talking about tax fairness. It is tough. We are talking about real spending cuts. They will be tough as well, because we will hear from our local governments, who all of a sudden will say why are you cutting back? We will say because we do not have a balanced budget, and you do.

Or a constituent will come and say why aren't you helping us in that spending program any longer? I am saying because we have got to get our economic house in order. We have got to cut the deficit, and we have got to get to the day when we have a balanced budget.

We are making work pay. We have the earned income tax credit that will be fully expanded so work will pay in this country, that somebody going to work will not be living under the poverty level in the richest, most powerful nation on Earth. And, yes, we will have an energy policy and energy tax in this country that will encourage every individual in this country to conserve energy, to wrap that material around their hot water tank and make sure their hot water pipes are wrapped and that they put good insulation in those buildings.

That is what we are talking about. We are talking about efficiency in business.

So this is a good economic program for America. it is tough, but it is fair. I hope on Thursday we are able to move this bill over to the other side of the Capitol.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. LEACH (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. WILLIAMS (at the request of Mr. GEPHARDT), for today and tomorrow, on account of a death in the family.

Mr. COPPERSMITH (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. KNOLLENBERG (at the request of Mr. MICHEL), for today, on account of official business.

Mr. HILLIARD (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mrs. FOWLER (at the request of Mr. MICHEL) for today, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 60 minutes, on May 26.

Mr. GEKAS, for 5 minutes, today.

Mr. HORN, for 20 minutes, on May 26.

(The following Members (at the request of Ms. LAMBERT) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS of Florida, for 5 minutes, today.

Mrs. MINK, for 5 minutes, today.

Mr. RUSH, for 5 minutes, on May 25,

Mr. BECERRA, for 60 minutes, on May 26.

Mr. FALEOMAVAEGA, for 60 minutes, on May 25, 26, and 27.

Mr. SLATTERY, for 60 minutes, on May 26.

(The following Member (at the request of Mr. KOPETSKI) to revise and extend her remarks and include extraneous material:)

Miss COLLINS of Michigan, for 1 hour, on May 25.

(The following Member (at the request of Mr. KOPETSKI) to revise and extend her remarks and include extraneous material):

Miss COLLINS of Michigan, for 60 minutes, on May 26.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KOPETSKI, for 30 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. JOHNSON of Connecticut, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. BILIRAKIS.

Mr. CLINGER.

(The following Members (at the request of Ms. LAMBERT) and to include extraneous matter:)

Mr. SCHUMER.

Mr. TRAFICANT in two instances.

Mr. ACKERMAN.

Mr. MATSUI in two instances.

Mr. KANJORSKI.

Mr. HALL of Ohio.

Mr. RICHARDSON in two instances.
Mr. CLEMENT.
Mr. TORRES.
Mr. LANTOS.
Mr. JACOBS.
Mr. RUSH.
Mr. STARK.
Mr. KENNEDY.
Mr. CONYERS.
Mr. KLEIN.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mrs. MINK.
Mr. SWIFT.

ADJOURNMENT

Mr. KOPETSKI. Madam Speaker, I move that the House do now adjourn.

The Motion was agreed to; accordingly (at 7 o'clock and 20 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 25, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1259. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101–510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

1260. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report of activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking, Finance and Urban Affairs.

1261. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Department of Education Acquisition Regulation, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1262. A letter from the Deputy Director, Office of Information and Public Affairs, Department of Labor, transmitting fiscal year 1992 annual report; to the Committee on Education and Labor.

1263. A letter from the Secretary of Education, transmitting a copy of each of the reports, Summary of Chapter 2 Annual Reports and Summary of Chapter 2 State Self-Evaluations of Effectiveness; to the Committee on Education and Labor.

1264. A letter from the Acting Administrator, Energy Information Administration, transmitting, a copy of the Energy Information Administration's "Profiles of Foreign Direct Investment in U.S. Energy 1991"; to the Committee on Energy and Commerce.

1265. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 103–88); to the Committee on Foreign Affairs and ordered to be printed.

1266. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the original report of political contributions for James Richard Creek, of Arkansas, to be Ambassador to Argentina, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1267. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions for Christie Ramsay, of Michigan, to be Ambassador to the Republic of the Congo, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1268. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1269. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1270. A letter from the Secretary of Housing and Urban Development, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1271. A letter from the Attorney General, transmitting the annual report on the operations of the private counsel debt collection project for fiscal year 1992, pursuant to 31 U.S.C. 3718(c); to the Committee on the Judiciary.

1272. A letter from the Acting Director, National Science Foundation, transmitting a draft of proposed legislation to amend the Program Fraud Civil Remedies Act of 1986 to include the National Science Foundation; to the Committee on the Judiciary.

1273. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

1274. A letter from the Walla Walla District, Corps of Engineers, Department of the Army, transmitting copies of the report of the Secretary of the Army on Civil Work Activities for fiscal year 1992, Department of the Army Corps of Engineers extract report of the Walla Walla District; to the Committee on Public Works and Transportation.

1275. A letter from the Secretary of Health and Human Services, transmitting research findings on Medicare Home Health Agency Prospective Payment; to the Committee on Ways and Means.

1276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State certification required under section 609(b) of Public Law 101–162, regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101–162, section 609(a)(5)(C) (103 Stat. 1038); jointly, to the Committees on Appropriations and Foreign Affairs.

1277. A letter from the Principal Deputy Comptroller, Comptroller of the Department of Defense, transmitting the quarterly report on program activities for facilitation of weapons destruction and nonproliferation in the former Soviet Union for the period January 1, 1993, through March 31, 1993, and cumulatively; jointly, to the Committees on Appropriations and Foreign Affairs.

1278. A letter from the Administrator, U.S. Small Business Administration, transmitting the annual report on the Natural Resource Development Program (tree planting) for fiscal year 1992, pursuant to Public Law 101–515, section 4; jointly, to the Committees on Appropriations and Small Business.

1279. A letter from the Secretary of Health and Human Services, transmitting the annual report on Medicare for fiscal year 1991, pursuant to 42 U.S.C. 139511(b); jointly, to the Committees on Energy and Commerce and Ways and Means.

1280. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for the implementation of special debt relief for the poorest, most heavily indebted countries, in the multilateral context of the Paris Club, and for other purposes; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

1281. A letter from the Acting Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1994 and 1995 for the U.S. Information Agency and for other purposes; jointly, to the Committees on Foreign Affairs and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GLICKMAN: Permanent Select Committee on Intelligence. H.R. 1723. A bill to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action; with an amendment (Rept. 103–102). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. A report on a citizen's guide on using the Freedom of Information Act and the Privacy Act of 1974 to request Government records (Rept. 103–104). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee on Appropriations. H.R. 2244. A bill making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–105). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 1340. A bill to provide funding for the resolution of failed savings associations, and for other purposes; with an amendment; referred to the Committee on the Judiciary for a period ending not later than June 11, 1993, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X (Rept. 103–103, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolu-

were introduced and severally referred as follows:

By Mr. BOEHLERT:

H.R. 2237. A bill to amend the Defense Base Closure and Realignment Act of 1990 to require that testimony before the Defense Base Closure and Realignment Commission be given under oath; to the Committee on Armed Services.

By Mr. CONYERS (for himself and Mr. DELLUMS):

H.R. 2238. A bill to amend laws relating to Federal procurement, to authorize functions and activities under the Federal Property and Administrative Services Act of 1949, and for other purposes; jointly, to the Committees on Government Operations and Armed Services.

By Mr. DINGELL (for himself, Mr. MOORHEAD, Mr. MARKEY, and Mr. FIELDS of Texas):

H.R. 2239. A bill to authorize appropriations for the Securities and Exchange Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACOBS (for himself and Mr. MCCRERY):

H.R. 2240. A bill to amend the Internal Revenue Code of 1986 to promote savings for qualified higher education expenses; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 2241. A bill to provide for the establishment of a committee to assist the Secretary of Health and Human Services in developing new criteria and standards for audits of State child support programs, and to require the Secretary to promulgate regulations to modify such audits to emphasize program outcomes; to the Committee on Ways and Means.

By Mr. SWIFT:

H.R. 2242. A bill to require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWIFT (for himself and Mr. DINGELL):

H.R. 2243. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROBERTS:

H. Res. 181. Resolution providing for the termination of official funding of certain legislative service organizations; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

148. By the SPEAKER: Memorial of the Legislature of the State of Hawaii, relative to Federal dollar assistance; to the Committee on Energy and Commerce.

149. Also, memorial of the General Assembly of the State of Iowa, relative to the atrocities in Bosnia; to the Committee on Foreign Affairs.

150. Also, memorial of the General Assembly of the State of Iowa, relative to commonwealth status to the Territory of Guam; to the Committee on Natural Resources.

151. Also, memorial of the Legislature of the State of Hawaii, relative to Federal "riders"; to the Committee on Public Works and Transportation.

152. Also, memorial of the General Assembly of the State of Indiana, relative to Interstate 69; to the Committee on Public Works and Transportation.

153. Also, memorial of the Legislature of the State of Hawaii, relative to Social Security benefits; to the Committee on Ways and Means.

154. Also, memorial of the Legislature of the State of Hawaii, relative to an Economic Conversion Task Force; jointly, to the Committees on Armed Services, Ways and Means, Education and Labor, and Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. STUPAK.

H.R. 173: Mr. WALSH.

H.R. 212: Mr. STUMP.

H.R. 245: Mr. LEHMAN, Mrs. ROUKEMA, Mr. ROWLAND, Mr. HORN, Mr. SOLOMON, and Mr. DOOLITTLE.

H.R. 250: Mr. HOLDEN.

H.R. 266: Mr. COSTELLO.

H.R. 349: Mr. KINGSTON, Mr. REYNOLDS, and Mr. GRAMS.

H.R. 407: Mr. PAXON.

H.R. 441: Mr. WYDEN, Mr. KANJORSKI, and Mr. FRANK of Massachusetts.

H.R. 507: Mrs. VUCANOVICH and Mr. RAVENEL.

H.R. 649: Mrs. SCHROEDER and Mrs. MINK.

H.R. 697: Ms. VELÁZQUEZ.

H.R. 700: Mr. TORRES.

H.R. 703: Mr. CRANE, Mr. ROYCE, Mr. GREENWOOD, and Mr. FROST.

H.R. 725: Mr. WYNN.

H.R. 746: Mr. BEILENSON.

H.R. 749: Mr. VISCLOSKY, Mr. BROOKS, and Mr. MCMILLAN.

H.R. 762: Mr. GOODLING.

H.R. 767: Mr. COMBEST, Mr. GEJDENSON, Mr. COBLE, and Mr. HILLIARD.

H.R. 799: Mr. SCHAEFER and Mrs. MINK.

H.R. 826: Mr. GUTIERREZ and Mr. DOOLEY.

H.R. 833: Mr. EVANS, Mr. EDWARDS of California, Mr. GILCHREST, and Mr. JOHNSTON of Florida.

H.R. 864: Mr. SENSENBRENNER and Mr. SMITH of New Jersey.

H.R. 882: Mr. BURTON of Indiana, Mr. GALLO, Mr. GILCHREST, and Mr. HYDE.

H.R. 930: Mr. ARMEY and Mr. ENGEL.

H.R. 1098: Mr. KLECZKA.

H.R. 1141: Mr. WOLF, Mr. FIELDS of Texas, Mrs. SCHROEDER, and Mr. SAWYER.

H.R. 1146: Mr. SAWYER, Mr. ENGEL, Mr. WAXMAN, Mr. FRANK of Massachusetts, and Mr. EDWARDS of California.

H.R. 1200: Mr. CLYBURN and Mr. RUSH.

H.R. 1238: Mr. MACHTLEY.

H.R. 1240: Mr. HOKE.

H.R. 1302: Mr. DE LUGO.

H.R. 1402: Mr. MCDADE.

H.R. 1403: Ms. MCKINNEY.

H.R. 1407: Mr. ENGEL and Ms. MARGOLIES-MEZVINSKY.

H.R. 1455: Mr. DEFAZIO.

H.R. 1490: Mr. WILSON, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. MCCRERY, Mr. LIVINGSTON, Ms. LONG, and Mr. SUNDQUIST.

H.R. 1520: Mr. GILCHREST.

H.R. 1545: Mr. PAXON.

H.R. 1546: Mr. PAXON.

H.R. 1548: Mr. PAXON.

H.R. 1555: Mr. PETERSON of Minnesota.

H.R. 1608: Mr. ENGEL, Ms. FOWLER, Mr. LAFALCE, Mr. OXLEY, Mr. RAVENEL, Mr. SHUSTER, Mr. SKELTON, Mr. SYNAR, Ms. THURMAN, and Mr. TOWNS.

H.R. 1636: Mr. ARMEY.

H.R. 1670: Mr. BAKER of Louisiana.

H.R. 1684: Mr. HASTINGS, Mr. RANGEL, Ms. NORTON, Mr. WATT, Mr. ENGEL, and Mr. EVANS.

H.R. 1697: Mr. RAHALL, Mr. INGLIS, Mr. HILLIARD, Mr. MCNULTY, Mr. THOMPSON, Mr. SKEEN, Mr. LAZIO, Mr. LIVINGSTON, and Mr. GEKAS.

H.R. 1727: Mr. WISE.

H.R. 1819: Mr. STOKES, Mr. TOWNS, Mr. FILNER, Mr. HOCHBRUECKNER, Mr. WAXMAN, Mr. KREIDLER, Mr. FROST, Ms. NORTON, and Mr. EVANS.

H.R. 1843: Mr. LEWIS of Florida.

H.R. 1874: Mr. HYDE and Mr. BROWN of California.

H.R. 1925: Mrs. SCHROEDER, Mr. ABERCROMBIE, Mr. STOKES, Mr. GONZALEZ, Mr. CLAY, Mr. WAXMAN, Mr. SCOTT, Mr. BLACKWELL, Mr. DELLUMS, Mr. LEWIS of Georgia, Ms. WATERS, Mr. THOMPSON, Ms. MCKINNEY, and Ms. EDDIE BERNICE JOHNSON.

H.R. 1928: Mr. THOMAS of Wyoming, Mr. HERGER, Mr. LIGHTFOOT, Mr. BAKER of California, Mr. ROHRABACHER, and Mr. HYDE.

H.R. 1944: Mr. SERRANO and Ms. NORTON.

H.R. 1948: Mrs. UNSOELD and Mr. EDWARDS of California.

H.R. 1989: Mr. MILLER of Florida, Mr. HOKE, Mr. MCKEON, and Mr. FRANKS of Connecticut.

H.R. 1999: Mr. COBLE, Mr. SPENCE, and Mr. DUNCAN.

H.R. 2019: Mrs. UNSOELD, Mr. CONYERS, and Mr. OWENS.

H.R. 2025: Mr. BROWN of California.

H.R. 2059: Mr. ROHRABACHER, Mr. MCHUGH, Mr. SHAYS, Mr. LIVINGSTON, Mr. CANADY, Mr. KLUG, and Mr. BALLENGER.

H.R. 2076: Mr. FRANK of Massachusetts, Mr. WAXMAN, Ms. NORTON, and Mr. EDWARDS of California.

H.R. 2094: Mr. GEJDENSON and Mr. TOWNS.

H.R. 2157: Mr. FROST, Mr. OBERSTAR, Mr. OXLEY, Mr. ROHRABACHER, Mr. HYDE, Mr. PARKER, and Mr. RAHALL.

H.R. 2219: Mr. STENHOLM, Mr. POMEROY, Mr. FINGERHUT, Mr. GUNDERSON, Mr. MANN, and Mr. BARRETT of Nebraska.

H.J. Res. 20: Mr. UPTON.

H.J. Res. 88: Mr. NADLER.

H.J. Res. 91: Mr. PETE GEREN.

H.J. Res. 92: Mr. KIM, Ms. SCHENK, Mr. APPLEGATE, Mr. KILDEE, Ms. WATERS, Mr. OBEY, Mr. BORSKI, Mr. TOWNS, Mr. TAUZIN, Mr. GIBBONS, Mr. BOEHLERT, Mr. REYNOLDS, and Mr. GINGRICH.

H.J. Res. 106: Mr. LEACH, Mr. MANTON, Mr. SAWYER, and Ms. THURMAN.

H.J. Res. 119: Mrs. CLAYTON, Mr. KOPETSKI, Mr. PAYNE of Virginia, Mr. SANGMEISTER, Mr. VENTO, Mr. GILMAN, and Mr. FISH.

H.J. Res. 133: Mr. COOPER and Ms. MCKINNEY.

H.J. Res. 158: Mr. ARMEY.

H.J. Res. 165: Mr. KILDEE, Mr. BILBRAY, Mr. PETERSON of Florida, and Mr. MARTINEZ.

H. Con. Res. 37: Ms. CANTWELL, Mr. LANTOS, Mr. YATES, Mrs. MINK, and Mr. KLEIN.

H. Con. Res. 51: Mr. CASTLE.

H. Con. Res. 80: Ms. SLAUGHTER and Mr. DE LUGO.

H. Con. Res. 91: Mr. DELLUMS, Mrs. MALONEY, and Mr. BAKER of California.

H. Con. Res. 96: Mr. JACOBS, Mr. WELDON, Mr. SHAYS, Mr. WAXMAN, Mr. WOLF, Mrs. MORELLA, Mr. DELLUMS, Mr. COLEMAN, Mr. OLVER, Mr. FROST, Mr. ENGEL, Mr. CANADY, Mr. FAWELL and Mr. GUNDERSON.

H. Con. Res. 102: Mr. SUNDQUIST.

H. Res. 148: Mr. MEEHAN and Mr. POSHARD.

H. Res. 156: Mr. ARMEY, Mr. BAKER of Louisiana, and Mr. BOEHNER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

39. The SPEAKER presented a petition of County of Henry, Paris, TN, relative to Interstate Highway 69; which was referred to the Committee on Public Works and Transportation.

SENATE—*Monday, May 24, 1993*

(Legislative day of Monday, May 24, 1993)

The Senate met at 1:30 p.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

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

Let us pray:

In a moment of silence, let us remember Senator HEFLIN and one of our former employees, Noel Coffey, who is critical.

Thy word is a lamp unto my feet, and a light unto my path.— Psalm 119:105.

Sovereign Lord of history, God of all nations and peoples, as good and faithful men and women search and struggle for the path of justice and peace, grant to Thy servants light for the way and strength for the day. Defend them against any deterrent to responsible statesmanship, any compromise that sacrifices principle or violates conscience, any action that would endanger the Nation.

Grant to each grace and wisdom to measure personal conviction in the light of truth and courage, to act consistent with enlightened conscience, however costly to personal ambition. In disagreement, grant attention to and respect for opposing views and willingness to be flexible when the good of the people and the rightness of the issues become clear.

We pray in the name of Him who is Truth incarnate and the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. PRYOR addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent I may be allocated a total of 15 minutes. I do not think I will use all that time. I will yield back the time I do not use.

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

Mr. PRYOR. I thank the Chair.

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

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

EVALUATION OF PRESIDENT CLINTON'S BUDGET PROPOSALS

Mr. SPECTER. Mr. President, Americans should encourage Senator BOREN and other Members of Congress to exercise our best independent judgment in evaluating President Clinton's sweeping budget proposals. This year's budget has the potential for an enormous impact for the next decade and beyond.

In criticizing objections to President Clinton's plans, we seem to have lost sight of certain fundamentals on the way our system of government is designed to work. Two basic principles underlie our constitutional system: Separation of powers and checks and balances.

Voters rely on the independence of Members of the House and Senate. Voters know they cannot be knowledgeable on all the issues and rely on their elected officials to be honest, hardworking, and independent in our representative Government.

Applying those principles to our Nation's budget problems, I suggest that each Member has a duty to exercise his or her best judgment in accepting, modifying, or rejecting the President's plan.

I cannot accept the President's budget for what I consider to be strong reasons. The President has proposed the biggest tax increase in our Nation's history. With the energy tax, it is excessively regressive and burdening our Nation's poor. Until resolute, successful efforts are made to cut Federal spending, Americans should not be asked to pay more taxes. It is simply unacceptable for the President to ask for $2.72 in new taxes for every $1.72 in budget cuts.

Americans must read the fine print if not the footnotes to find out what is really happening with President Clinton's budget.

The President repeatedly stated that his plan will reduce the deficit by some $500 billion over 5 years, but the fact of the matter is that the Nation's debt will grow by $1.1 trillion at the end of the next 5 years. That is not real deficit reduction because we will continue to borrow to cover our spending.

In my independent judgment, each Member of the House and Senate should use his or her best thinking to cut Federal expenditures, and we must similarly use our best judgment on ways to increase revenues short of taxes.

While I am not prepared to accept the alternative proposals advanced by Senator BOREN, Senator DANFORTH, and others, I commend them for their courage in stepping forward. I believe we must all look for all possible alternatives in order to cut Federal spending. The Boren-Danforth proposals in response to the President's budget are the way the legislative system is supposed to work. From such ideas, debate in the committee and then on the floors of the House and Senate and through that process a consensus will emerge with Republicans and Democrats on the best way to deal with the deficit and our severe budget problems.

It is not obstructionism for Members of Congress to demonstrate such independence in carrying out the separation of powers and providing the constitutional checks and balances on Presidential action. Such action should be encouraged. It is provided for in the

Constitution. It is in the public interest.

Mr. President, I ask unanimous consent that table 3–1, "Highlights of the Plan" of "A Vision of Change for America" be printed in the RECORD.

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

TABLE 3–1. HIGHLIGHTS OF THE PLAN

[In billions of dollars]

	1993	1994	1995	1996	1997	1998	1994–97 Total	1994–98 Total
Baseline deficit	319	301	296	297	346	390	1,241	1,630
Spending changes:								
Defense discretionary	.....	−7	−12	−20	−37	−36	−76	−112
Nondefense discretionary	1	−4	−10	−15	−20	−23	−50	−73
Entitlements	−(1)	−6	−12	−24	−34	−39	−76	−115
Social Security	.....	−3	−6	−6	−7	−8	−21	−29
Subtotal	(1)	−20	−40	−65	−98	−106	−223	−329
Debt service	(1)	−(1)	−3	−7	−14	−22	−24	−46
Total spending cuts (−)	1	−20	−43	−73	−112	−128	−247	−375
Revenue increases (−)	−3	−46	−51	−66	−83	−82	−246	−326
Gross deficit reduction	−2	−66	−93	−139	−195	−210	−493	−704
Stimulus and investment:								
Stimulus outlays	8	6	2	1	(1)	(1)	9	9
Investment outlays	–	9	20	32	39	45	100	144
Tax incentives	6	13	17	15	15	17	60	77
Total stimulus investment	15	27	39	47	55	62	169	231
Total deficit reduction	13	−39	−54	−92	−140	−148	−325	−473
Result deficit	332	262	242	205	206	241	916	1,157
Deficit as a percent of GDP	5.4	4.0	3.5	2.9	2.7	3.1	3.3	3.2

[1] $500 million or less.

Mr. SPECTER. Mr. President, I notice that there is no other Senator on the floor. So I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

THAT FAMOUS PARADE IN SAN FRANCISCO

Mr. HELMS. Mr. President, two articles about the Achtenberg nomination in the Washington Times this morning discuss the pornographic and blasphemous activities during last year's San Francisco Gay Pride parade led by Roberta Achtenberg and her partner—and their son.

The second article tells of Achtenberg's efforts to obtain funding for a new "recreation and counseling center for homosexual youth," disclosing that she was instrumental in securing $500,000 in State funds for a group called LYRIC—or Lavender Youth Recreation and Information Center. The article quoted Rabbi Abraham Gross of the Union of Orthodox Rabbis of the United States and Canada as saying:

This is a terrible contamination of our youth, who should be directed to traditional family values.

I ask unanimous consent that both articles be printed in the RECORD at the conclusion of my remarks.

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

[From the Washington Times, May 24, 1993]

ACHTENBERG BACKED GAY TEENS

(By Joyce Price)

A new counseling and recreation center for homosexual youth, slated to open in a neighborhood in central San Francisco, was approved and funded thanks largely to City Supervisor Roberta Achtenberg.

"Lesbian, gay and bisexual youth have a great need for services, and we're supportive of their efforts to meet those needs," Joe Van Es, an aide to Miss Achtenberg, told the San Francisco Independent newspaper.

Miss Achtenberg, President Clinton's openly-lesbian nominee to be assistant secretary for fair housing at the Department of Housing and Urban Development, urged that $500,000 be provided for the Lavender Youth Recreation and Information Center.

The money was to come from a $25.9 million refund the city of San Francisco received from the California state government.

"Her being an activist for the gay community is nothing new. That's her constituency," Joe Strupp, a reporter for the Independent, said in a recent telephone interview. Mr. Strupp has written articles about the LYRIC facility, which last week won unanimous approval from the San Francisco Planning Commission.

But not everyone is happy with projects like LYRIC. "This is a terrible contamination of our youth, who should be directed to traditional family values," said Rabbi Abraham Gross, a member of the Union of Orthodox Rabbis of the United States and Canada.

As for Miss Achtenberg, he said: "Her views are a danger to traditional moral and family values" and her confirmation as a top-level HUD executive "may be the beginning of the breakdown of those values."

Robert Stutzman, a spokesman for the Capitol Resource Institute, a conservative policy center in Sacramento, agreed that there's good reason to be worried about Miss Achtenberg in a top HUD post.

"She's primarily been an activist and advocate for the homosexual lifestyle, and I have no reason to believe she'll disembark from that course," he said.

Miss Achtenberg took a lot of heat on the Senate floor last week for efforts she initiated to punish the Boy Scouts for their policy of barring homosexuals as scoutmasters.

"I find Ms. Achtenberg's behavior with regard to the Boy Scouts unwarranted, objectionable and reprehensible," said Sen. Christopher Bond, Missouri Republican.

Several other senators, including Oklahoma Republican Don Nickles, raised eyebrows at Miss Achtenberg's activism on behalf of patrons of homosexual bathhouses in San Francisco in the mid-1980s.

On the Senate floor Thursday, Mr. Nickles described how Miss Achtenberg had opposed efforts by then-Mayor Dianne Feinstein and city health officials to close the bathhouses—a move they believed was necessary to slow the spread of the AIDS epidemic. Mrs. Feinstein, a Democrat who now serves as a U.S. senator from California, supports the Achtenberg nomination.

Asked about Mr. Nickles' comments Friday, Mr. Van Es said, "I don't know what he was talking about. He'd have to be a lot more specific."

However, a February 1985 Seattle Times article described Miss Achtenberg as an attorney for bathhouse patrons.

[From the Washington Times, May 24, 1993]

STRIDENT ACTIVISM STEPS ON TOES: VIDEO RAISES QUESTIONS OF HUD NOMINEE'S VALUES

(By Joyce Price)

Family values groups are flooding the Senate with phone calls and copies of a videotape they hope will dissuade senators from confirming avowed lesbian Roberta Achtenberg for a top federal housing position later today.

The Christian Action Network has sent each senator a copy of the videotape that shows Miss Achtenberg as a participant in the 1992 San Francisco Gay Pride Parade.

In the June 28 parade, Miss Achtenberg, a member of the San Francisco Board of Supervisors, embraces and kisses her "partner," San Francisco Municipal Judge Mary Morgan, seated on the back of a white convertible bearing the sign, "Celebrating family values." Judge Morgan's 7-year-old son rides in the car with the women, who claim to be his "parents."

Achtenberg opponents hope the "blasphemy," "bigotry" and "pornography" featured in the parade as captured on the videotape will derail Miss Achtenberg's nomina-

tion as an assistant secretary of the Department of Housing and Urban Development.

"We're not opposed to gays and lesbians holding federal office, but her performance in that parade is evidence she's a lesbian activist, not just a lesbian," said CAN president Martin Mawyer.

Late last week, the Senate switchboard was busy handling phone calls about the Achtenberg nomination, most of them negative.

Pat Robertson urged viewers to call the Senate about the nomination during live broadcasts of "The 700 Club" Tuesday and Wednesday.

Gene Kapp, a spokesman for the Christian Broadcasting Network, stressed, however, that Mr. Robertson was not trying to tip public opinion against Miss Achtenberg. "He very plainly and clearly urged viewers . . . both pro and con . . . to make the call," Mr. Kapp said.

Other family issue groups such as the Traditional Values Coalition have come out against the Achtenberg nomination. North Carolina Sen. Jesse Helms and other Republicans, including Sen. Trent Lott of Mississippi, raised objections as well, triggering sharp debate Wednesday and Thursday on the Senate floor and delaying the confirmation vote.

A bipartisan agreement reached late Thursday cut off further debate and scheduled the vote for 4:30 p.m. today. Bruce Lott, spokesman for Mr. Lott, said Thursday that Achtenberg opponents recognized it would be an "uphill battle" to stop the nomination and that it appeared likely she would be confirmed.

Miss Achtenberg founded the National Center for Lesbian Rights, and her record of advocacy on behalf of homosexuals is what scares some conservative and moderate senators. As assistant HUD secretary for fair housing and equal opportunity, she would run an office with 700 employees that prosecutes mortgage and housing discrimination cases that violate federal law.

Senate critics describe Miss Achtenberg as an "aggressive" and "radical" activist, who would attempt to expand or create new protections for homosexuals and other groups not currently covered under existing fair housing and antidiscrimination laws.

Miss Achtenberg has said she has "no intention" of doing this but would "vigorously enforce existing law."

Sen. Barbara Boxer, the California Democrat who led the floor fight on Miss Achtenberg's behalf, has charged that Republican opposition to her nomination is based on her homosexual lifestyle. "She may have a lifestyle that's different from other people, but in her public life, she's mainstream. . . . I think it's important to deal with qualifications," Mrs. Boxer said.

Pro-family organizations challenge Miss Achtenberg's advocacy for homosexual parenting, including the right to adoption and artificial insemination, as "mainstream."

There also have been serious questions raised about her qualifications for the high-level HUD post, fueled by statements she herself has made.

"I'm not a fair housing expert by a long shot," Miss Achtenberg told The Washington Times earlier this year. "I've done public interest law, and in my capacity as a county supervisor I've dealt with housing issues. . . . But I'm not a fair-housing lawyer."

Sen. Donald Riegle, Michigan Democrat and chairman of the Senate Banking Committee, which endorsed Miss Achtenberg's nomination by a 14-4 vote, said her comments in The Times "referred to her experience as a fair-housing litigator," a highly specialized field.

"She served as a law professor, a law school dean, a civil rights activist, and as a legislator," Mr. Riegle said. "This nominee is exceptionally well-qualified for this job."

In addition to the footage of Miss Achtenberg, the videotape of the San Francisco parade being distributed by CAN includes a man pushing a cart on which a white-haired figure depicting God is in the act of anal intercourse with a figure of Uncle Sam. A sign reads "One nation under God."

Mr. Helms alluded to the videotape on the Senate floor and suggested a "closed" session to show it. Mrs. Boxer countered: "I asked, 'Did the film have anything to do with whether Roberta Achtenberg is qualified for office?' And they said, 'No.'"

"There are senators who don't approve of her private life, and that's the issue here," Mrs. Boxer said. "I think it's important to deal with her qualifications."

Mr. Mawyer of CAN said he talked about Miss Achtenberg and the videotape on a family radio broadcast Friday. "We gave out the Senate switchboard number and urged listeners to call," he said.

Most senators whose offices responded to questions about phone calls regarding the Achtenberg nomination acknowledged calls were predominantly negative.

Between Wednesday and Friday, for example, the Washington office of Sen. Bob Graham, Florida Democrat, received 400 phone calls against the nomination and only nine in favor, according to spokeswoman Mary Byrne. She said she did not know how Mr. Graham will vote.

Laura Parham, spokeswoman for Sen. Thad Cochran, Mississippi Republican, said Friday he had received "over 1,000" calls about Miss Achtenberg since May 13.

"The majority have been adamantly opposed to Roberta Achtenberg—not because she's a lesbian, but because callers feel her decisions may not be the fairest," Ms. Parham said.

She said callers came to that conclusion as a result of Miss Achtenberg's "attack on the Boy Scouts" when the group refused to let homosexuals serve as scout leaders.

THE HOMOSEXUAL LOBBY: THE $5 MILLION CLOUT

Mr. HELMS. Mr. President, in an article headed "The Gay and Lesbian Lobby Is Put to the Test," the February 1-7, 1993, Washington Post reported:

By the last [presidential] election, the gay lobby ran a political machine as well-oiled as any pressure group. More than $5 million was collected for Clinton through direct mail solicitation and fundraising events. The Human Rights Campaign Fund [a homosexual lobbying group] fielded 10,000 gay and lesbian members to canvass for Clinton nationwide.

Mr. President, this article makes clear why the Achtenberg nomination is before the Senate. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

[From the Washington Post National Weekly Edition, Feb. 1-7, 1993]

THE GAY AND LESBIAN LOBBY IS PUT TO THE TEST

(By Michael Weisskopf)

Mastering the rituals of American politics, the gay lobby has gained a measure of influence unthinkable a decade ago. With campaign contributions, volunteers and votes, its members participated fully in the recent election, securing a place for gay issues in President Clinton's platform and a prominent role for its spokesmen at last summer's Democratic National Convention.

Now, as the military ban on homosexuals is debated at the highest levels, the lobby faces its biggest test. Can homosexuals move beyond the symbolic rewards of politics and deliver the kind of core demands sought by any pressure group?

The test of strength, pitting lobbyists for gay groups and supporters of the ban in a war of phone banks and mailgrams, overshadows the larger questions of civil rights and military tradition raised by the ban.

"If we win, it means we're finally part of the governing coalition, that we have a seat at the table, that people just don't make promises to get our money and votes, but they really care to move our agenda forward," says Peri Jude Radecic, of the National Gay and Lesbian Task Force.

According to the Christian Action Network's Martin Mawyer, "We're at a crossroads. If they win, it will feed their strength. Eventually this will tear down the fiber of American society."

The very fact that repeal of the ban on homosexuals in the military is at issue affirms the growing power of the gay lobby. Clinton is the first president who actively courted the gay vote and pledged support to issues such as the repeal. Until recently, the rights of homosexuals were a "no-way issue" in Congress says Democratic Rep. Barney Frank of Massachusetts, one of two openly gay members of Congress.

About the time that Frank entered the House in 1981, homosexuals shifted tactics from street protests to mainstream politics. Barring the tactics of special-interest groups, they began to hit policymakers where it counts the most—in the ballot and campaign war chests.

By the last election, the gay lobby ran a political machine as well-oiled as any pressure group. More than $5 million was collected for Clinton through direct mail solicitation and fundraising events. The Human Rights Campaign Fund fielded 10,000 gay and lesbian members to canvass for Clinton nationwide.

The reach of gay and lesbian groups went beyond the top of the ticket. As a political action committee, the fund contributed $780,000 to candidates in 159 House and 20 Senate races and sent volunteers to 17 states. It is impossible to verify gay turnout in the past election, but activists point to Georgia, where Clinton won gay support and Democratic Sen. Wyche Fowler Jr., running on the same ticket but opposed by homosexuals, was forced into a runoff and eventually lost his seat.

"They vote, they raise money and they organize for you," says Democratic Rep. John Lewis of Georgia. "In major cities, you need their support. They're growing in power."

Although its influence in Congress is still concentrated in districts with heavy gay populations, the lobby has broadened its impact by engaging in coalition politics. Backing the causes of women's, labor and health groups has paid off in a long list of allies in

the fight against the military ban, ranging from the National Council of Jewish Women to People for the Ethical Treatment of Animals.

AIDS also tore down political barriers. Frank says that lawmakers unwilling to "take a political hit for lesser causes recognized the threat of the disease and voted for higher funding for research without political repercussions.

The national segment of our politics has opened up to gays in a way that did not exist until recently," says A. James Reichley, a Georgetown University political scientist. "Liberals used to be more inclined to defend the civil liberties of gays but, partly for pragmatic political reasons, thought it was a bad idea to be identified with them. Now they are increasingly prepared to be champions of the gay community."

Recent legislative victories show evidence of that support. The Americans With Disabilities Act of 1990, for example, included safeguards for AIDS patients, and the Hate Crimes Statistics Act of 1990 extended protections for the first time to people regardless of sexual orientation.

But no issue has cut as deeply as the gay ban in the military, a matter that the lobby says tests the applicability of the Constitution to all citizens.

"What's at stake," explains William Schneider, a political analyst at the American Enterprise Institute, "is mainstream respectability for gays."

Last week, the lobby called on supporters to send 25,000 mailgrams to members of Congress, asking them to oppose legislation seeking to maintain the ban.

But the opposition is mounting an equally strenuous lobbying campaign.

"This is the most important gay rights issue that has ever come up," says Mawyer. "We're going to find out the type of strength they have and the type we have."

TO NORTH CAROLINA'S LIBERAL NEWS MEDIA: THANKS FOR THE MEMORIES

Mr. HELMS. Mr. President, one of the main reasons I have been elected to four successive terms in the U.S. Senate is the unprincipled bias of the major newspapers in my State. Everyone of them has opposed me in all four of my Senate campaigns. They have been so consistently heavy-handed that they are now ridiculed and despised by a vast percentage of the people of North Carolina.

I have enjoyed every syllable of their unyielding rebukes and their shameless lack of fairness and objectivity. I have many of their nasty cartoons framed and hung on my office walls so that I can chuckle when I recall how they went to such trouble to defeat me—always for naught. They have served as self-appointed and unpaid, I suppose, managers of my opponents' campaigns; they have prostituted themselves constantly—and they have had to retreat in every election with their tails between their legs.

The Charlotte Observer is probably the most virulently biased. The paper has two columnists who never saw a conservative they didn't hate. I have in the past welcomed their rather sophomoric criticism of me, and I do now in the matter of the Achtenberg nomination.

I ask unanimous consent that columns by Jerry Shinn and Doug Robarcheck, published in the Charlotte Observer during the weekend, be printed in the RECORD at the conclusion of my remarks.

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

[From the Charlotte Observer, May 23, 1993]

ONCE AGAIN, HELMS PLAYS ANTI-HERO

(By Jerry Shinn)

You could do a lot worse for a role model than Hollywood's 1930's, '40s and '50s version of the American Hero, in movies where there were good guys and bad guys and it was obvious which were which.

Whether portrayed by Tom Mix or Gene Autry, John Wayne or Gary Cooper, Jimmy Stewart or Henry Fonda or whomever, his essential qualities were the same.

He was a champion of justice, a defender of the weak, always coming to the rescue of victims of exploitation and oppression.

The model was reinforced for me by Sunday school lessons about mercy, justice and compassion, about Jesus reaching out to the poor and sick, saying that only those without sin should throw stones, loving "all the children of the world, red and yellow, black and white. . . ."

I don't know whether Jesse Helms heard those same lessons in Sunday school or saw many of those movies as a boy in Monroe or as a young newsman in Raleigh. If he did, he obviously missed the point, because it would be hard to imagine anyone whose career has more systematically contradicted all those characteristics our religious traditions and our national mythology uphold as noble, virtuous or heroic.

KICK 'EM WHEN THEY'RE DOWN

I know he can be a compassionate man in his personal life and a loyal friend to his friends. But as a politician, he has made himself the enemy of the very people the traditional hero befriends and defends. Instead of reaching out to lift them up, he rhetorically and politically kicks them while they're down.

That has been his approach to underpaid working people seeking some negotiating leverage, to black Americans struggling against discrimination, to poor mothers and their hungry children. He seems to regard people whose sexual orientation makes them objects of irrational fear and hatred as less than fully human and less than fully vested with the rights of citizenship.

He carefully polishes his superficial piety while aggressively mocking the core teachings of the religion he claims to follow.

For example, he has expressed a lot more outrage about photographs of bizarre sexual fantasies than he has ever expressed about the reality of hunger and hopelessness among thousands of American children.

And when he was asked if he had been quoted correctly as saying he would vote against a Clinton administration nominee because she was "a damn lesbian," he declined to admit he had said "damn" but didn't hesitate to affirm the rest of it.

NOBODY ELSE'S BUSINESS

Apparently, he was concerned about being caught using a relatively inoffensive expletive but not about the morality or propriety of discriminating against someone because of sexual inclinations that seem abnormal to him and me but, for reasons we don't understand and she doesn't control, come naturally to her.

I don't know whether Roberta Achtenberg, ought to be an assistant secretary in the Department of Housing and Urban Development, or whether she has behaved publicly in some manner that ought to raise serious questions about her judgment. But her private sexual behavior is nobody else's business and shouldn't block her from any job for which she is otherwise qualified.

That hasn't given Sen. Helms any pause, of course. In fact, when he learned the president was going to nominate her, he must have said, "Make my day."

No doubt his direct-mail machine is already cranking out letters begging for money to help ol' Jesse protect America from the dreaded lesbians, which no doubt will bring in millions for the senator's political war chest and future assaults on anyone he considers unacceptably "different."

That's a painful irony Bill Clinton and Roberta Achtenberg will have to live with.

[From The Charlotte Observer, May 21, 1993]

A LESBIAN FEDERAL OFFICIAL? THE REPUBLIC CAN NEVER SURVIVE IT

(By Doug Robarchek)

Oh, my God. Clinton has nominated Roberta Achtenberg for a federal job even though she is a—we can't bring ourselves to say it out loud.

Well, that's it. It's the end of life as we know it. Our heterosexual lifestyle is so weak that if we give homosexuals federal jobs, our kids will all turn gay.

Thank heaven Senator Jesse is on the job, chasing this awful person down. Git the pointy-headed sheets, boys! this is a job for all o'Jesse's friends!

Hey, we joke, but Jesse is serious. Is there something sick about his obsession with what goes on in other people's bedrooms?

MORON, ER, MORE ON JESSE:

We can't get over Jesse. He calls Achtenberg "a mean person, mean-spirited." Woo. Jesse calling you mean is like Hitler calling you anti-Semitic.

He's not only a pot calling a kettle black, he spent 20 years trying to keep black kettles segregated.

He says Achtenberg would use her position to further a lesbian agenda. Gee, that's much worse than using it to further a racist agenda. Jesse, Strom, George Wallace and the rest never did figure out that segregation was wrong—until lots of blacks started voting.

Now Jesse says he's fighting for "America's traditional family values." Hey, let's hope not—we'd like to think America's families are a lot more tolerant than that.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, perhaps I ought to enter this brief comment in

the RECORD, as I will do each day, updated, as to the amount of Federal debt.

Here we go.

Mr. President, as of the close of business on Thursday, May 20, the Federal debt stood at $4,287,296,327,978, meaning that on a per capita basis, every man, woman, and child in America automatically owes $16,691.24 as his or her share of that debt.

Mr. President, this is not debt run up by any President of the United States, even though that is what the liberal politicians like to say. They like to talk about the Reagan debt or the Carter debt or the Bush debt. But they are just covering their own tracks because, as anybody who knows anything about the U.S. Constitution realizes, no President can spend a dime that has not been first authorized and appropriated by the Congress of the United States, and that includes the Senate and the House. And spending bills, of course, must originate in the House of Representatives, as under the Constitution.

But all of the money that has been spent by the Government and all the debt that has been run up is a dead cat lying on the door steps of the Congress of the United States.

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

The PRESIDING OFFICER (Mr. ROBB). 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.

COMMENDING DAVID SEIVERS

Mr. MATHEWS. Mr. President, today I would like to commend Mr. David Seivers, a native of Anderson County, TN, for his appointment to the position of State director of the Farmers Home Administration.

When U.S. Agriculture Secretary Mike Espy announced Mr. Seivers' appointment, I was both proud and pleased to learn that such an experienced public servant would lead the FmHA programs and field offices in Tennessee. He will, no doubt, excel as he assumes responsibility for family farm, rural housing, and community development programs that have such an enormous impact on the lives of so many Tennesseans.

Prior to this appointment, Mr. Seivers served as the chairman of the State Democratic executive committee. Under his leadership, the State party experienced continued growth and ultimately achieved the important success of winning the 1992 election for the Democratic ticket, an accomplishment that helped bring President Clinton and Vice President AL GORE to the White House.

Mr. Seivers is a 1983 graduate of the University of Tennessee in Knoxville with a degree in finance. He has served with the Tennessee Department of Health and Environment, and the Tennessee Department of Finance. During his career, he has also served as a staff assistant to Vice President AL GORE when Mr. GORE was a U.S. Senator.

Mr. President, I have known Mr. Seivers and his family for many years, and I appreciate this opportunity to commend his appointment to the important post of State director for the Tennessee Farmers Home Administration.

TRAVELGATE

Mr. DOLE. Mr. President, last week, the damage-control experts were working overtime at the White House trying to ground the Travelgate scandal before it takes off.

But, with each passing day, new facts are emerging about the Travelgate, affair, fueling the perception of cronyism, and fueling the skepticism of the American people.

Exhibit A: A 25-year-old cousin of the President writes a memo last February to Mr. David Watkins, White House Director of Management, urging that the employees of the White House travel office be replaced. The cousin suggests that she should be put in charge of the travel operation. She subsequently gets the job.

Exhibit B: A major campaign contributor to the President, Worldwide Travel of Little Rock, is a former advertising client of Mr. Watkins. Worldwide is given the job of handling White House travel arrangements on a temporary basis, until public outcry forces the White House to nix this business relationship.

Exhibit C: Mr. Harry Thomason, owner of a plane charter company and good friend of the President, complains to White House officials that he and his pals in the charter business were not getting a big enough piece of the travel office action. He urges that travel office employees be given their walking papers.

Exhibit D: The White House claims that an independent audit of the travel office by the Peat Marwick accounting firm exposed gross mismanagement. It turns out that the Peat Marwick employee who conducted the audit was at the same time serving as an unpaid staff member of the Vice President's Government Review Task Force. To my knowledge, the audit has not been publicly released.

And now, Mr. President, we have exhibit E: News reports suggesting that when the media spotlight started focussing too brightly on this apparent patronage scam, the White House looked to the FBI for political cover.

Although the facts are murky at best, it appears that someone within the White House approached the FBI seeking a statement that would verify White House claims of criminal wrongdoing in the travel office.

And within a few short hours of receiving the White House call, the FBI replied dutifully, issuing a press release, on Justice Department stationery, claiming there was "sufficient information for the FBI to determine that additional criminal investigation is warranted."

Now, Mr. President, I have enormous respect for the FBI, but this latest "guilt by press release" caper would make members of the old Soviet KGB swell with pride.

There was no opportunity for a hearing. No opportunity to review the charges and respond to them. No due process. Just haul the White House travel office suspects before 250 million Americans and smear their good reputations with an attitude of guilty until proven innocent.

If the so-called independent audit had, in fact, uncovered criminal wrongdoing, it should have been referred to the FBI for review and the travel office employees should have been informed of the charges against them and, yes, given an opportunity to respond.

But apparently, when the White House calls these days, the FBI does not ask questions, does not check the facts, does not investigate. It simply jumps, and asks "How high?"

Mr. President, there are more questions than answers raised by this whole tawdry affair. Who originally contacted the FBI? Was it Webster Hubbell, the roving White House ambassador at Justice? Was it the Director of the FBI himself?

Any why did the FBI respond so promptly? To what extent was politics at work? Is it the policy of the FBI to issue press releases announcing guilt, or probable guilt?

Mr. President, we have not gotten to the bottom of this story by a long shot. When the prosecutorial power is abused, as it appears to have been in this case, all Americans, should be concerned. And that is why I am writing to Attorney General Reno and to FBI Director Sessions demanding a full explanation of last week's events.

I believed the Attorney General when she said that politics would take a back seat in her Justice Department. But, with this latest episode in the unfolding Travelgate scandal, all I see is politics, the clumsy politics of a few frightened individuals whose hands were very inconveniently caught in the White House cookie jar.

Mr. President, I ask unanimous consent that a column by William Safire that appeared in yesterday's New York Times be printed in the RECORD.

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

SCALPGATE'S POETIC JUSTICE
(By William Safire)

WASHINGTON.—As the white flag of surrender flutters over the White House, the main concern inside is not with the weakness of Christopher of Foggy Bottom but with the ridicule generated by $200 Presidential haircuts from Cristophe of Beverly Hills.

It's the little things that get to people. Thomas E. Dewey's crack about an "idiot engineer" rubbed Americans the wrong way; Richard Nixon's desire to outfit the White House police in Graustarkian helmets drew hoots, as did Jimmy Carter's fear of "killer rabbits."

And so we see the Clinton pollster, Stan Greenberg, drawn from directing decisions on Balkan and health policy and forced instead to measure voter dismay over "Hair Force One."

Mr. Clinton was so carried away by the need to enhance his appearance that he was oblivious to appearances. People read a certain arrogance into a President's willingness to tie up an international airport for 45 minutes while Cristophe does his pricey rinse-clip-and-set.

Clinton's image of manly informality has been blown away by a hair dryer. After he reads the working stiff's reaction to the return of Hollywood royalism, down-home "Bill" (to avoid being called "Prince William") will fire Cristophe. We can hope he will not seek to cover his embarrassment by ordering an F.B.I. probe of the hairdresser's billing practices.

But reporters stuck on tarmacs waiting for late charter flights will scratch away at Scalpgate: where is the contract for Cristophe's "family services"? Has he been paid yet, and how much? Does Cristophe include his expense of traveling to meet the Clintons, or does he absorb that and reduce his usual fee in return for the publicity? If so, is he making a valuable gift to the Clintons, as dress designers did to Nancy Reagan, which must catch the interest of the Internal Revenue Service?

That reference to press flights brings us to the amalgam of Hollywood cronyism, "distant" nepotism, the old spoils system operating under a new self-righteousness, and an unremarked abuse of the Justice Department—all quickly dubbed "Travelgate."

Harry Thomason, a Hollywood pal of the Clintons who produced the inaugural extravaganza, wanted part of his payoff in the form of a shot at the White House travel business. Bill's Cousin Cathy made a pitch to replace the seven longtime employees with Clintonites who would recognize the magic Thomason name. To provide a cover for this divvying of the election spoils, an accounting firm was hired to nail the old-timers for past sloppiness.

That's politics; there's no job security in the White House. But when the press turned up Crony Thomason's pitch and Cousin Cathy's replacement plan, both written before the accountant was assigned to dig up dirt—the Clinton White House panicked.

That's when the spoils were spoiled. To justify the firing of the staff to make way for Distant-Cousin Cathy and her friends, somebody in the White House made a improper call to somebody at the Justice Department. We should find out who: maybe the *de facto* Attorney General, Webster Hubbell, Hillary's law partner; perhaps F.B.I. Director William Sessions, who seems ready to do anything for the White House to save his job.

Within hours of the White House demand, an extraordinary F.B.I. statement was issued—on Justice Department stationery—that there was "sufficient information for the F.B.I. to determine that additional criminal investigation is warranted."

Don't just kick 'em out—kill 'em. That was an abuse of power. White House pressure to prosecute is now heavy, but the presumption of innocence has not been repealed.

If the accountant's report suggested any crime, it should have been promptly given to the F.B.I.; employees should have been given their rights, informed of the charges and given a chance to respond.

Instead, seven people with families were not only canned, but their reputations were blackened and chances to get another job removed by a politically motivated F.B.I. press release. Why? To provide a law-enforcement publicity cover for an embarrassing display of raw patronage.

Bill Clinton may get away with this riding-roughshod over civil liberty; he may even get away with the vastly greater error of abandoning the suffering Bosnians; but there is some poetic justice in the way he will pay for trying to swagger through his Presidency with $200 haircuts from Cristophe of Beverly Hills.

AWOL ON COMMUNIST CHINA

Mr. HELMS. Mr. President, at the 1992 Democratic National Convention, candidate Clinton accused then-President Bush of coddling dictators "from Baghdad to Beijing." His having made that statement, the American people had a right to assume that Mr. Clinton's administration, when elected, if elected, would address Communist Chinese violations of human rights standards, and violations of American law in their flagrant illicit arms sales.

However, almost 4 months after Mr. Clinton's inauguration, his administration is demonstrably absent without leave when it comes to Communist China's arrogant and cruel behavior.

We've learned this week that slave labor imports from Communist China continue to pour into the United States and, needless to say, there has not been one prosecution.

Mr. President, the media regularly report instances of Communist Chinese arms sales to Middle East dictators. To put it mildly, the U.S. ballistic missile sanctions legislation is not being enforced.

According to Christian Solidarity International, as recently as March Chinese Christians were attacked for their beliefs and no protest from the administration has been heard.

Tibet remains under military occupation and the Communists clearly intend to make the Tibetans a minority in their own country. Again, no protest from the administration.

Human rights organizations continue to report torture, arbitrary arrest and other violations of basic human rights in Communist China and not a word from the administration.

American businessmen continue to complain about unfair trading practices, including currency manipulation, but nary a protest from the administration.

The New York Times publishes lengthy reports about forced abortion and involuntary sterilizations that are so widespread in Communist China that even the United Nations population fund—a program the Clinton administration continues to support—is considering withdrawing from China.

Mr. President, the distinguished majority leader and I don't always agree, but on April 22 we introduced S. 806, legislation designed to place conditions on MFN extension for Communist China. This is, in fact, modest legislation. The bill doesn't even call for free and fair elections, something to which the Chinese people should have a right as a matter of course.

In recent congressional testimony the administration indicated that it is considering extending MFN for Communist China with some sort of conditions. If the State Department acts consistent with its past, those conditions will be significantly less stringent than those of S. 806, and, even then, the Communist Chinese are unlikely to pay any mind to anybody's conditions. If it comes to pass that the administration does in fact propose to extend MFN for Communist China with minimal conditions, it will prompt Congress to pass S. 806 to establish stricter conditions on MFN.

Mr. President, two points. First, legislation similar to S. 806 has passed both the House and Senate by large margins over the past several years. Second, the only discernible difference in United States-China relations over the past year is that there is now a Democrat in the White House. The Communists are still intransigent and our laws are still not being enforced.

In short, Mr. President, the Clinton administration is AWOL on China policy. I do hope it will come home to reality and responsibility.

WEST POINT: CONTINUING A TRADITION OF EXCELLENCE

Mr. PRESSLER. Mr. President, on May 7 and 8, 1993, I attended a meeting of the Board of Visitors at the U.S. Military Academy at West Point. I would like to take this opportunity to recognize several of the outstanding individuals who attended this meeting. These remarkable people are leaders in every sense of the word. Lt. Gen. Howard D. Graves, the Superintendent of West Point, is supervising a well-engineered institution. The tradition of excellence we have come to expect from West Point is flourishing under the stewardship of General Graves.

Brig. Gen. Gerald E. Galloway, Jr., the dean of the academic board, is maintaining a quality curriculum which is flexible enough to keep up with changing demands.

Brigadier General Foley, the commandant of cadets, can be very proud of the current corps of cadets. Cadets

Scott Rhind, Howard Hoege, John Lane, Darryl Rodgers, Steven Henderson, Kristina Connors, Kevin Rhoads, Robert Kovach, Todd Morgenfeld, and Dawn Conniff are some of the emerging leaders of the class of 1994. They displayed a genuine grasp of and interest in the issues facing their futures and the future of the Academy, and were willing to discuss these issues candidly with the Board of Visitors. These young individuals represent a future of enormous promise.

The Academy is home to a high caliber of cadets, largely because of the high quality of faculty the Board of Visitors met with 10 junior faculty members, including Maj. Stanley R. March, Maj. Richard B. Jenkins, Capt. Margaret W. Tubesing, Maj. Katherine Goodland, Maj. John P. Baker II, Maj. William E. Bassett, Maj. James A. Stone, Maj. Michael E. Donovan, Capt. Ricky L. Waddell, and Maj. Joseph A. Waldron. They came from various backgrounds and fields of study. Complementing this diversity are common goals of excellence, ethics, and commitment to their assignments.

The Board of Visitors also met with Colonel Peters, the chief of staff of West Point, and the director of admission, Colonel Rushton. Both of these individuals should be proud of the quality of individuals they helped bring to West Point.

Col. Richard Kanda, the director of engineering and housing, gave a very interesting tour of the Academy, including planned changes, renovations, and additions. The Board was left with an excellent understanding of the status of West Point's infrastructure. The much needed repairs are scheduled for completion by the bicentennial celebration scheduled for 2002.

Last, but certainly not least, the support personnel who arranged the entire meeting deserve to be commended for making our visit such a worthwhile event. Lt. Col. Steve Furr, the executive secretary of the Board of Visitors, Lt. Col. Frank Prindle, Army legislative liaison, and countless others coordinated an extremely successful meeting.

The U.S. Military Academy at West Point is preparing to enter its third century. The administration, cadets, faculty, and support personnel are at the heart of its preparation. They are responsible for maintaining an institution known throughout the world as the training ground for the best and brightest minds in the world. Today's leaders of West Point are upholding past traditions and paving an exciting future with honor and distinction.

TRIBUTE TO DR. OTIS L. FLOYD, A DISTINGUISHED TENNESSEAN

Mr. SASSER. Mr. President, I rise today to honor the late Dr. Otis L. Floyd, Jr., of my home State of Tennessee.

Dr. Floyd was a longtime personal friend of my family and we mourn his passing.

Born in rural McNairy County in 1928, Otis Floyd was raised to believe in the value of hard work, the opportunities opened by education and the strength provided by family in overcoming hardship and obstacle.

To go to school, Dr. Floyd had to travel 50 miles to Lexington, the closest black facility. Dr. Floyd persevered, and when he obtained his degree from Lane College in Jackson in 1950, he began a career in education that lasted until his untimely demise.

From teacher, to principal, to administrator, to college president, to chancellor of the Tennessee State Board of Regents, Otis Floyd never wavered in his belief that the fruit of knowledge was opportunity.

And the State of Tennessee recognized his ability and his dedication when Otis Floyd, who as a boy could not attend the local whites-only elementary school, became the first black person to lead the State university system into the 21st century.

Mr. President, the entire State of Tennessee will miss Dr. Otis Floyd. But his life, his achievements, his dedication, and the principles that guided his life serve as a model to all of us.

I will miss his counsel and the friendship that our families enjoyed over so many years. My deepest sympathies go to his wife, Mildred, his sons, Otis, Jr., and Reggie, and his daughters, Pauline and Sylvia.

In 1965, at the signing of the Higher Education Act, President Lyndon Johnson said the following:

> Education is the path to achievement and fulfillment; for the nation, it is the path to a society that is not only free but civilized; and for the world, it is the path to peace—for it is education that places reason over force.

Mr. President, an educator must see the world for what it is and what it can be. It has always been the calling of Otis Floyd and others like him to provide the tools to bridge the past to the future. There can be no higher calling. There can be no greater accomplishment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

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

The assistant legislative clerk read as follows:

> A bill (S. 3) entitled the "Congressional Spending Limit and Election Reform Act of 1993."

AMENDMENT NO. 366

Mr. MITCHELL. On behalf of myself, Senators FORD and BOREN, I send to the desk a substitute amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Maine [Mr. MITCHELL], for himself, Mr. FORD and Mr. BOREN, proposes an amendment numbered 366.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FORD. Mr. President, my colleague from Kentucky made some interesting points on the floor last Friday in support of his claim that there is no money chase. He said that most candidates raise most of their money in the last 2 years of their terms, and then he went on to quote statistics from my own campaign last year, and concluded that there is no money chase.

Well, Mr. President, over the weekend I had the opportunity to review some statistics from my colleague's last campaign, and I must say that I draw very different conclusions. Although my colleague from Kentucky, Senator MCCONNELL, also raised most of his money in the last 2 years, after looking at these numbers, I have to ask "how much is enough"? If this is not a money chase, what is?

I think these numbers show what many incumbents are doing around this place. For instance, Mr. President, during the first 2 years of his 6-year cycle, in 1985 and 1986, my colleague from Kentucky raised $869,801, or more than $8,000 per week. So even when the next election was 5 and 6 years away, Mr. President, we have some colleagues raising over $8,000 per week. If this is not a money chase, I ask, "How much is enough"?

And by the last 2 years of his cycle, Mr. President, my colleague from Kentucky was raising $4,073,583, or over $42,000 per week. That is over $6,000 per day, every single day for 2 straight years. This allowed my colleague to amass and spend $5.4 million for his reelection, more than twice the level of spending limits in this bill.

When you add the resources this bill would have provided to a challenger like the one my colleague faced in 1990, and also consider the hundreds of thousands of dollars in public financing of mass meetings which would be lost under this bill, I begin to see why some are so strongly opposed. I begin to see why any incumbent would conclude that the current system favors his or her best interests. But, Mr. President, this bill is about the public interest, not our interests or special interests.

I would like to provide a little more detail to my colleagues about the spe-

cific provisions of this bill and how we reached this point.

This legislation, S.3, was introduced by the leadership on January 21. On March 3, the Committee on Rules and Administration held a hearing on campaign finance reform and heard from a number of Senators who are sponsors of other campaign finance bills. On March 18, the committee reported S.3, without amendment.

The bill which is before us today is the conference report on campaign finance reform which passed both Houses of the 102d Congress, only to be vetoed by then-President Bush. At the time of introduction, we believed that this was the appropriate starting point to begin the debate in this Congress. And in the Rules Committee, we reported the bill without amendment, because we knew that the real debate would occur here, on the Senate floor.

One of the other reasons that this legislation was reported without amendment was because at the time the Rules Committee was considering this bill, President Clinton had not yet introduced his campaign finance proposal.

As we are all well aware, President Clinton has made campaign finance reform a priority for his administration. And campaign finance reform has been a priority of the Congress for the last several years. But now, more than ever, President Clinton has challenged the Congress to enact meaningful campaign finance reform. In his words, in order to reform America, we must reform our politics.

You do not need an opinion poll or a visit with your constituents to know that campaign finance reform is long overdue. You only need to look at the statistics and the facts about the costs for running for office.

The aggregate costs of House and Senate campaigns have risen nearly six times since 1976, from $111.5 million to $678 million in 1992.

In the 1992 elections, winning Senate candidates spent a total of $124.3 million, a $9 million increase over 1990. Winning Senate candidates spent, on average, $3.8 million; an increase from the $3.3 million spent in 1990. The average spent by a winning incumbent Senator was over $4 million.

Those are substantial sums of money. As a result, candidates have increasingly relied on contributions from PAC's to provide the resources necessary to wage a successful run for the Senate. The amount contributed from PAC's to House and Senate candidates during the period from 1974 to 1990 increase from $12.5 million to over $180 million—a fourteenfold increase.

These statistics point to one conclusion. The money chase continues.

I know that opponents claim that there is only the perception of a money chase, but that is not the reality. I say that this is one case where the perception is the reality.

As I said, the average cost of a winning Senate candidate in the 1992 elections was $3.8 million. That amounts to raising an average of $13,000 a week for the 6 years that you are a Member. But opponents say that the reality is that most Members raise approximately 80 percent of their funds in the 2 years before the election. If that is true, Mr. President, then that amounts to raising almost $35,000 a week in the last 2 years of your term, and my colleague raised $42,000 a week in the last 2 years of his term.

No money chase, Mr. President? I am sorry, but that dog just will not hunt.

These are sobering statistics, and you can see why the American people have grown increasingly cynical about this institution. As a Member with over 18 years experience, I am deeply concerned about the American people's attitude. And I want to do something about it.

S. 3 is a reasonable attempt to put an end to the money chase. By creating a system of voluntary spending limits, and providing participating candidates incentives to participate, such as reduced broadcast rates, we hope to put an end to the fast-paced money chase. S. 3 also attempts to restrict the influence of special interests by placing an aggregate cap on the amount of PAC money that candidates may receive, and it will put an end to soft money influence in Federal elections.

Since the Rules Committee reported S. 3, President Clinton has presented his proposal for campaign finance reform. And this past Wednesday, the Rules Committee has a hearing on the President's proposal. His proposal seeks to build on the campaign finance bill of last Congress, and goes further. It is a bold and comprehensive package. In due time, we will present the President's proposal in a leadership substitute amendment. And I want to take this time to explain some of the concepts that will be included in that amendment.

First, the President intends to follow the voluntary spending limit proposal of S. 3. Like S. 3, the amendment bases the spending limit on a State's voting age population. The limits range from $1.2 million to $5.5 million for general election campaigns and 67 percent of that limit for primaries.

As part of this system, participating candidates would be eligible to receive reduced-rate broadcast time, discounted mailing rates, and communication vouchers to buy broadcast time, newspaper advertisements and postage. Under the leadership substitute, the vouchers' use has been expanded from that in S. 3. Under S. 3, these vouchers could only be used for the purchase of broadcast time.

As we have read in news accounts in the last few days, the leadership substitute will ban all political action committees. As reported, S. 3 places an aggregate cap on the amount a Senate candidate could receive from PAC's at 20 percent of the election cycle limit, but no more than $825,000.

In the event that the ban on PAC's is found to be unconstitutional, the fallback provision would be similar to the provisions of S. 3.

Another difference between the President's proposal and S. 3 as reported relates to bundling. Critics have noted that as reported, S. 3 would still permit nonconnected PAC's to continue the practice of bundling. Under the President's proposal, lobbyists, all PAC's, partnerships, and individuals acting on behalf of corporations or unions would be specifically prohibited from bundling. Only an authorized representative of a candidate's committee, a professional fundraiser, or a volunteer hosting a house party, would be permitted to collect contributions and forward them to a candidate.

The President's proposal would also strengthen the enforcement provisions of current law. The proposal increase penalties for violations, improve reporting requirements, provide authority for the FEC to conduct random audits, provide the FEC with injunctive authority, and expedited procedures to dispose of enforcement cases. The FEC general counsel would be permitted to begin an investigation with the affirmative vote of three Commissioners; and, complainants would be able to take their case to Federal court to enforce the law when the Commission deadlock on a general counsel's recommendation to find probable cause that a violation has occurred.

These are some of the changes that the President's proposal would have on the current bill. But there are two significant changes that also deserve our attention. The first relates to soft money.

Under S. 3, the raising and spending of soft money is prohibited during a Federal election period. The Federal election period would begin on April 1 in a Presidential election year, or June 1 in a non-Presidential election year.

The President's proposal goes further by completing banning the raising and spending of soft money in the calendar year of a Federal election. It provides that only contributions which are permitted and disclosed under Federal law, so-called hard money, may be used for such activities as get-out-the-vote drives, voter registration, maintenance of voter files, and general public campaign advertising that is either generic or for the benefit of any Federal candidate.

In order for the States to conduct these activities, the President's proposal permits State party committees to establish grassroots funds, which will be financed by hard money. These grassroots funds will be used to finance the volunteer-type of activities for State and local candidates. These

grassroots funds will have the same individual and PAC contribution limits as the national party committees. The individual contribution limit for an election cycle would be raised to $60,000, from the current level of $25,000.

As a result, State party activities which help Federal candidates will be funded by the contributions which are subject to the same contribution limits and prohibitions as the national party committees. The President's proposal goes further to ensure that no soft money will be used to influence the elections of Federal candidates.

Another significant change is the president's proposal to ban lobbyists from making contributions to, or soliciting contributions for, any Member of Congress or Presidential candidate whom they have lobbied in the preceding 12 months. Lobbyists would also be prohibited from lobbying any Member of Congress whom they have made a contribution to or solicited a contribution for, within the preceding 12 months.

Mr. President, President Clinton's proposal is the most far reaching and comprehensive campaign finance proposal to be considered by the Congress. And this President is sincere in his efforts to enact this legislation. He has repeated often, that if the Congress passes this legislation, he will sign it.

That is the fundamental question, Mr. President. Will the Congress pass comprehensive campaign finance reform? Opponents of this legislation are already planning their filibuster, not as guardians of gridlock, Mr. President, but as guardians of the status quo.

And why not? The system that they seek to protect is the system that get them here and keeps them here.

Mr. President, I think that the American people deserve a better system. With the inclusion of the President's proposal in S. 3, we can create a system of campaign finance that ends the money chase, and that affords all candidates an opportunity to engage in meaningful debate on the issues. And it will afford those of us who are chosen to serve here more time to devote to issues like health care and deficit reduction.

Mr. President, true and meaningful campaign finance reform must not only curb the excessive influence of special interests and control the money chase. it must also create a system that is fair to all—incumbents and challengers, Democrats and Republicans.

I believe that this bill, with the President's proposal, will do just that. And hopefully it will restore the confidence of the American people in this institution.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

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

Mr. MCCONNELL. Mr. President, much has been said both Friday and today and I suppose will be said later in the week, as well, about the money chase. We hear this time and time and time again, even though we know, having looked at the statistics, that for Senators, 80 percent of the money they raise comes in in the last 2 years of a 6-year term. Senators who raise a lot of money are typically those who think they are going to have a tough race and they are getting ready for it because they think they are going to have an aggressive opponent.

We keep hearing these unsubstantiated comments about the money chase. I wonder who these Senators are. Maybe they could come to the floor and explain to us how they have been chasing money day in and day out over a 6-year term. We need some edification, some enlightenment as to whether or not Senators are, indeed, raising money everyday of a 6-year term. I have not heard a Senator come over here yet, having worked on this debate now for 4 or 5 years, stand up, address the Chair and say:

Stop me, stop me, I'm not raising money everyday; I'm out of control. I cannot attend to my constituents' business. I can't show up for votes on the floor. I'm inattentive in committee hearings. Stop me before I raise money again.

Mr. President, the truth of the matter is nobody makes Senators raise money. Almost all of them do virtually nothing until the last 2 years. Senate attendance, I am told, is at an all-time high, indicating Senators are not missing votes to raise money. I do not know any Senators in this Chamber who would be so cavalier as to miss important Senate business to engage in that kind of campaign activity. In fact, this is not happening. In spite of all the suggestions about the money chase, the statistics indicate and the total absence of any Senators coming to the floor at any time during this debate and over the years standing up and saying, "Stop me, I'm ignoring Senate business; I'm out raising money," is not happening. It is not happening.

So I wish we could restrain ourselves from making these kinds of unsubstantiated claims about activites that are not occurring in the U.S. Senate.

My good friend from Kentucky made reference to my race, and I will say, quite frankly, that I represent a very tough Democratic State. The demographics, the voting behavior, virtually everything about my State, including the editorial views of the two major newspapers, are overwhelmingly on the left. About the only way this Senator or any Republican, for that matter, could compete in Kentucky would be as a result of being able to communicate directly with the voters through the use of radio and television. So I plead guilty to having a well-financed campaign in 1990. I had an adequately financed campaign in 1984, and if that were not the case, Kentucky's one-party record would be intact. In fact, in Kentucky, we have had two winning statewide Republican races featuring Kentucky candidates in the last quarter of a century: my first one and my second one.

With the spending limits suggested for a State the size of Kentucky, I guarantee, no Republican would ever win a race ever again in the history of the State because everything else about the playing field is tilted in the direction of whomever has the good fortune to have a "D" by his name running in Kentucky.

So I make no apologies about being adequately funded in my races. I certainly need to in order to counter all the other institutional, demographics, voting behavior, and any other advantage flowing to any Democrat in our State.

Mr. President, there have been a number of developments since Friday's debate that I would just like to call to the attention of my colleagues. We all received a letter dated May 21, 1993, from the American Civil Liberties Union coming out in total opposition to this bill.

"The American Civil Liberties Union strongly urges you," the letter states, "to oppose the administration's campaign finance reform package now scheduled to reach the Senate for debate beginning today." This is a letter dated Friday.

The legislation contains multiple constitutional flaws that violate numerous rights guaranteed by the first amendment.

Contrary to its supporters' claims, it does not establish voluntary spending limits. The bill instead imposes a series of penalties and burdens on those candidates who do not voluntarily limit expenditures, even though the Supreme Court has said in Buckley v. Valeo that candidates must be allowed to choose freely between public funding with limits and private spending without limits.

The ACLU goes on:

The legislation violates this principle by requiring the following from candidates who do not choose to abide by the limits:

A pejorative disclaimer about not agreeing to voluntary spending limits in the candidates' broadcast advertisement;

Burdensome and expensive recordkeeping and reporting requirements not imposed on other candidates;

More spending in order to reach the same numbers of people because his or her opponent is afforded lower broadcast and postal rates and because public funds will be used to assure that their opponents will actually outspend them in some instances.

The ACLU goes on, Mr. President:

Similarly, the bill imposes unconstitutional unjustifiable burdens on independent expenditures.

Moreover, the bill discriminates against nonmajor party candidates by allocating only half the communications vouchers that major party candidates get. In the Presidential arena, the Supreme Court upheld different allocations between major and minor parties on the basis of past electoral

strength. S. 3 violates the Supreme Court's guidelines and gives lesser vouchers even if the minor party candidate outpolled one of the major party candidates in the previous election.

Other flaws permeate the bill.

And the ACLU goes on.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, May 21, 1993.

DEAR SENATOR: The American Civil Liberties Union strongly urges you to oppose the Administration's campaign finance reform package now scheduled to reach the Senate floor for debate beginning today. The legislation contains multiple constitutional flaws that violate numerous rights guaranteed by the First Amendment.

Contrary to its supporters' claims, it does not establish voluntary spending limits. The bill instead imposes a series of penalties and burdens on those candidates who do not voluntarily limit expenditures, even though the Supreme Court has said in Buckley v. Valeo that candidates must be allowed to choose freely between public funding with limits and private spending without limits. The legislation violates this principle by requiring the following from candidates who do not choose to abide by the limits:

A pejorative disclaimer about not agreeing to voluntary spending limits in the candidates' broadcast advertisements;

Burdensome and expensive recordkeeping and reporting requirements not imposed on other candidates; and

More spending in order to reach the same numbers of people because his or her opponent is afforded lower broadcast and postal rates and because public funds will be used to assure that their opponents will actually outspend them in some instances.

Similarly, the bill imposes unconstitutional and unjustifiable burdens on independent expenditures.

Moreover, the bill discriminates against non-major party candidates by allocating only half the communications vouchers that major party candidates get. In the presidential arena, the Supreme Court upheld different allocations between major and minor parties on the basis of the past electoral strength. S. 3 violate's the Supreme Court's guidelines and gives lesser vouchers even if the minor party candidate has outpolled one of the major party candidates in the previous election.

Other flaws permeate the bill. Both the ban on political action committee (PAC) contributions to Senate candidates (but not to House candidates) and the bill's anti-bundling provisions impinge upon another basic First Amendment right, freedom of association. The bill also unconstitutionally restricts the political participation rights of lobbyists (even though it does not affect their principals) simply because they exercise their right to petition Congress on matters of public concern. Finally, the bill's mandatory debate provisions violate the rights of presidential and vice-presidential candidates to choose not to speak, which the First Amendment also guarantees, and to control the conduct of their campaigns.

These are very substantial and important constitutional problems that require more thorough review than has been afforded thus far. During the 103rd Congress, the Senate Rules Committee first heard limited testimony about the bill's shortcomings only on Wednesday, May 19, 1993. If a meaningful campaign reform measure is to be enacted, it must be consistent with constitutional requirements. Changes in this complex area deserve full and open debate and adequate time for Senate deliberation. S. 3 fails that test and should be rejected.

Sincerely,

ROBERT S. PECK,
Legislative Counsel.

Mr. MCCONNELL. Mr. President, further, there was an interesting article in the L.A. Times Sunday—just yesterday—written by Barry Casper, a visiting scholar in the political science department at the University of California, San Diego, on leave from Carleton College. Mr. Casper has worked on campaign finance legislation since 1991.

In his article, he points out that:

* * * with great fanfare, President Clinton and Democratic congressional leaders unveiled their long-awaited campaign finance reform proposal earlier this month, the President described it as a historic occasion: "This plan will change the way Washington works, the way campaigns are financed, the way politics is played."

Behind this rhetoric, however, is the reality of a political compromise, the product of protracted, intense negotiations between the White House and Democratic congressional leadership that delayed its introduction for months.

Mr. Casper points out:

By all accounts, it was the House leaders who held things up as they insisted on terms to their liking.

What most Americans outside Washington do not know is just how perverse a product emerged from this process.

Mr. Casper says:

It is shocking how precisely the House leaders shaped the bill to fit present incumbent fund-raising practices and to perpetuate incumbent financial advantages.

Later in the letter, Mr. Casper points out:

To call this spending limit real reform is like saying that a bartender who announces a 10-drink limit is effectively curbing drunkenness.

Well, Mr. President, it is a fascinating article in that it points out that the bill was essentially carefully crafted, particularly with regard to the House of Representatives, to establish parameters that are the current practice anyway. And Mr. Casper argues that there is no real limitations on spending for House Members because they set it high enough to encompass most races, no real alteration at all of the influence of PAC's because it is structured in such a way to basically encompass current campaign averages in PAC contributions. It is a fascinating article, Mr. President, which I call to my colleagues' attention and ask unanimous consent that it be printed in the RECORD.

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

[From the Los Angeles Times, May 23, 1993]

PERSPECTIVE ON CAMPAIGN REFORM; RULES CHANGE BUT GAME'S THE SAME; BEHIND THE BACK-ROOM SMOKE AND DOUBLE TALK, THE DEMOCRATS WILL BE DOING BUSINESS AS USUAL WITH PACS.

(By Barry M. Casper)

When, with great fanfare, President Clinton and Democratic congressional leaders unveiled their long-awaited campaign finance reform proposal earlier this month, the President described it as a historic occasion: "This plan will change the way Washington works, the way campaigns are financed, the way politics is played."

Standing beside the President, Senate Majority Leader George Mitchell underscored its importance: "The American people no longer have confidence in the political process. They believe powerful special interests and wealthy individuals control the political system and prevent government from serving the people. We must and we can change that." House Speaker Tom Foley expressed confidence their bill would do just that: "This is a bright day in American politics."

Behind this rhetoric, however, is the reality of a political compromise, the product of protracted, intense negotiations between the White House and the Democratic congressional leadership that delayed its introduction for months. By all accounts, it was the House leaders who held things up as they insisted on terms to their liking.

What most Americans outside of Washington do not know is just how perverse a product emerged from this process. It is shocking how precisely the House leaders shaped the bill to fit present incumbent fund-raising practices and to perpetuate incumbent financial advantages.

This becomes clear if we compare the financial limits proposed with current congressional practice.

Campaign spending limits: The limit for House candidates would be $600,000, with up to $60,000 in fund-raising expenses exempted.

In a study of 1990 election spending, Times reporters Sara Fritz and Dwight Morris found that on average House incumbents spent $390,000. Those in close races averaged $557,000. To raise the funds, incumbents invested an average of $69,000. So, the cap remarkably fits incumbent practice.

To call this spending limit real reform is like saying that a bartender who announces a 10-drink limit is effectively curbing drunkenness.

PAC contribution caps: The maximum amount a PAC could contribute to a House candidate would be $5,000 per election, and each candidate could solicit no more than a total of $200,000 from PACs. The President called the $200,000 limit "a dramatic change in the present system."

Although Clinton pledged in his campaign to reduce the maximum PAC contribution to $1,000 per election, his negotiations with House leaders stalled until he agreed to keep the current figure, $5,000. As for the "dramatic change," the $200,000 limit turns out to be a bit less than dramatic if you realize that in 1990, House incumbents averaged about that amount in PAC contributions, $209,000. Once again, the proposal was shaped to conform to current incumbent practice.

Matching public funds: The first $200 of any individual's or PAC's donation to a qualifying House candidate would be matched in communications vouchers for broadcast, print and mail expenses, up to a maximum of $200,000.

The problem here is that incumbents will have no trouble taking advantage of the full

$200,000 bonanza, whereas challengers will rarely be able to do so. In 1990, major party challengers who made it to the general election raised an average of only $111,000. So, challengers would tend to fall far short of the full matching amount. It will be incumbents who benefit the most.

In one way, the Senate provisions are better, with spending limits below present practice in many states. But there is also a major deception in the anticipated Senate bill. In the proposal negotiated with the White House, PACs could give a Senate candidate up to $2,500 per election. But when Senate Republicans threatened an amendment banning PAC contributions, which many Democrats would be afraid to vote against, the Democrats decided to preempt and include a PAC contribution ban in their bill. Their little secret, well known in Washington, but not to the American people, is that they intend to restore the $2,500 in PAC contributions to Senate candidates as a "compromise" at the very end in the House-Senate conference.

However, in its present form, the proposal would not much change either the way Washington works or the way American politics is played. The big-money links between incumbents and special-interest lobbying coalitions would remain. And nothing approaching a level financial playing field for incumbents and challengers would result.

From their rhetoric, it is clear that Democratic leaders understand what is troubling the electorate about money and politics. But, as the President noted in a moment of candor, "Campaign finance reform is a tough issue . . . It requires those of us who set the rules to change the rules that got us all here. That's not easy to do." They need a reminder from all of us that we sent them there to give us real change, not just more rhetoric.

Mr. McCONNELL. Further, Mr. President, there was an interesting oped piece in the Washington Post yesterday by George Will, talking about the Clinton administration in general and its effort to alter the landscape in the direction of Government per se. The article mentions the motor-voter law, the possibility of Hatch Act reform, and, yes, campaign finance, the measure that is before us at the moment.

Mr. President, George Will points out in pertinent part in the article:

Big Government itself has become the nation's biggest special interest; public employees unions provide nearly all the growth of organized labor; government workers are one of the Democrat party's two mainstay constituencies.

And he points out the interesting possibility if Hatch Act reform were to pass that the person who audits your tax return will be able after work to solicit a political contribution from you.

Clinton's campaign "reform" plan would enhance the already substantial activities of incumbents, most of whom are Democrats.

Will points out:

It would use coercive "incentives" to compel candidates to accept public financing coupled with "voluntary" limits on campaign spending.

Will points out:

Spending limits generally hurt challengers because only by spending on media exposure can they compensate for such incumbents' advantages as name recognition, access to media, franked mail and the political use of the Government's $1.5 trillion-a-year budget.

Will goes on to point out:

It does not limit, or even require reporting of, soft money given, for example, to labor unions, faithful servants of the Democratic Party.

Further, in pertinent part, Mr. Will points out:

This year in the House, more than ever before, members of the minority party, and Democrats dissenting from liberal orthodoxy, are being prevented from offering amendments to major bills.

And he talks about how in the House of Representatives the arrogance of the majority, with more and more closed rules, is preventing the minority from having an opportunity to even offer amendments.

The point of Mr. Will's very excellent op-ed piece is essentially the party of Government is in control of the Government seeking to further alter its grip in a way to make it permanent through the passage of motor-voter, Hatch Act, and now, of course, most important at the moment, campaign finance reform.

Mr. President, I ask unanimous consent that the George Will column be printed in the RECORD.

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

[From the Washington Post, May 23, 1993]

THE CORE OF CLINTONISM

(By George F. Will)

An administration, defining itself by thousands of actions, is like a pointillist painting: One must stand back to see the pattern. The Clinton administration's emerging self-portrait is not a pretty picture, but it is becoming a clear one. It is a picture of an aggressive and comprehensive power grab.

Under the "motor voter" law, states are required to allow people to register to vote while applying for a driver's license or at welfare agencies. People who will get registered only at such places are apt to be disposed to vote for a giving government—for Democrats. An election official in California, where one-ninth of the nation's electorate lives and which has one-fifth of the electoral votes needed to win the White House, expects "motor voter" to increase the state's registration by 15 percent—3 million people.

Big government itself has become the nation's biggest special interest; public employees unions provide nearly all the growth of organized labor; government workers are one of the Democratic Party's two (the other being African Americans) mainstay constituencies. So Congress is liberalizing the Hatch Act, which since 1939 has restricted political activities by federal employees.

Congress passed that act to end the Roosevelt administration's coercion of federal workers into partisan activities. Making political activity permissible may make it semi-obligatory. And the person who audits your tax return will be able, after work, to solicit a political contribution from you.

Clinton has rescinded the executive order that required federal contractors to post notices telling nonunion workers that they are not obligated to join unions and that they have a right to stop unions from using money collected in lieu of dues for political activities the workers oppose. Clinton also rescinded the order forbidding federal agencies and contractor hired by the federal government from requiring workers on construction projects to be unionized.

Clinton's campaign "reform" plan would enhance the already substantial activities of incumbents, most of whom are Democrats. It would use coercive "incentives" to compel candidates to accept public financing coupled with "voluntary" limits on campaign spending. Spending limits generally hurt challengers because only by spending on media exposure can they compensate for such incumbents' advantages as name recognition, access to media, franked mail and the political use of the government's $1.5 trillion-a-year budget.

"Soft-money" is the term for donations currently given to parties and other groups to get around limits on giving to candidates. Clinton's plan only limits soft money given to parties, a traditional Republican advantage. It does not limit, or even require reporting of, soft money given, for example, to labor unions, faithful servants of the Democratic Party.

Last November Republicans gained five seats in the House. House Democrats promptly gave the five delegates (all Democrats) from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and the District of Columbia, the right to vote on the floor when the House is functioning as a "committee of the whole," the mode it is in when most significant decisions are taken.

This year in the House, more than ever before, members of the minority party, and Democrats dissenting from liberal orthodoxy, are being prevented from offering amendments to major bills. They are prevented by the Democratic-controlled Rules Committee, which adopts "restrictive" or even "closed" rules rather than "open" rules for particular bills heading for the floor.

The percentage of "open" rules has been declining as Democratic arrogance has been rising, down from 85 percent in 1977–78 to 54 percent in 1987–88 to 34 percent in 1991–92. Under this year's gagging procedures (until open rules were adopted this week on two trivial bills), 11 of the 12 rules have been "closed."

By making lobbyists Ron Brown and Mickey Kantor commerce secretary and trade representative respectively, Clinton put policy in the hands of two people with—to put it politely—no principled objection to government parceling out presents to special interests. Protectionism and "industrial policy" can transform entire sectors of the economy, and even particular firms, into wards of the state. The automobile, airline and aerospace industries already are pleading for the status of dependents, and others will follow them.

The administration's perversion of the idea of enterprise zones is a form of industrial policy. Enterprise zones were proposed in the 1970s as an alternative to such Washington-driven debacles as "model cities" and "urban renewal." Such zones were to invigorate inner-city areas where tax breaks for job-creating investments would unleash entrepreneurial energies. But under Clinton's plan, Washington would micromanage local zones, requiring local officials to satisfy a federal "Enterprise Board" about a "coordinated economic, human, community and physical development plan." This would enable Washington to dictate even more political favors.

Reagan assembled his majority from people who believed government was, on bal-

ance, becoming an impediment. Clinton is in a four-year dash to cobble together a majority composed of groups eager to be, or reconciled to being, wards of government. This is the core of Clintonism. It is an ideology demanding a vast expansion of government power so that those doing the expanding may never have to relinquish that power.

Mr. MCCONNELL. Finally, today's Roll Call, Mr. President, comes out against the bill currently before us. It calls it:

A public financing method that thwarts free speech, incumbent-protection devices to offset independent expenditures and rich challengers and a general philosophy that less campaigning is a good thing.

Roll Call lays out what it thinks ought to be passed in terms of campaign finance reform. Some of their recommendations I agree with, some of them I do not, but clearly they are right on the mark, Mr. President, when they indicate the bill before us certainly should not become law.

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

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

[From Roll Call, May 24, 1993]

EDITORIAL: THE RIGHT STUFF

We've already said what's wrong with President Clinton's campaign finance bill—severe limits on PACs, a move that opens the door to heavier influence from individual fat cats; a public-financing method that thwarts free speech; incumbent-protection devices to offset independent expenditures and rich challengers; and a general philosophy that less campaigning is a good thing.

But enough criticism. What sort of campaign finance reform would actually improve the system? Here's our prescription:

1. Require TV and radio stations to give general election candidates free air time. This one simple step will make an enormous difference in the ability of challengers to compete with incumbents, who begin with a big head start. With $200,000 to $300,000 of free air time, a House candidate can get his or her message out—without taxpayer money.

2. Give the FEC more enforcement power and require individual donors to disclose their affiliations completely, the way PACs do now. The Clinton bill, admirably, does these things, but we worry that the FEC won't have the money to hire the staff to do what's needed—including random audits. So: fully fund the Federal Election Commission.

3. Also in the name of full disclosure, forbid any campaign contributions within two weeks of an election. That will give the FEC time to process and issue final reports at least a week before the vote is held. Voters need to know how candidates are funded, so they can punish the ones they believe are in the thrall of special interests.

4. Leave all contribution limits just where they are, understanding that, in the 20 years since these ceilings ($5,000 per candidate per race for PACs and $1,000 for individuals) were set, they have been whittled down by two-thirds, thanks to inflation. The current limits are low enough that candidates aren't likely to become beholden to a single PAC or person—or even to groups.

5. End bundling—the practice of a group collecting checks from individuals and then presenting them to a candidate to receive, in effect, "group credit." Bundling is just a sneaky way to get around PAC limits.

That's it. The beauty of this plan is that it is eminently passable. Democrats will have to give up on their push for spending limits and public financing, while Republicans will have to jettison their demands for abolishing PACs. Our proposed system improves the current system in two ways: Through free broadcast time, it makes races more competitive, and through broader disclosure, it gives voters the information they need to enact punishment—through their votes—on candidates who exceed the bounds of propriety.

Does this plan end the money chase? No. The Supreme Court has said that donating to candidates is tantamount to an exercise of free speech, and we agree. The only way to limit spending is through convoluted "voluntary" limits that are costly to taxpayers, restrict overall debate, and end up benefiting incumbents. In the end, the law can't end the excesses of the money chase. Only voters and candidates—especially incumbents—can do that. Like Rep. Romano Mazzoli (D-Ky) last year, who refused to take donations higher than $100 each, the true heroes are Members willing to discipline themselves.

Mr. MCCONNELL. Mr. President, that brings us up to date on some of the items that have appeared in newspapers over the last few days with regard to today's continuing debate of campaign finance reform. The issues have remained largely the same over the years. The players have remained largely the same. And I think, Mr. President, hopefully the Senate will either alter this bill in a major way or not allow its passage.

Mr. President, I see the Senator from Washington on the floor.

The Senator from Minnesota has been here for sometime and would like to make an opening statement on the bill. I will be happy to yield the floor.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. I thank the junior Senator from Kentucky. Before I go into my opening statement, there are two points of the junior Senator from Kentucky that I wish to just pick up.

One point was that he has not really heard Senators stand up on the floor of the Senate or say publicly "stop me from raising money." I think that is what I heard him say. "It is taking away from by ability to be a good legislator."

I guess it sort of makes common sense to me that Senators probably would not do that. I guess we talk to different Senators. I have talked to a good many Senators who have stated they are really tired of the money chase; they really wish they did not have to go around the country raising big dollars; and they find it draining.

I think it would not be the kind of thing that Senators would probably proclaim on the floor of the Senate.

The other point—I see the Senator wants to respond—is that it just so happens—and this is interesting timing; we have had discussions like this before about other bills—the op-ed piece in the Los Angeles Times was written by one of my best friends, Barry Casper, and the part of this analysis that may have been left out of that piece is that Barry Casper's criticism of the leadership bill is only because he thinks more should be done by way of taking large individual contributions out, and he thinks there ought to be more of a system of public financing applied to the general election and the primary election.

Now, that is not the position of Senator FORD, but as long as the Senator is going to mention Professor Casper's piece, I think we want to spell out his whole analysis.

Mr. MCCONNELL. Will the Senator yield.

Mr. WELLSTONE. I will be pleased to yield.

Mr. MCCONNELL. I specifically did not state Professor Casper's position on the bill. Frankly, I did not know what it was. And he did not state his position on the bill but on the concepts. He clearly did not like the sort of cobbled-together version that we have before us. And I did not state how he felt about some of the major issues because I simply did not know.

What he was saying—and the Senator obviously has read the article. I did not realize he was the Senator's friend. He obviously knows his position—he clearly did not like this cobbled-together version before us.

With regard to the other observation about Senators complaining about raising money, my feeling is that unless people are willing to illustrate ways in which it is keeping them from doing the people's business, that kind of sort of rumor or cloakroom chatter ought to be discounted.

The point I made to my friend was we have looked at the election data and know that 80 percent of the money comes in in the last 2 years. We know only Senators most threatened are the ones likely to raise money. And rather than cloakroom suggestions or rumors, Senators ought to be coming to the floor with facts. I would like to see facts. Are Senators missing votes or hearings because they are fund raising? That is all I am suggesting. I know it is cloakroom rumor. I would like to see some tangible evidence of it so the American people can make certain that these arguments are factually based.

I thank my friend.

Mr. WELLSTONE. I do not want to belabor the point. I do want to go ahead with my statement. I wish to point out that I do not necessarily agree with Barry Casper on everything, but I know his position—what the Senator mentioned was part of his position. The other part of it was that he thinks ought to be done. That is the point I wanted to make for the RECORD.

Let me present a somewhat different perspective from the junior Senator from Kentucky. I would like to talk a little bit about why I feel so strongly about this issue.

I want to first of all thank the senior Senator from Kentucky for his leadership. I really believe that this whole issue of how we finance campaigns is in many, many ways the ethical issue of our time in politics because I think we are talking about a corruption. It is not the corruption of individuals. Let me be clear. It is not the corruption of individuals at all. It is a systemic corruption. By systemic corruption I mean simply that we have a situation in our country where this money chase has undercut representative democracy, where Americans view themselves as being cut out of the loop. It is simply not the case that each person counts as one and no more than one any longer when, in fact, with this current system, we have huge amounts of large private contributions coming into the political process whereby ordinary people—I say ordinary people not in a pejorative sense but in a positive sense—feel as if some people have way too much by way of bucks and clout and power and too many people are cut out.

I think that is what this legislation is all about, is speaking to that disillusionment that people have about this mix of money and politics and the strong feeling on the part of people in our country that something has to change, that it has to get better.

Mr. President, what I would like to do is to again present a different perspective drawn on my own personal experience.

When I started to run for the U.S. Senate seat in Minnesota, I was absolutely convinced that I would try to do it differently, that we were going to have an old bus, we would not raise much money, and I guess by standards of Senate races we did not. Altogether we raised $1.3 million or thereabouts. We were outspent by a huge margin. But I felt that what I could do would be to go to spaghetti dinners, meet with people, and rather than raising big bucks raise big issues.

But all of us know you cannot do it that way very easily, not with this system as it is now constituted, which is what I believe we are trying to reform.

I have to tell you, Mr. President, that all too often the media buys into this as well. By the way, I am only telling my own story not because I think I am a big deal but I think in the small story is the large story of money and politics today, which I believe we are trying to change with this reform bill.

What I found was that when I talked to people, they would tell me, "You don't have a chance." Nobody ever asked me about my views on issues, whether I would be a good leader. Nobody asked me about the content of my character or anything else. It all had to do with how much money do you have and how much money can you raise.

Well, then I was fortunate enough to win the endorsement of my party. I thought that was put to rest. Now I came to Washington, DC—I am now making a scrupulously nonpartisan argument—I came to see people, to find out whether I could receive some help. I was new to politics. I think the goal in American politics is to have people step forward and run for office. That is the test case of a democracy, that people who want to play a role, who believe they can make a difference should have that opportunity.

I came to Washington, and right away it was the same conventional wisdom. Are you connected to the heavy hitters? Are you connected to the players? How much money do you have? How much money can you raise? I would talk about the bus. I would talk about going into cafes, and eyes would glaze over, and nobody was interested. It should not be that way. If somebody wants to run for office, you should not have to think about how you are going to raise six or seven—I think my opponent raised over $7 million. It is obscene. Many people will not run for office if we do not do something about this money chase.

Mr. President, when I talk at high schools or middle schools to students—and I think this should be of great concern to Senators on the floor—I say to students, since I was a teacher, "I am going to mention the word 'politics' to you all. I want to write down the first three or four words that come to mind." They dutifully would take out a piece of paper. They would have a pen. I say "politics"—I collected these—and they write down "fake," "phony," "corrupt," "big money," all of the rest.

I have to tell you, Mr. President, it is sometimes very difficult for me to say to the students that they are wrong, although I argue with them that public service can be a good thing. I argue with them that reputable people should go into politics. I argue with them that there are many colleagues here in the U.S. Senate that I really believe in.

But the fact of the matter is it is not just simply a perception. What people know in cafes, I think, in Kentucky as well as in Minnesota is that as a matter of fact most regular people just do not count that much when we have this money chase. Some people would call it auction block democracy. Some people would call it Government to the highest bidder. And all too often it is a fact that money determines, number one, who gets to run for office. It is like either you are wealthy or you have access to the heavy hitters and the big players. That leaves out most people. Money all too often determines, during the election, the kind of issues that are brought up and the kind of issues that are not brought up. Quite often people are afraid to bring up issues or speak to issues that offend the very people that they are dependent upon for their financial lifeline.

And money all too often determines the outcome.

I do not really think this debate is between Democrats and Republicans. I think this debate is between ins and outs. I will tell you something right now. If we do not bring down these limits and we do not have some way of beginning to have a level playing field, we are going to have a continuation of the same situation where the vast majority of the money goes to the incumbents. Tomorrow when we get more specific on amendments, I will have very specific graphs and charts and figures. But the evidence is irrefutable and irreducible. That is the current system.

Mr. President, let me just add one final and I think very sad point about all of this, which is I think money all too often, this mix of money and politics, determines legislative outcomes. Some colleagues will be angry with me. But if I were to do a careful content analysis of who hangs out in the anteroom all of the time and who are the people that march on Washington, DC, every day, I would bet that they are lobbyists and representatives of the very groups and organizations and people in the United States of America who have the financial wherewithal and the economic clout to directly translate into the political clout to the point that, once again, a whole lot of people are cut out of the loop.

That is the problem. I do not know how anybody can defend the current status quo. I mean, most people are convinced that right now we have a system where you have to pay if you are going to play. That is why there is so much anger in this country. That is why there are calls for term limits. That is why term limits have passed in 14 different States. That is in part the indignation that Ross Perot taps into. That is why people feel so strongly about this.

I really believe, Mr. President, that my colleagues are making a very serious mistake if they misjudge the kind of indignation that people have right now about this mix of money and politics. People know that if we do not do something to reform the way we raise money in this country, if we do not do something to stop this obscene money chase, then we are not going to do that much on health care, we are not going to rebuild our cities or rural communities, we are not going to be able to have fair taxation, we are not going to be able to represent the middle class well. I think the huge majority of people in this country are calling for major change and major reform. And those that attempt to block it and those that attempt to filibuster

against it, I think are making a big mistake.

When all is said and done, Mr. President—and this is my own position, and that is the way it is in the Senate—we all come to the floor and we fight for what we believe in.

I think that we need to go further. I really believe that we have to eliminate PAC contributions. I think we have to drastically reduce the amount of money individuals can contribute.

I am going to have an amendment that deals with that. I think that it is important to go after the soft money as the leadership bill does, and I think we need to have a system of public financing applied to general and primary elections. I think that is the direction we need to go in, because without that you do not have a level playing field.

By the way, I know later on we will have an argument about whether it be full, partial, or whatever, public financing. But I will tell you, if you say to people in the United States of America that this is a tradeoff for a very small amount of resources, you can have a system whereby you own and control the elections, it is your capital, you put an end to a lot of the wheeling and dealing; plus we finally get people believing in their political system again, and I think people would be more than pleased to accept that tradeoff.

Mr. President, I introduced a bill 2 weeks ago, S. 951. I do not intend to introduce that bill as a substitute. I just have a few amendments like other Senators do. But in the best of all worlds, I would like to see an individual limit set at $100, because I think that is the standard, the cafe standard in Minnesota.

What can a regular person contribute? Most people do not contribute more than $100. Most can't even contribute that much. I think there ought to be a 90-percent reduction in the amount wealthy candidates can contribute to their own campaign. I will have an amendment on individual contribution to reduce what a man or woman can contribute to their own campaign from $250,000 to $25,000. I think there should be a prohibition on soft money. And, I think we should have free broadcast time and reduced mail rates, and prohibition of contributions from lobbyists.

Mr. President, there are a number of amendments I want to introduce as we go through this debate over the next several weeks. One of those amendments I just mentioned was reducing the amount that wealthy candidates can contribute to their own campaign.

A second amendment would reduce the amount that an individual could contribute to a campaign from $1,000-per-election to a $100-an-election cycle. I call it the $100 solution. That is, provided that there is sufficient public funding in place.

Again, Mr. President, my own view is that I think in this bill we have taken a huge step forward by banning the PAC contributions. My concern is that I know full well what you can continue to have in Washington or anywhere else is bringing power, where law firm X can put together a gathering, bring 100 people together at $1,000 a crack, and in 1 hour a Senator can go there and raise $100,000 at a time. I believe that is a loophole. I want to bring that amendment to the floor, and I hope to do that tomorrow.

The final amendment, Mr. President, is designed to further tighten the lobby prohibitions. I think in the leadership bill there is a very important amendment—and I hope we can work it out—which now has a 1-year period of time and says that if a lobbyist has been involved in an election as a contributor, for 1 year after that time that lobbyist cannot lobby a Senator; or, if a lobbyist has been in to see a Senator, that lobbyist cannot make a contribution over a 1-year period of time. We have also now applied that to staff; that is my understanding. I would be interested in Senator FORD's reaction. I believe we have applied that to staff as well.

We have also said in the case of a challenger who was elected, if a lobbyist has contributed money to that race, then for a 1-year period of time, there is a prohibition against lobbying that member.

I would like, Mr. President, to add one feature to that bill. This amendment would, I think, strengthen the provision in the bill. What it would do is prohibit a lobbyist from consulting with a client to suggest that the client make a contribution to a Senator, or a lobbyist from soliciting money from a PAC to make a contribution to that Senator, within that 1-year period of time. In other words, if you say to the lobbyist, "you cannot directly make the contribution," you still have not dealt with the very real and distinct possibility that he can turn to his or her client and solicit the money from the client, or solicit the money from a political action committee.

Mr. President, in that vein, I will soon send an amendment to the desk. I will eventually ask that it be laid aside, because I know other people want to speak with opening statements.

AMENDMENT NO. 367

(Purpose: To strengthen the restriction on contributions by lobbyists)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 367.

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

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

The amendment is as follows:

Strike section 401(b) of the substitute and insert the following:

(b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsections:

"(m)(1)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress with whom the lobbyist has made a lobbying contact, representing an interest of a client, during the preceding 11-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of a member of Congress or candidate for Congress shall not make a lobbying contact with that member (or candidate who becomes a member), representing an interest of a client, during the 11-month period after the date on which the contribution is made or solicited.

"(B)(i) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of the member during the preceding 11-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of the member during the preceding 11-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with the member during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a member of Con-

gress if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of the member during the preceding 11-month period.

"(2)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if the lobbyist, representing an interest of a client, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of an authorized committee of the President or candidate for President shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official during the 11-month period after the date on which the contribution is made or solicited if the candidate to whom the contribution is made is elected.

"(B)(ii) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 11-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 11-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 11-month period.

"(3) The following rules apply for the purposes of this subsection:

"(A) A lobbyist shall be considered to make a lobbying contact or communication with a Member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the Member of Congress;

"(ii) any person employed in the office of the Member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the Member of Congress.

"(B) A person shall be considered to be a client of a lobbyist if the person pays compensation to the lobbyist for making a lobbying contact with a Member of Congress or covered executive branch official.

"(C) A client or a political committee or other entity with which a client is associated under paragraph (2) (C) or (D) or (3) (C) or (D) shall be considered to have knowledge of a fact if the fact is within the knowledge of a member or officer of the client, political committee, or other entity or of an employee of the client, political committee, or other entity, other than a clerical employee, who participates in decisionmaking with respect to making contributions to candidates or lobbying Members of Congress or covered executive branch officials.

"(4) For the purposes of this subsection—

"(A) the term 'covered executive branch official' means—

"(i) the President;

"(ii) the Vice-President;

"(iii) any officer or employee of the executive office of the President other than a clerical or secretarial employee;

"(iv) any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order;

"(v) any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code);

"(vi) any member of the Armed Forces of the United States whose pay grade is at or in excess of 0–7 under section 201 of title 37, United States Code; and

"(vii) any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist'

"(i) means—

"(I) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

"(II) a person required under any other law to register as a lobbyist (as the term 'lobbyist' may be defined in any such law); and

"(III) any other person that receives compensation in return for making a lobbying contact with a Member of Congress or a covered executive branch official, including a member, officer, or employee of any organization that receives such compensation; and

"(ii) includes—

"(I) all of the members, officers, and employees of a firm or other organization, of which a person described in clause (i) is a member, officer, or employee, that is organized for the purpose (solely or among other purposes) of engaging in the business of making lobbying contacts; and

"(II) a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a person or organization described in clause (i) or subclause (I).

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with a Member of Congress or covered executive branch official made by a lobbyist on behalf of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a Member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.".

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the amendment that I have sent to the desk.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 368 TO AMENDMENT NO. 367

(Purpose: To strengthen the restriction on contributions by lobbyists)

Mr. WELLSTONE. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the second-degree amendment offered by the Senator from Minnesota.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 368 to Amendment No. 367.

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

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

The amendment is as follows:

Strike all after "(b) PROHIBITION" and in lieu thereof, insert the following:

OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsections:

"(m)(1)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of a Member of Congress with whom the lobbyist has made a lobbying contact, representing an interest of a client, during the preceding 12-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of a member of Congress or candidate for Congress shall not make a lobbying contact with that Member (or candidate who becomes a member), representing an interest of a client, during the 12-month period after the date on which the contribution is made or solicited.

"(B)(i) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of the member during the preceding 12-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of the member during the preceding 12-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with the member during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of the member during the preceding 12-month period.

"(2)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if the lobbyist, representing an interest of a client, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of an authorized committee of the President or candidate for President shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official during the 12-month period after the date on which the contribution is made or solicited if the candidate to whom the contribution is made is elected.

"(B)(ii) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 12-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 12-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 12-month period.

"(3) The following rules apply for the purposes of this subsection:

"(A) A lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the member of Congress;

"(ii) any person employed in the office of the member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.

"(B) A person shall be considered to be a client of a lobbyist if the person pays compensation to the lobbyist for making a lobbying contact with a member of Congress or covered executive branch official.

"(C) A client or a political committee or other entity with which a client is associated under paragraph (2) (C) or (D) or (3) (C) or (D) shall be considered to have knowledge of a fact if the fact is within the knowledge of a member or officer of the client, political committee, or other entity or of an employee of the client, political committee, or other entity, other than a clerical employee, who participates in decisionmaking with respect to making contributions to candidates or lobbying members of Congress or covered executive branch officials.

"(4) For the purposes of this subsection—

"(A) the term 'covered executive branch official' means—

"(i) the President;

"(ii) the Vice-President;

"(iii) any officer or employee of the executive office of the President other than a clerical or secretarial employee;

"(iv) any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order;

"(v) any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code);

"(vi) any member of the Armed Forces of the United States whose pay grade is at or in excess of O–7 under section 201 of title 37, United States Code; and

"(vii) any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist'

"(i) means—

"(I) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

"(II) a person required under any other law to register as a lobbyist (as the term 'lobbyist' may be defined in any such law); and

"(III) any other person that receives compensation in return for making a lobbying contact with a member of Congress or a covered executive branch official, including a member, officer, or employee of any organization that receives such compensation; and

"(ii) includes—

"(I) all of the members, officers, and employees of a firm or other organization, of which a person described in clause (i) is a member, officer, or employee, that is organized for the purpose (solely or among other purposes) of engaging in the business of making lobbying contacts; and

"(II) a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a person or organization described in clause (i) or subclause (I).

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with a member of Congress or covered executive branch official made by a lobbyist on behalf of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress, a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.".

Mr. WELLSTONE. Mr. President, I know there are others who want to speak on the floor. Let me just summarize this amendment again.

This amendment is designed to significantly strengthen the provisions in the bill, and I think there are some very good provisions in the bill, which prohibit lobbyists from making contributions to or soliciting contributions for Members of Congress, or, for that matter, covered executive branch officials, whom they have lobbied within the preceding year, and from lobbying Members of Congress to whom they have contributed or on whose behalf they have solicited funds within the previous year.

The difference is this amendment adds to what is already there. It will prohibit a lobbyist from directing a contribution be made by a political action committee to a Member of Congress whom that lobbyist has lobbied or to a client to make that contribution to a Senator or Representative whom he has lobbied.

I have crafted the amendment narrowly so that it meets the sense of constitutionality. I am hoping to work with the leadership on this amendment, and I am hoping to reach some kind of agreement.

I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, this Senator has followed the opening statements in this bill with some interest, including the passionate statement that was just concluded by the Senator from Minnesota.

It is his reflection that he knows of few if any Members of the U.S. Senate on the floor or elsewhere who are satisfied with the present system.

The distinguished junior Senator from Kentucky will have not only amendments but an entire pattern of election reform which this Senator finds to be highly appealing.

But this Senator suspects it will not ultimately be that substitute or the amendments proposed by the Senator from Minnesota which will finally be before us either for a final vote or for extended discussion. It will be the proposal which the leadership of the majority side, working with the President, has reached and has before us in their substitute at the present time.

That campaign proposal is not campaign election reform. It is a purely partisan attempt to gain advantage within the framework of much which exists in the present system which is undesirable. And it is, beyond that, an attempt to use taxpayer dollars to subsidize politicians, incumbents, and otherwise, a concept which is widely rejected by the people of the United States from one coast to another.

It is that proposal, criticized not only in inside publications like Roll Call but by the significant majority of academics who have attempted to thoughtfully analyze our present political election system outside of the realm of partisan politics and outside the realm of the sound bites which have accompanied the debate over this bill not only this year but with respect to its predecessor as well.

This proposal relies intensely on an increase in the public subsidy for political candidates, above and beyond that for Presidential candidates at the present time which never had a high degree of popularity even when people could declare themselves a part of it without costing themselves a single dollar of their taxes, but which has fallen almost by 50 percent in popularity since then.

No single indicator of what people think about food stamps for politicians could be more telling than I believe roughly 17 percent of the taxpayers who are now willing to contribute $1 to a Presidential election campaign even when that dollar does not add a single penny to the taxes which they actually have to pay.

The fundamental error in this bill is taxpayer financing of something taxpayers do not want to finance now with the $300 billion deficit now when we need money for child immunization, now when we need money to rebuild our infrastructure or, I suspect, ever.

Mr. MCCONNELL. Mr. President, will the Senator yield for an observation?

Mr. GORTON. I yield.

Mr. MCCONNELL. Precisely on the point that the Senator from Washington raises, we have every year the most extensive survey ever taken in this country on this one issue. Every April 15 taxpayers get to decide, as the Senator from Washington points out, whether they want to provide $1 of

taxes they already owe to the existing publicly funded election. We have a huge survey every year, and the people are voting with their pens as they sign their tax returns sometime prior to April 15, and it dropped, as the Senator points out, all the way down to 17 percent.

The one thing we can be totally certain of is the American people hate taxpayer funding of elections.

I thank my friend from Washington.

Mr. GORTON. I thank my friend from Kentucky, and point out that in the teeth of the annual poll this proposal, as I understand it, proposes to multiply by five the amount of money which taxpayers can devote to the political election system, again costing them nothing but coming out of all of the other programs of the Federal Government and out of the attempt to deal with our deficit.

Perhaps even more cynical, however, in connection with this bill is its treatment of soft money. If there is one issue on which political scientists have come more and more to agree it is on the importance of the political parties in our governmental and political structure.

The last election reform allowed a greater degree of support for political parties and their efforts to see to it that more people had an opportunity to vote and that more people knew about their candidates.

It has worked. The parties have been strengthened. Now in this bill soft money is to a large extent eliminated from the support for our two major political parties. Soft money which at least has its source identified is greatly limited, and the one association that every Member of this body has, the association with one of the two major political parties, the fundamental dividing line in American politics, the dividing line that most people understand better than they do any other single dividing line is to be discouraged.

But, Mr. President, is soft money from other sources, the sources of which are unknown and unreported to be discouraged? It is not.

Labor unions, special interest groups, the Charles Keatings of this world, will be unaffected by this bill. In fact, they will be joined by many others, many others who would prefer to work through individual candidates or through political parties, will find those doors shut to them so that the only way in which they can participate is through the use of their own soft money or their own sewer money in a way in which those sources cannot be identified, cannot be identified at all.

And third, for all of the eloquence of the proponents of this bill, it treats candidates for the U.S. Senate profoundly differently from the way they will be treated when they run for the House of Representatives, a change, a differentiation without any philosophical justification whatsoever, and only the political justification that maybe this way we can get a partisan bill through to be signed by a partisan President.

Mr. President, there are a significant number of other reasons to vote against this bill, the bill which will ultimately come in front of us. These three, it seems to me, are so preemptive that it is time to put this particular bill to sleep, time at long last to deal with this question of election campaign reform outside of a partisan connection, time to listen to the academics who think and write thoughtfully about the campaign election process, time to do the job right so that it advantages the people of the United States of America and not simply one political party.

EXECUTIVE SESSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having arrived, the Senate will now go into executive session to resume consideration of the nomination of Roberta Achtenberg, of California, to be an Assistant Secretary of Housing and Urban Development. The nomination will be stated.

The assistant legislative clerk read the nomination of Roberta Achtenberg, of California, to be an Assistant Secretary of Housing and Urban Development.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER. There will now be 1 hour of debate on the nomination, to be equally divided and controlled in the usual form.

Who yields time?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senate Republican leader.

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

The PRESIDING OFFICER. The Senator has the floor.

Mr. DOLE. Mr. President, there may be a number of good reasons to oppose Ms. Achtenberg's nomination, but one reason is good enough for me: In her public actions and in her public rhetoric, Ms. Achtenberg has been an outspoken critic of the Boy Scouts of America.

In fact, Ms. Achtenberg has been more than a critic.

She has been the ringleader of an ideological crusade to remake the Boy Scouts in her own image.

The public record is the public record: As an elected San Francisco supervisor and a board member of the bay area United Way, Ms. Achtenberg was a key player in the effort to kick the Scouts out of the public schools, and then led the charge to force the United Way and other corporate sponsors to withhold funding from Scout programs.

As a supervisor, she introduced a resolution calling upon the city's congressional delegation and State legislators to amend the Scout's congressional charter so that the charter would conform with her own ideological agenda.

And then, also in her capacity as a city supervisor, Ms. Achtenberg introduced a resolution urging the city of San Francisco to cut some of its ties with the Bank of America because the bank had resumed its practice of giving charitable donations to the bay area Scouts.

Some might call these tactics heavy-handed, perhaps even bordering on extortion. They certainly suggest that Ms. Achtenberg can exhibit some intolerance herself, intolerance directed at those who make the mistake of disagreeing with her own very pointed point of view.

But, Mr. President, the bottom line is: We are not talking about some criminal youth gang, or the Crips and the Bloods, or even the Young Republicans.

We are talking about the Boy Scouts of America—the Boy Scouts—an organization that has given millions of young Americans the opportunity to learn the values of discipline, hard work, and fellowship that are essential to good citizenship.

In my view, we need to do more to support the Boy Scouts, not try to sabotage them—no matter what our ideological motivations might be.

Mr. President, I have nothing against Ms. Achtenberg personally. If she is confirmed by the Senate, I wish her the very best as she assumes her responsibilities at HUD.

But, in light of her past efforts to undermine one of the finest private, charitable organizations in America today—the Boy Scouts—I cannot in good conscience support her nomination.

No doubt about it, we must show respect and tolerance for those among us who happen to be gay. But showing tolerance and respect should not force us to embrace an ideological agenda that most Americans do not accept.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Will the Republican leader yield me some time?

Mr. DOLE. I yield 8 minutes to the Senator from Washington and 3 minutes to the Senator from North Carolina.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for up to 8 minutes.

Mr. GORTON. "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive

others of theirs, or impede their efforts to obtain it."

President Clinton has sent this Senate several nominees whose actions and stated ideologies are in direct conflict with this classic principle of tolerance articulated by John Stuart Mill. The Constitution empowers a President to choose whomever he wants to serve in his administration, but the Senate has the responsibility to give its advice and consent to the President's choices. With respect to nominees who serve at the President's pleasure, I have always been inclined to grant the President a wide latitude in his choices. Consequently, I have consented to nearly all of the President's nominees, including many with whom I disagree philosophically. The Secretary of the Department of Labor, Robert Reich, and the Secretary of the Department of Health and Human Services, Donna Shalala are two individuals to whose nominations I consented despite profoundly different political views.

What is unacceptable to me and to many thoughtful Americans are nominees who are intolerant of conflicting views, who have used or are likely to use political power to punish their opponents or to pursue policies destructive of the social fabric which bind us together as Americans, or who are indifferent to fundamental constitutional principles. President Clinton, regrettably, has sent the Senate at least three such nominees.

Sheldon Hackney, the President's selection to chair the National Endowment for the Humanities, has shown a total disregard for the first amendment rights of those who disagree with his politically correct views. C. Lani Guinier, the President's choice for Assistant Attorney General for Civil Rights, would divide Americans by rigid quotas and cause race to become a principal determinant of political power, in total contrast to the Constitution's dedication to the individual. I do not believe that either should be confirmed to important offices requiring qualities of sensitivity and tolerance.

For different reasons I have already voted against the confirmation of Strobe Talbott as Assistant Secretary of State. In my opinion for more than a decade he was consistently wrong on every major policy guiding our relationship with the Soviet Union—policies that won the cold war and destroyed the Soviet Union. Such a person should not be in charge of policies respecting its successor states.

The central question for members of the U.S. Senate debating the nomination of Roberta Achtenberg to be Assistant Secretary of Fair Housing and Equal Opportunity at the Department of Housing and Urban Development is her acceptance or rejection of the classic principle of tolerance articulated by John Stuart Mill. I believe that it is important to note here my absolute conviction that the nominee's sexual orientation is not relevant to the question whether she is suitable for high public office. What is relevant, however, is the blatant intolerance and hostility the nominee has shown in public office and the misuse of her political power to inhibit the programs and the exercise of the rights of those with whom she disagrees.

There is a crucial distinction between legitimate advocacy of an agenda and a hostile and irresponsible intolerance of those who do not share that agenda, between spirited advocacy and punitive harassment.

Ms. Achtenberg crossed this line during her well-documented campaign against the Boy Scouts of America while she served on the San Francisco Board of Supervisors.

In August 1991, the Bay Area United Way reinstated the Boy Scouts' eligibility for funding. Ms. Achtenberg, a member of the United Way Board, was opposed to the Boy Scouts policy of prohibiting openly gay Scoutmasters and openly gay Scouts, and disagreed with United Way's action. As a member of the San Francisco Board of Supervisors she introduced a resolution "urging the Boy Scouts to abolish its policy of barring lesbians, gays, and bisexuals from working with the group." The resolution also called "on the congressional delegation and State legislators to amend the Scouts' congressional charter and change existing State laws that give the organization special benefits." In February 1992, she joined in a United Way decision to suspend funding of the Boy Scouts. During the same time period, she expressed her support for an attempt to restrict the Boy Scouts' access to bay area public schools.

Not content with her direct intimidation of the Boy Scouts, Ms. Achtenberg attempted to coerce Boy Scout supporters and contributors as well. In August 1992, the Bank of America expressed its intention to contribute to the Boy Scouts. As a member of the San Francisco Board of Supervisors, Ms. Achtenberg decided to take action to penalize the Bank of America for its decision. After inquiring of the city treasurer as to what measures the board could take to pressure the bank to reverse its decision, she stated "I have asked the treasurer to look into the extent and nature of the city's dealing with Bank of America, to see how cumbersome or complex or costly it would be to consider using the services of another bank." That inquiry and additional comments led the Bank of America to withdraw its bid for a lock box contract worth $6 million. Later, Ms. Achtenberg authored a successful non-binding resolution urging city officials to withdraw from any such contract with the Bank of America. The bank, in short, lost a business opportunity because it defied Ms. Achtenberg's demand that it refuse to support the Boy Scouts.

The Boy Scouts of America have been an integral part of the American experience for more than 80 years, developing character, resourcefulness, and patriotism in more than 90 million young men. It is a voluntary, private association that has made membership and participation choices well within the American tradition while not relying on public funds. Just last week, a Federal court of appeals held that the Boy Scouts can retain their duty to God pledge and deny membership to those who refuse to take the oath. The court said civil rights laws do not apply because Boy Scouts is a private organization, not a place of public accommodation. The scouting movement deserves respect and support and is entitled at least to tolerance from those who disagree with it.

Ms. Achtenberg can legitimately disagree with, and express her disapproval of, the membership decisions of the Boy Scouts of America. She can legitimately try to influence the organization to accept her social agenda. Ms. Achtenberg, however, crossed the line from advocacy to misuse of governmental power when she used her power to bully the Boy Scouts and their financial contributors, albeit unsuccessfully, into submitting to her agenda.

That misuse of power, that narrow intolerance, disqualifies her from a position of far greater power to enforce civil rights laws designed to create a more open and tolerant society. I am convinced, I must add, that that intolerance and misuse of power are the only valid grounds on which to oppose this nomination. When the President nominates a candidate practicing and advocating an alternative lifestyle like that of Ms. Achtenberg who grants the same tolerance to others that he or she demands of himself or herself, I will vote to confirm.

Regrettably, Ms. Achtenberg, Dr. Hackney, and Ms. Guinier have failed what I call the Barnette test of tolerance. In 1943 the Supreme Court held, in West Virginia Board of Education versus Barnette, that it was unconstitutional to compel public school students to salute the flag. In that famous opinion rejecting the use of political power to impose a regime of religious intolerance, Justice Robert H. Jackson wrote:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

I cannot vote to confirm Ms. Achtenberg, or nominees to other offices, who do not meet that standard of fairness and tolerance of diversity, a standard at the heart of our American tradition.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. RIEGLE. May I inquire first as to how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Michigan has the full amount of time, 30 minutes.

The Senate Republican leader has 16 minutes and 18 seconds remaining.

Mr. RIEGLE. Very good. I yield myself such time as I may consume.

Mr. President, shortly the Senate will vote on the nomination of Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development. an overwhelming bipartisan majority on the Committee of Banking, Housing and Urban Affairs on May 5, just a few weeks ago, by a vote of 14 to 4, found Ms. Achtenberg to be competent, credible, and highly worthy of the position for which she is now being considered.

The Senators who know Ms. Achtenberg best have spoken the most highly of her. At this point I would like to make special mention of the remarks earlier of Senator BOXER and Senator FEINSTEIN, which were strong and convincing supportive comments for this nominee.

I not only commend their statements but as well the eloquent statement made earlier by Senator CAROL MOSELEY-BRAUN.

In considering the nomination of Roberta Achtenberg I have asked myself two basic questions. First, is she fully qualified to be an outstanding Assistant Secretary for Fair Housing and Equal Opportunity? And, second, should her sexual orientation disqualify her from this position?

Clearly, by any objective standard Roberta Achtenberg is extraordinarily well qualified by her training and substantive professional experience. I believe her sexual orientation has no place in the debate over her nomination.

She brings a wealth of professional experience as a civil rights attorney and a local elected official. I think this experience significantly enhances her ability to perform well at HUD, to combat housing discrimination, and to promote equal opportunity for all citizens.

Her qualifications have been remarked on again and again during the debate over the past 3 days. She is strongly and enthusiastically supported by fair housing, civil rights, and other concerned organizations from across the country.

Among the highly respected groups that strongly endorse her nomination are the National Fair Housing Alliance, the National Center for Youth Law, the National Association of Human Rights Workers, the San Francisco Bar Association, the Asian Law Caucus, the leaders of the California State Assembly in State Government, and numerous community and business leaders from the bay area, to name just a few.

As chairman of the committee with jurisdiction over this nomination I consider Ms. Achtenberg to be one of the most competent, credible, articulate, and well qualified nominees that we have presented to the Senate. As I have just mentioned, she enjoys the support of a wide variety of fair housing groups and other organizations nationwide. I say in response to comments earlier made by another Senator today, she enjoyed the overwhelming support of the Senate Banking Committee and she was reported out of the committee by a vote of 14 to 4.

All of the issues that have been raised just recently by the Senator from Washington and in the past by others were discussed fully in the context of that hearing. It was only after those issues were discussed fully, openly on the public record, that later the vote was taken and that she received a majority of votes of both the Republican and Democratic members of the Senate Banking Committee.

She enjoys the support of the President of the United States and the Secretary of HUD, who just last week wrote that she is:

Highly capable of serving the Nation in this important position.

I think the only real challenge against this nominee boils down to her sexual orientation. Frankly, that matter has no bearing on her professional qualification or fitness to serve. I believe all the other arguments that have been raised here against her are a smokescreen. These arguments should be rejected for what they are and this nominee should be confirmed by the Senate.

So, I hope we will confirm Ms. Achtenberg so she can begin her important work and the Senate can then get on with the remainder of our work.

At this point, if no one is seeking recognition on that side, I yield 7 minutes to the Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, we come down to the last hour of debate on the confirmation of Roberta Achtenberg as an Assistant Secretary of HUD. We should note that this debate has lasted far longer than it should have, taking up a good part of 3 legislative days with only about five or six Senators speaking against the nomination in all those days.

In response to the kind of personal attacks we have heard on the Senate floor and in response to many misstatements we have had to rebut, about 10 or 11 Senators have spoken in favor of Roberta Achtenberg. Now we are finally at the end of a debate that frankly, Mr. President, could have been completed in 3 hours instead of 3 days.

Mr. President, I think it is very important that we keep focused on what's meaningful here—and what is meaningful as my chairman has stated so clearly, is that Roberta Achtenberg is superbly qualified. HUD Secretary Cisneros wants her for this job. So do fair housing organizations from all over the country.

So do community leaders from all over the country. So do business leaders and elected officials.

This is a woman who has graduated from college with honors, who graduated from law school with highest honors, who has been a civil rights attorney, who has had the honor of being the dean of a law school. And the highest honor for her, I know, was to be elected to public service with the support of a very good and broad coalition.

This is a woman whose first legislative achievement was to pass a local ordinance to stop housing discrimination against families with children. To do that, she had to bring together former foes: landlords, tenants, community groups, elected officials. And she did it. Roberta Achtenberg is a facilitator.

I believe Roberta Achtenberg has been maligned on this Senate floor, called names by Senators who do not even know her, called intolerant, called mean, called vindictive by Senators who do not even know her.

But those who do know her know that this kind of name-calling is a smokescreen for disapproval of her private life. It may not be spoken very often here, but that is what is at work.

This is wrong. Let us judge this woman on her qualifications, on her accomplishments, and on her performance before the Banking Committee where she received a bipartisan, 14 to 4, vote in her favor, and, Mr. President, Republicans as well as Democrats voted for Roberta Achtenberg.

We have heard over and over again a statement that Roberta Achtenberg acted in a vicious way to harm the Boy Scouts. As Senator MOSELEY-BRAUN said at one point in the debate, you would think Roberta Achtenberg was up for confirmation as head of the Boy Scouts.

Let us be sure the record is clear. Roberta Achtenberg was one of many, 34, directors of the United Way, who agreed that under the charter of the United Way, funding would have to be suspended until the Boy Scouts addressed the issue of discrimination in their membership policy.

I well understand that this issue of discrimination based on sexual orientation is a divisive issue in the U.S. Senate. But whatever side you are on—and I understand that you may not agree with Roberta Achtenberg—it is essential to recognize that the charter of the United Way was clear on the point: No group could get funded unless it had a nondiscriminatory policy, period.

This is also the law in San Francisco.

Mr. President, we do not have to agree with Roberta Achtenberg on the Boy Scouts issue. As Assistant Secretary for Fair Housing, she will not be making new laws about the Boy Scouts. She will be enforcing existing law. She was asked about her intentions by a Republican Senator on the committee and asked if she would push for new laws. She said, no, she would fight to enforce existing laws, and that is what she intends to do.

Roberta Achtenberg's opposition on this Senate floor implied that San Francisco Mayor Frank Jordan was against Roberta's nomination. Outraged that his name should be used in this way, the mayor issued a press release saying he strongly supports Roberta Achtenberg. He did not completely agree with her on the Boy Scouts, but he is strongly for her.

It was stated on this floor, Mr. President, that the San Francisco Chronicle, a newspaper with a Republican editorial policy, was against Roberta Achtenberg. The Chronicle published a very strong editorial in Roberta's favor, and after that, the misstatement was corrected on this Senate floor.

Mr. President, every time the opposition runs out of things to say about Roberta Achtenberg, because they cannot say anything bad about her intelligence, they cannot say anything bad about her qualifications or her record, but when they run out of things to say, they talk about the Boy Scouts.

I have said before that I like the Boy Scouts. My son was a Cub Scout. My daughter was a Blue Bird. I think I sewed on more patches for their uniforms than any Senator in this Chamber. I even baked cookies, and they were not very good.

(Disturbance in visitors' galleries.)

But I like the Boy Scouts.

The PRESIDING OFFICER. The galleries will please come to order.

Mrs. BOXER. Mr. President, I like the Boy Scouts, and I loved the Cub Scouts for my son and the Blue Birds for my daughter. But just because I am a fan of the Scouts does not mean that I could be a good Under Secretary for Housing. Roberta Achtenberg has a problem with one of the clauses in their charter, but she will make an excellent Assistant Secretary for Fair Housing.

I say to my colleagues who disagree with Roberta Achtenberg, you ought to call up Chevron and Shaklee and Levi Strauss and the other corporate leaders and the church leaders and the political leaders and ask them why they voted with Roberta Achtenberg on the Boy Scouts issue. Do not lay the Boy Scouts issue at Roberta's door. No single woman is that powerful. Let me repeat: No single woman is that powerful.

So do not vote against Roberta Achtenberg on this pretext because that would not be fair. I am sure we can be tolerant in this greatest of institutions of different opinions, on whether discrimination based on sexual orientation should be allowed. People will come down on different sides, and that is what America is about. We come down on different sides of issues. But let us not punish each other for it. Let us keep our eye on the real issue today. Let us vote to allow President Clinton his designee for this position. Let us vote to allow Henry Cisneros to have his choice for this position, and let us confirm the bipartisan vote of the Banking Committee.

I ask for an additional 30 seconds.

Mr. RIEGLE. Thirty seconds.

The PRESIDING OFFICER. The Senator has the floor.

Mrs. BOXER. Mr. President, let us vote for qualifications, for performance before the committee of jurisdiction and not vote against a private life. Do not vote against a person's private life. Please vote in favor of the Achtenberg nomination.

I yield the remainder of my time back to my chairman.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. She was not in private life when she was hugging and kissing in that homosexual parade a year ago in San Francisco.

I yield 5 minutes to the distinguished Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have to oppose the nomination of Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development. I do so because Ms. Achtenberg's actions against the Boy Scouts of America reveal her to have a vision of the relationship between government and the individual that is fundamentally at odds with traditional American liberties. As a result, she is, in my view, unsuited to serve in the position of responsibility for which she has been nominated.

Over the centuries, perhaps one of the greatest guarantors of freedom in America has been the existence and vitality of voluntary private associations, such as families, churches, and service clubs. The organizations, separate from Government, enable individuals to live out their values and pursue their personal goals and interests. We owe the wonderful diversity of America in large part to these voluntary private associations.

The Boy Scouts of America is one of the greatest of such associations. For generations, it has worked to help turn boys into men, to teach them the skills and develop the character that will make them valuable and productive members of society. Like many other voluntary private associations, the Boy Scouts have membership requirements that reflect an ethical code. They require, for example, that members profess a belief in God an that they take an oath to keep themselves "physically strong, mentally awake, and morally straight."

Now, self-proclaimed sophisticates may deride the Boy Scouts' requirements. They may even claim that the Boy Scouts are intolerant. The truth of the matter. however, is that the intolerance lies with the critics. The Boy Scouts do not attempt to impose their requirements on nonmembers. They simply seek to regulate their own voluntary private association in a manner consistent with the purposes for which it was formed.

By using her position as San Francisco city supervisor to attack the Boy Scouts, Ms. Achtenberg brought the power of government to bear against a private association because that private association does not mirror her beliefs about what is good and true and just. Ms. Achtenberg has thereby shown that she will use government to promote a private agenda. In the name of diversity, she would impose an oppressive uniformity on the vast range of voluntary private associations.

There has been some debate in the press about her lifestyle. Let me make this very clear. If that were the only issue, and if she were otherwise qualified, I would be voting for her. However, the reason I am voting against her is that her record and actions show basic intolerance of the beliefs of others. Therefore, I will vote against Ms. Achtenberg's nomination.

I reserve the remainder of my time in favor of the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). Who yields time to the Senator?

Mr. RIEGLE. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator has the floor.

Mrs. FEINSTEIN. Mr. President, in a few short minutes, we are going to have an opportunity to vote to confirm Roberta Achtenberg as Assistant Secretary for Fair Housing of the Department of Housing and Urban Development.

Today, I believe we have a chance to turn our backs on prejudice and to confirm a nominee whose qualifications are strong.

Today, we can vote down the politics of hate, and today we can take one small step to see that this great democracy is representative of all the people it seeks to serve.

The Roberta Achtenberg I know is very different from the Roberta Achtenberg I have heard discussed on this Senate floor during the last week. Much of the debate surrounding this

nominee has been nasty and negative. The focus has not been on her qualifications and, indeed, she is qualified.

Instead, critics have tried to use Roberta's sexual orientation to deny confirmation. I know Roberta Achtenberg. She has served with distinction on the same board of supervisors for the past 2 years that I have served on for some 9 years. Roberta Achtenberg on that board has a strong legislative record. She is a moderate public official; not an extremist public official but a moderate public official, who seeks to advocate on behalf of all people, not just a single group or an interest. Consider for a moment her legislative record:

First, occupancy standards for residential housing units in San Francisco to prevent discrimination against families with children as well as to protect tenants against wrongful eviction.

Second, the construction of affordable housing for low-income families.

Third, guarantees to small businesses in bidding for city contracts.

Fourth, using community development block grant funding to support domestic violence shelters.

Fifth, two ordinances to improve safety and access for persons with disabilities, and

Sixth, a children's budget for San Francisco, the first of its kind anywhere, a fund that today spends $10 million annually to benefit children, youth, and their families.

Roberta Achtenberg's nomination has been endorsed by a wide spectrum of organizations and people who work in the field of fair housing: Fair housing councils in California, Wisconsin, Kentucky, Oregon, Ohio; housing organizations in Buffalo, in Cincinnati, Richmond, VA, Denver, Oklahoma City, Indiana, Homewood, IL, Baltimore, and Delaware; the Japanese-American Citizens League; the Chinese Community Housing Corporation; the International Association of Human Rights Agencies; the Texas Commission on Human Rights. The list goes on and on.

Despite this wide support, the discussion last week was not focused on her qualifications. Instead, the focus turned to her sexual orientation and attempted to create a picture of a Roberta Achtenberg who is an extremist advocate. That is not the Roberta Achtenberg I know.

Yes, Roberta Achtenberg chose to be honest about her lifestyle. She did not seek to be a heroine, and she did not seek to become a national symbol. Rather, she has simply been honest and forthright about herself and her family. Neither the Banking Committee of this Senate nor the FBI has revealed any fact that would show Roberta as anyone other than a good public official, an honest and law-abiding citizen.

The question before this body today is, should the Senate vote down a nomination without regard for a candidate's overwhelming qualifications simply because she is gay, because that is clearly the question before this body today.

The situation with respect to the Boy Scouts was raised. I wish to make it very clear that the board of trustees of the Bay Area Boy Scouts voted down their funding by a vote of 34 to 0. This included, among those voting, the CEO of Chevron Corp. Pacific Gas & Electric, Shaklee, Arthur Andersen, the General Motors-Toyota joint venture known as New United Motors, Kaiser Permanente Medical Center, and Jones United Methodist Church. This was not a rump body. This was a very diverse and reflective group of 34 citizens, all of whom voted this down.

The PRESIDING OFFICER. The time yielded to the Senator from California has expired.

Mrs. FEINSTEIN. May I have 1 additional minute?

Mr. RIEGLE. I yield the Senator 1 minute.

Mrs. FEINSTEIN. So many charges have been made on the floor of this body, her record and her person I believe have been twisted.

I do not believe that Roberta Achtenberg should be held accountable for the actions or words of any particular group or writing of which she had no part. She should not be held accountable for the actions of particular activist organizations of which she had no part. She should not be blamed for a 34 to 0 decision by the United Way of the Bay Area board of trustees to suspend funding for the Boy Scouts when they were found in violation of their own rules of funding criteria.

I hope this Senate will not yield to the politics of division and hate. Rather, I hope that the Senate by this vote would confirm and open the process to all Americans, regardless of race, creed, color, sex, or sexual orientation. Roberta Achtenberg, by findings of the Senate Banking Committee, by findings of the Federal Bureau of Investigation, is qualified to serve in the position for which she is nominated.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Chair would advise that the committee chairman, Senator RIEGLE, has 10 minutes, 30 seconds, the Senator from North Carolina, Mr. HELMS, has 13 minutes and 13 seconds remaining.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, please alert me when I have used 5 minutes.

The PRESIDING OFFICER. The Chair will do that.

Mr. HELMS. Mr. President, let me make a little confession. I see very little point in the Senate's having set aside even 1 hour this afternoon for a final exchange of barbs regarding Bill Clinton's nomination of Roberta Achtenberg to the position of Assistant Secretary for Fair Housing and Equal Opportunity down at HUD—H-U-D, the Department of Housing and Urban Development. Nobody is going to persuade anybody else in this Senate.

And as for the issue, judging from telephone calls I have received, it is pretty well decided out there in America.

But, the homosexual lobby has been busy over the weekend, and they are boasting that they have enough Democrat votes alone, without even one Republican vote, to confirm the Achtenberg nomination and for the first time in history install into the Federal bureaucracy a militantly activist lesbian.

Now, this militantly activist lesbian is the showpiece of the homosexual movement in the United States, a woman who threw her weight around as a member of the San Francisco Board of Supervisors when she tried to bully the Boy Scouts of America into allowing homosexuals to serve as Scout masters. Otherwise, as a member of the board of the local United Way chapter, she threatened that the Scouts were to receive no further funding from the United Way. She meant business.

But, the Boy Scouts of America told Roberta Achtenberg to take a flying leap—figuratively speaking, of course—that the principles of the Boy Scouts of America were not for sale. And hooray for them.

This is the same militantly activist lesbian who clashed with DIANNE FEINSTEIN—and Senator FEINSTEIN did not choose to mention it—when Mrs. FEINSTEIN was mayor of San Francisco and when the public health officials there sought to shut down the so-called public bathhouses in San Francisco, where hoards of homosexuals were engaging in their perverted activities.

The health officials were concerned about the spread of AIDS, but not Roberta Achtenberg, who proclaimed that closing these sex clubs—I quote her—"closing these sex clubs restricts the constitutional rights to privacy of the gay men who patronize the establishments. For those who are secretly homosexual, they are a 'sex-positive' environment where they feel like human beings instead of being in the bushes. They are institutions of tremendous symbolic significance to a sexual minority."

Those are the nominee's own words. But nobody on the other side mentioned anything like that. All they want to talk about is her résumé. Oh, she is a dean of law, she has done this, and she has done that. Well, I submit, Mr. President, that some of the other stuff that she has done—like riding in last year's San Francisco so-called Gay Pride parade with her partner and "their" little boy, kissing and hugging as they went along, and I wish every American could have seen it, is rel-

evant as to her fitness for this position of public trust.

The truth is that the homosexual/lesbian movement bought the Achtenberg nomination. Homosexuals and lesbians laid over $5 million, they say, into the hands of the Clinton Presidential campaign in 1992. And when Clinton was elected, he agreed to appoint Roberta Achtenberg to this sensitive and important job at the Department of Housing and Urban Development.

All of which reminds me of a little something, Mr. President. Back in 1965, when Congress was about to approve the creation of this new Federal department, the first suggested name for this new department was the Department of Urban Growth and Housing. Then somebody happened to consider what the new department's initials would spell—UGH. So the suggested name was hastily changed to Housing and Urban Development, making the formulation of the initials the now familiar HUD.

After looking at all of the posturing, and hearing all of this claptrap on the floor of the U.S. Senate, perhaps they ought to have left it like it was so we could say "ugh."

Mr. President, I am not going to consume any more of the Senate's time except to reiterate what was said last week.

I will take one more minute: If Senators assume that their vote on this nomination will go unnoticed by their constituents back home, they may find out to the contrary if they go home for the Memorial Day recess.

Roberta Achtenberg should not be confirmed by the Senate. But I read in the paper that she will be confirmed overwhelmingly by the U.S. Senate.

If that proves true, Mr. President, it may tell at least as much about the U.S. Senate as it does about the nominee.

I reserve the remainder of my time.

Mrs. MURRAY addressed the Chair.

Mr. RIEGLE. I yield 4 minutes to the Senator, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized for 4 minutes.

Mrs. MURRAY. Thank you Mr. President.

Mr. President, I speak today not only as a U.S. Senator but I join my colleague from California, Senator BOXER, as a mother of a Boy Scout, and even more I am a former Girl Scout leader, in supporting the nomination of Roberta Achtenberg.

But this is not a debate about the Boy Scouts. This is about the confirmation of a highly qualified Presidential nominee, Roberta Achtenberg.

I must say, too, Mr. President, that if riding in a parade is reason for not serving in a Government position, this floor would be awfully empty.

Mr. President, I was not going to speak today and I cannot believe that we have spent more than 2 days debating this nominee. Our economy is in ruins, people need health care and jobs, and fair and affordable housing. The President's plan is waiting to be implemented and we are sitting here talking about the private life of the nominee of the Assistant Secretary of HUD for fair housing.

I was just home in my State of Washington this weekend, and people were not concerned about this nomination. They were concerned about the economy.

I am returning home again next weekend, and next weekend, and I want to tell my friends and neighbors that I worked on the issues that matter to them. I want to tell our displaced timber workers and their families that I am helping them find employment. I want to tell machinists and their families who are about be laid off by Boeing that I helped them to return to the work force.

I do not want to bog this debate down by repeating Ms. Achtenberg's long list of exemplary accomplishments and qualifications. Chairman RIEGLE has been tireless in listing them for the Senate. He is providing leadership that the members of our Banking Committee have come to know and expect from him. His defense of the distortions you have heard that have been set forth by the opponents makes me proud to associate with him.

I have heard my good friend and colleague, Senator BOXER, echo her praise of this nominee's experience and professionalism. I commend her for her patience and her perseverance in repeating Roberta Achtenberg's qualifications.

This country is tired of those who would view America in terms of us versus them. Americans know that the last thing we need is more internal strife in this country. As Americans, we all enjoy the rights and obligations that citizenship brings with it. But once again, we are hearing that all of us excluding Roberta Achtenberg have to pay our taxes and obey the law but only some of us can serve in the Government.

I will cast my vote on this nomination as I have on all the others, based on the candidates qualifications. Her private life is about as important to me as her hair color or her style of shoes.

My parents taught me what I have taught my own children, that people should be judged on their abilities, and their accomplishments. And I believe they are right. I am proud to support Roberta Achtenberg.

Thank you.

Mr. RIEGLE. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? If no Senator yields time, time will be charged equally against both sides.

The Senator from Michigan controls 6 minutes 27 seconds. The Senator from North Carolina controls 7 minutes 47 seconds.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum with the time to be charged equally between both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. 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. RIEGLE. Mr. President, I yield myself 1 minute.

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

Mr. RIEGLE. Mr. President, I thank my colleagues who have spoken in favor of this nomination and for their comments, particularly for their kind personal comments. I particularly thank the Senator from the State of Washington for her observations and comments. I think the phrase she used that "we cannot descend into the 'us versus them' kinds of divisions in our society" is exactly right. I think we need tolerance and not intolerance. We need to really accept everybody in our society and not get into a pattern of discrimination.

I think public service is both a duty and a privilege; it is a duty and a privilege that is readily available and there for all of our citizens. I do not think we can arbitrarily, on the basis of some other person's views, screen off parts of our society and say you are not fit to serve, and that you can otherwise be superbly qualified, but because of some issue with respect to sexual orientation or something else, you are disqualified from service. There is nothing in our founding documents that support that; in fact, they are exactly to the contrary.

This is an exceptionally well-qualified nominee by any standard. She is a former law school dean widely endorsed by experts across the country. She is prepared and willing to serve, and I think she ought to have the opportunity to serve.

Mr. President, I reserve the remainder of my time.

Mrs. KASSEBAUM. Mr. President, the Senate will vote shortly on the nomination of Roberta Achtenberg to be Assistant Secretary of Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

As with any controversial nomination, it is not easy in this case to separate fact from fiction and to determine valid concerns amid the many allegations. This nomination is complicated by the emotional issues raised by a nominee who is candidly and unapologetically lesbian.

The sexual orientation of a nominee is a relatively new and difficult issue for the Senate to consider. It may be a valid concern, and it may be a red herring. That depends on the nominee's own behavior and actions, just as the behavior and actions of heterosexual individuals may or may not be legitimate cause for concern.

I do not believe that the simple fact that someone is gay or lesbian is an automatic disqualification for public office. Neither do I believe it is an automatic qualification that exempts the individual's actions from review.

Mr. President, I do not know Roberta Achtenberg personally. What I do know of her is largely from the public record accumulated during the Senate's review of her nomination. I must say, based on that record, that I strongly disagree with many of the nominee's personal and political views.

As others have said before me, this is not a nomination I would have sent to the Senate, if I were President. But my role as a Senator is one of advice and consent, not nominating. In that role, if I voted against every nominee I disagreed with, I would have voted against many nominations not only of this President but of President Reagan and President Bush.

Others have raised the question of Ms. Achtenberg's specific qualifications for the post of Assistant Secretary of Fair Housing and Equal Opportunity. It is clear that she is not an expert on fair housing issues, as she herself acknowledges, but her legal background and expertise in civil rights matters will allow her to be a defender and enforcer of fair housing laws.

Finally, questions have been raised about the judgment and temperament of the nominee. This is one of the vast gray areas of the nomination process. There are no clear guideposts for gauging whether a nominee meets a standard of good judgment and temperament. It is, frankly, a question that finally rests on the personal opinion of each Senator.

The question of judgment and temperament in Ms. Achtenberg's case is tied to and complicated by the first consideration I raised. That is the nominee's sexual orientation. In this case, the question I come down to is whether the nominee's strong advocacy of gay and lesbian rights raises legitimate concerns about her ability to be a fair and impartial public official.

This question stems from a specific case involving Ms. Achtenberg's actions toward the Boy Scouts of America. This is a complicated matter but the key event in my mind was her action as a member of the San Francisco Board of Supervisors in authoring a resolution to punish the Bank of America for using its own private funds to contribute to the Boy Scouts.

There is no question that Ms. Achtenberg authored the resolution and there is no question in my mind that she intended to punish the Bank of America for its private support of the Boy Scouts.

Mr. President, for most of the past 12 years, I have opposed Government policies aimed at punishing Planned Parenthood for using its own funds in ways that differ from official Government policy. I strongly believe that Government can and must set policies for the use of public funds but that it should not interfere with legal, legitimate private activities using private funds.

I am troubled when public officials attempt to use political power to discipline those who disagree with them. I am, therefore, troubled by Ms. Achtenberg's actions toward the Boy Scouts.

Because of this question and others, I have been truly uncertain about this nomination. On one hand, I worry about an activist background that can create an atmosphere that does not lend itself to reasoned actions. On the other hand, many of the charges leveled against this nominee seem to me unfair in light of the actual responsibilities of the position she would assume.

Ms. Achtenberg repeatedly assured the members of the Banking Committee that she understands the duties and responsibilities of an assistant secretary in enforcing our existing laws. As Assistant Secretary, she would have no authority to unilaterally rewrite those laws. Only Congress can change the law.

Mr. President, I will vote for this nomination. I do so with reservations about her views, but with the hope that she understands the proper role of the office she will assume, if confirmed, and the need to build consensus, not controversy, for fair housing and equal opportunity.

I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, I am voting against Roberta Achtenberg's nomination for Assistant Secretary of HUD.

I would vote against any nominee, regardless of his or her sexual orientation, who has abused positions of power as this nominee has to coerce and to dictate the policies of the Boy Scouts of America, its 397 local Boy Scout Councils, and its 4.3 million members across America.

Even President Clinton stated during his campaign that the Boy Scouts should be allowed to set their own policies. It seems at best inconsistent that he would now nominate for Assistant Secretary the very person who was leading the persecution against the Boy Scouts.

Mr. President, this is not the first time the Senate has been called upon to take a stand on the question of Government and Government officials forcing homosexuality upon those who oppose this lifestyle and all it entails.

On July 11, 1988, the Senate voted 58 to 33 against allowing the District of Columbia to force a religious education institution to fund or endorse homosexual organizations. Democrats and Republicans alike took a stand against the heavy hand of Government to push homosexuality upon our religious institutions. Most of those 58 are still serving in the Senate today.

On September 12, 1990, the Senate voted 54 to 45 to keep the District of Columbia from forcing volunteer organizations to hire homosexuals for positions as educators, coaches, or trainers of juveniles. Again, most of these 54 are still serving today.

What we have today is a nominee who has gone to great lengths to impose these very same types of mandates that we of the Senate have voted against, time and time again.

This nominee used positions of power to coerce supporters of the Boy Scouts of America to cut off financial support. In turn, these tactics pressured the Boy Scouts in an attempt to accommodate the concerns of this nominee and her allies, to establish a new program called Learning for Life which is open to all: homosexuals, atheists, everyone.

But that was not enough for this nominee. She denigrated this new program by calling it nothing, that it was a second class program, and that it did not capture the essence of scouting, as if only she knows or decides what the essence of scouting is. She would not be satisfied until the Boy Scouts of America allowed lesbians and gays into its ranks and scouting leadership.

Again, even President Clinton said during the campaign that he thought the Boy Scouts should be able to decide for themselves what their policies are.

Mr. President, just this past Monday, in a ruling by the seventh U.S. Circuit Court of Appeals, the Boy Scouts of America were found not to be a "place of public accommodation" which would require them to admit atheists or agnostics.

Boy Scout leaders had testified that admitting atheists or agnostics would be divisive and would undermine efforts to teach boys religious duty and other values. Likewise, Boy Scouts exclude homosexuals, a policy based upon

the Scouts' oath and laws that require members to be "morally straight."

These laws and oath were written 83 years ago, but this nominee wants to dictate changes in these laws and policies because she claims to know the true essence of scouting.

Mr. President, as I stated earlier, the Senate has voted many times against these very same types of heavy handed, big-brother government tactics to undermine religious and private groups. Regrettably, this nominee has proven an inability to resist such tactics and practices.

We have voted against the practices.

It is time to vote against the practitioner.

Mr. DOMENICI. Mr. President, given the controversy over the confirmation of Ms. Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity, I want to offer a few comments about this issue.

The President of the United States is entitled to nominate those individuals whom he believes best represent his policies and who exhibit leadership skills compatible with his philosophies. I believe as much latitude as possible should be given to allow the President to build his management team with individuals of his choosing.

I voted for the nominee in the committee because I believe she is qualified to perform the tasks of the job, and because I take her word that she will enforce the current civil rights and fair housing statutes without advocating or interjecting her personal standards or values to the job. She said:

I don't view my job as advocating inclusion of additional protected classes. I'm going to have enough work to do, Senator [Bond], trying to make the current protections that are supposed to be guaranteed under Title VIII a reality for all Americans.

My committee vote in support of Ms. Achtenberg evidenced my belief that she would perform her duties as prescribed by law and that she would represent the President of the United States as he would want to be represented. My vote was not a vote in support of her personal values or lifestyle. My views about family life and what is right for our American children and youth are in no way compatible with those espoused by this nominee.

As detailed in a recent and comprehensive article in the Atlantic Monthly magazine by Barbara Dafoe Whitehead:

After decades of public dispute about so-called family diversity, the evidence from social-science research is coming in: The dissolution of two-parent families, though it may benefit the adults involved, is harmful to many children, and dramatically undermines society.

She further states:

What contributes to a parent's happiness may detract from a child's happiness. All too often the adult quest for freedom, independence and choice in family relationships conflicts with a child's developmental needs for stability, constancy, harmony, and permanence in family life. In short, family disruption creates a deep division between parents' interests and the interests of children.

These statements coincide exactly with my own views. The American family is an entity to protect and nurture. I recognize we do not live in a perfect world, and that two-parent dysfunctional families are also contributors to children's agony and distress. At the same time, I cannot accept, as I believe the majority of the American public cannot accept, the promotion of alternative lifestyles as appropriate surrogates for what we refer to as "the traditional" American family.

And, I want to add that this has nothing to do with the issue of gender or sexual preferences. It is about how our children thrive and grow to responsible adulthood. I believe, very firmly, that the evidence clearly shows that children respond best to the so-called traditional family structure.

Therefore, on a very personal level, I hold deep convictions about what I understand this candidate represents and what I believe is good and right for American families, and these beliefs are diametrically opposed to one another.

At the same time, Mr. President, and regardless of the thousands of words that have been delivered in the debate on this nomination, I believe there is one message that should be shared with President Clinton.

While many of us will support the President's right to nominate the candidates he believes best represent his policies, we caution him that nominees' do not come neatly sliced—they come as a whole loaf. Their personal value systems and their professional capabilities cannot be compartmentalized.

To the American public, a candidate for high public office, representing the President of the United States, is also representing the values and standards of that President. Regardless of the blur between personal and professional values, the composite is what Americans see and upon which Americans make their judgments. Americans look to the President for guidance and leadership, and they see those most close to him as representative of his views.

The President bears the ultimate responsibility for selecting candidates with whom he has confidence, pride, and philosophical compatibility; and, as important, the same standards and values he wishes to convey to the American public.

Thus, in my estimation, the President comes perilously close to being associated, in a direct sense, with alternative lifestyles that I believe he neither promotes nor wants the American public to believe he supports.

The debate on this candidate portrays clearly that professional expertise and private values are not easily separated or seen in isolation of one another. They are, instead, intricately intertwined. As such, this amalgamation of characteristics must be recognized for what they are.

It is the tradition of this institution that only the most grave and serious reasons should compel a Senator to oppose the nomination of a Presidential appointment. And, as I have explained, I do have serious reservations about this nominee.

However, as I have reviewed this issue very closely, I must conclude that while my doubts are great—and this nominee comes very close to the point but does not cross the line at which I would vote to deny the President a nominee of his choice—I will vote to confirm the candidate. I have to believe the nominee will represent the President in a manner he believes is best and right for him, and what is best and right for the American public. Time will be the judge of her performance and the public will be watching, as will I.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed at this point in the RECORD:)

• Mr. KRUEGER. Mr. President, I support the nomination of Roberta Achtenberg to be Assistant Secretary for Fair Housing and Equal Opportunity. I will not be present today to cast my vote in person, however, because I will be in Texas.

Roberta Achtenberg has served as a law school dean, civil rights attorney, and is an elected member of the San Francisco Board of Supervisors. She has the strong endorsement of my two colleagues from California, both of whom know her qualifications well through work with her in the Bay area.

Roberta Achtenberg also has significant backing from the State of Texas. The Austin Tenants' Council and Texas Commission on Human Rights support her nomination. My friend and distinguished Texan Henry Cisneros, the Secretary of Housing and Urban Development, has this to say about the nominee:

Miss Roberta Achtenberg is highly capable of serving the Nation in this important position. She has my unqualified support for this job. I'm hopeful that her nomination can move forward expeditiously.

Nothing else need be said about this nomination, Mr. President. Certainly many of the things that have been said about it should not have been. We must focus upon whether or not the President's nominees are honest, capable, and experienced, not whether we agree with every action taken or opinion held by him or her. That is a standard which no nominee can meet.

I look forward to the day in the hopefully not far distant future when all nominees are treated equally and fairly. The Senate must focus upon how well a nominee will carry out his or her duties rather than on personal consid-

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erations which have no bearing on a nominee's ability or performance. By this fair standard Roberta Achtenberg clearly deserves confirmation, and I support the nomination.●

Mr. SIMPSON. Mr. President, I rise to speak on the nomination of Roberta Achtenberg to be Assistant Secretary at HUD for Fair Housing and Equal Opportunity.

Ms. Achtenberg has been very honest and open on the subject of her own sexual preference, and this has increased the attention which has been given to this nomination. It is my view that President Clinton should have the opportunity to select competent, fair-minded public servants to serve in his administration. I firmly believe that the sexual preference of a nominee should not be a disqualifying factor when that individual has been selected by the President of the United States to serve in his administration. My past record is very clear on that.

To me, the concerns I have with this nomination are not about sexual preference. They are concerns about fairness, about temperament, and about judgment. If she is confirmed for this position, she is going to have to deal with a variety of thorny issues. When the paramount objective of such a high level position is to achieve basic fairness, or to provide equal opportunity or to protect civil rights, it is my view that the individual responsible for those decisions should bring to the position a history of devotion to public service and, at minimum, the ability to make good faith efforts at arriving at fair decisions, and at least, always listening to the views of others.

With that standard in mind, I am seriously concerned about Ms. Achtenberg's abilities to perform this job fairly and objectively. Specifically, in the past, she has manifested a certain clear vindictiveness against the San Francisco Bay Area Boy Scouts of America, activity which I feel is contrary to what Americans are entitled to expect of a nominee to this position.

Her feud with the Scouts began because of the Boy Scouts' longstanding national policy which bars homosexuals from Scout leadership. In response to that policy, I understand she was instrumental as a member of the board of supervisors in having the Boy Scouts banned from the San Francisco public schools. Furthermore, the Bay Area United Way organization, where Ms. Achtenberg served as a member of the board of directors, eliminated funding for the Bay Area Boy Scouts. Then, as if this wasn't punishment enough, Ms. Achtenberg introduced a resolution in December 1992 which directed the city of San Francisco to cut its financial ties with the Bank of America. It passed. Recall that the bank had already reversed its earlier decision to cut off funding to the Boy Scouts over the homosexual issue. The purpose of the resolution? She wanted to punish the bank. When the Boy Scouts' leadership protested, Achtenberg, according to a newspaper account in the Houston Chronicle, responded by saying, "That's just tough." Later she was quoted in the San Francisco Chronicle by saying, "Do we want children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing male children."

I am proud to have been a Boy Scout. The teaching and training were helpful in my growth as a person. I always try to provide financial support for the Boy Scout and the Girl Scout programs. I believe that those two organizations have done an immense amount of good in character building for our Nation's youth. I do know what political correctness is all about. But I also do not believe that political correctness and good judgment are mutually exclusive.

It is troubling to observe how she dealt with the Boy Scouts. There are going to be many other groups who are just as sincere in their own beliefs that she is going to have to contend with, should she be confirmed for this position. Will she sit down with their leaders and members, try to reason with them, and to listen to them? Will she seek less harsh and less vindictive ways to deal with groups that differ with her particular political philosophy? She surely did not demonstrate that kind of conduct or sensitivity or those kinds of abilities when it came to the Boy Scouts of the bay area.

The election is over, and the President is entitled to have members of his Cabinet and members of his sub-Cabinet who share his own political philosophy. That political philosophy may differ from mine. However, individuals such as Ms. Achtenberg will not be simply presiding over and making judgments that effect people who are solely citizens of her country. It is our country, and our Government, and we are all entitled to public servants who at least listen and try to be objective. Based on what I have read, and heard during this debate, I am not personally convinced that Ms. Achtenberg has demonstrated that level of maturity, objectivity, and fairness as to warrant my support of her confirmation to this important position.

Mr. COATS. Mr. President, during the course of the debate over the nomination of Roberta Achtenberg to be the Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development, there have been many comments regarding the need to expedite this process. Some Members of this body have stated that a lengthy discussion of Ms. Achtenberg's background is unnecessary. I would argue we are just now learning some disturbing things about her background, character, and temperament—all of which will influence her activities as Assistant Secretary for Fair Housing.

The debate over this nomination has focused on Ms. Achtenberg's involvement in efforts to cut off United Way funding for the Boy Scouts in the bay area. We have taken a closer look at actions she took as a member of the San Francisco Board of Supervisors to punish the Bank of America for reversing its earlier decision to eliminate funding for the Scouts. We have had an opportunity to consider statements she has made regarding the Scouts' mission—"Do we want children learning the values of an organization that * * * provides character building exclusively for straight, God-fearing male children?" As a result of this discussion, the Senate had gained a clear understanding of Roberta Achtenberg's attitudes and the actions she is willing to take against those who do not share her agenda.

The Assistant Secretary for Fair Housing and Equal Opportunity is responsible for Federal monitoring of State and local fair housing law enforcement agencies. In addition, the responsibilities of this post include directing affirmative action compliance within the Department of Housing and Urban Development [HUD], evaluating HUD's Equal Employment Opportunity Program, implementing and developing HUD's Fair Housing and Equal Opportunity programs, and conducting investigations of compliance with Department rules. This is not a minor post that merely implements the law. It helps shape the law.

Given Roberta Achtenberg's apparent intolerance for individuals and organizations, such as the Boy Scouts, who do not comply with her political agenda, I am concerned that she will be unable to exercise impartiality in a post that demands it. Her personal crusade against the Boy Scouts is an example of a radical agenda that is outside the mainstream of civil rights, and there is no set of outstanding qualifications that outweigh these concerns.

It is for these reasons that I will oppose the nomination of Roberta Achtenberg.

THE BOY SCOUTS 1992 VOTE LAST YEAR

Mr. HELMS. Mr. President, on September 22, 1992, the Senate defeated 49–49, an amendment to strike from the Combined Federal Campaign—the Federal Government's charity drive among Federal employees—any charity that used its funds to intimidate the Boy Scouts to accept homosexual Scout leaders and to drop their oath of allegiance to God.

Inasmuch as the Senate will vote today on the nomination of the leader of this campaign against the Boy Scouts, I ask unanimous consent that last year's vote be printed in the RECORD.

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

SENATE RECORD VOTE ANALYSIS—VOTE NO. 227, 102D CONGRESS, SEPTEMBER 22, 1992

DOD APPROPRIATIONS/BOY SCOUTS, HOMOSEXUALS, ATHEISTS

Subject: Department of Defense Appropriations Bill for fiscal year 1993 . . . H.R. 5504. Helms amendment No. 3118 to the committee amendment beginning on page 142, line 1.

Action: Amendment rejected, 49-49.

YEAS (49)

Republicans (31 or 72%)

Bond, Brown, Burns, Coats, Cochran, Craig, Danforth, Dole, Domenici, Garn, Gorton, Gramm, Grassley, Hatch, Helms, Kasten, Lott, Lugar, Mack, McCain, McConnell, Murkowski, Nickles, Pressler, Roth, Simpson, Smith, Stevens, Symms, Thurmond, Wallop.

Democrats (18 or 33%)

Bentsen, Breaux, Bryan, Bumpers, Byrd, Conrad, Daschle, Dixon, Ford, Fowler, Heflin, Hollings, Johnston, Nunn, Pryor, Reid, Sanford, Shelby.

NAYS (49)

Republicans (12 of 28%)

Chafee, Cohen, D'Amato, Durenberger, Hatfield, Jeffords, Kassebaum, Packwood, Rudman, Seymour, Specter, Warner,

Democrats (37 or 67%)

Adams, Akaka, Baucus, Biden, Bingaman, Boren, Bradley, Burdick, Jocelyn, Cranston, DeConcini, Dodd, Exon, Glenn, Graham, Harkin, Inouye, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Pell, Riegle, Robb, Rockefeller, Sarbanes, Sasser, Simon, Wellstone, Wofford.

NOT VOTING (2)

Republicans (0)

Democrats (2)

Gore—2, Wirth—2.

Explanation of Absence:

1—Official Business.

2—Necessarily Absent.

3—Illness.

4—Other.

Symbols:

AY—Announced Yea.

AN—Announced Nay.

PY—Paired Yea.

PN—Paired Nay.

The PRESIDING OFFICER. The Chair advises the Senator that 51 seconds remain.

Mr. HELMS. Mr. President, I think we ought to have the rollcall.

The PRESIDING OFFICER. Is there objection?

The question is on the confirmation of Roberta Achtenberg of California to be an Assistant Secretary of Housing and Urban Development.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. EXON. Mr. President, it is my intention to vote "no" on this nomination. However, Senator KRUEGER, who is absent, if he were present, would vote "aye." Therefore, I withhold my vote.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. DECONCINI] and the Senator from Massachusetts [Mr. KENNEDY] would each vote "aye."

On this vote, the Senator from Texas [Mr. KRUEGER] is paired with the Senator from Nebraska [Mr. EXON]. If present and voting, the Senator from Texas would vote "aye" and the Senator from Nebraska would vote "nay."

Mr. DOLE. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "nay."

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 31, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—58

Akaka	Feingold	Mitchell
Baucus	Feinstein	Moseley-Braun
Bennett	Ford	Moynihan
Biden	Glenn	Murray
Bingaman	Graham	Nunn
Bond	Gregg	Packwood
Boxer	Harkin	Pell
Breaux	Hatfield	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Riegle
Campbell	Kassebaum	Robb
Chafee	Kerrey	Rockefeller
Cohen	Kerry	Roth
Conrad	Kohl	Sarbanes
D'Amato	Lautenberg	Simon
Daschle	Leahy	Specter
Dodd	Levin	Wellstone
Domenici	Lieberman	Wofford
Dorgan	Metzenbaum	
Durenberger	Mikulski	

NAYS—31

Brown	Grassley	Nickles
Burns	Hatch	Pressler
Byrd	Helms	Sasser
Coats	Hollings	Shelby
Cochran	Kempthorne	Smith
Coverdell	Lott	Stevens
Craig	Lugar	Thurmond
Dole	Mack	Wallop
Faircloth	Mathews	Warner
Gorton	McConnell	
Gramm	Murkowski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Exon, against

NOT VOTING—10

Boren	Heflin	McCain
Bradley	Jeffords	Simpson
Danforth	Kennedy	
DeConcini	Krueger	

So the nomination was confirmed.

Mr. RIEGLE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. 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 President of the United States will be notified immediately.

LEGISLATIVE SESSION

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

The Senate will be in order.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, the Senate has resumed consideration by the campaign finance reform bill. There is pending an amendment by the distinguished Senator from Minnesota [Mr. WELLSTONE].

There will be no further rollcall votes today, but I anticipate a vote on, or in relation to, the amendment early tomorrow.

So, Mr. President, Senators should be aware that we are now considering the campaign finance reform bill. There are amendments pending. There will be votes tomorrow. I encourage all those Senators who have amendments, who intend to offer amendments, to be prepared to do so tomorrow as Senators should anticipate the possibility of votes throughout the day tomorrow.

I thank my colleagues.

Mr. President, I now 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.

The majority leader may proceed.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

JOINT ACTION PROGRAM FOR BOSNIA MERITS SUPPORT

Mr. PELL. Mr. President, I want to express my support for the Joint Ac-

tion Program announced May 22 by Secretary of State Christopher and the Foreign Ministers of France, Russia, Spain, and the United Kingdom. This Joint Action Program has the purpose of bringing coordinated international action to bear on the conflict in Bosnia and Herzegovina.

All of us who are concerned about this situation should welcome this announcement of united action by the European allies including the European Community and Russia, and the United States. There has been a lot of talk about doing something to relieve the crisis in Bosnia. This program holds a good chance, I believe, of doing that in a positive and constructive way.

The core of the program is the proposal for implementation of safe areas in Bosnia and Herzegovina, with each of the participating nations making appropriate contributions to securing these areas. Secretary Christopher stated that the United States is prepared to meet its commitment to help protect United Nations forces in the event they are attacked and request such action.

While the safe areas concept will not finally resolve the conflict in Bosnia, it does have the merit of offering an effective short-term remedy for the kinds of fighting and military attacks that are causing the greatest hardship. They hold the promise of protecting the civilian population and making it possible to deliver humanitarian relief in a more effective and secure way.

The Joint Action Program pledges support for humanitarian assistance programs and insists that all the parties allow such aid to get through to the people of Bosnia and Herzegovina. The Senate Foreign Relations Committee will be meeting Wednesday, May 26, with Mrs. Sadako Ogata, the U.N. High Commissioner for Refugees, and I am sure our discussion will focus on what is needed to strengthen and safeguard the humanitarian work of her organization and other groups such as the International Committee of the Red Cross.

The program also pledges rigorous enforcement of sanctions on Serbia and Montenegro, with the participating countries contributing to the joint effort to ensure that the Belgrade government's promise to close its border with Bosnia is kept.

It is worth noting that Secretary Christopher in his comments on behalf of the Foreign Ministers said:

> We put Croatia on notice that assistance to Bosnian Croatian forces engaged in fighting and ethnic cleansing could result in international sanctions against Croatia.

Many of us have been dismayed, if not surprised, at reports that Croatian forces have been guilty of some of the most severe attacks on Moslem enclaves in recent weeks. It is all too easy simply to criticize Serbs when other groups continue to be guilty of actions that prolong the conflict.

The program pledges support for establishment of a war crimes tribunal, and for continued enforcement of the no-fly zone over Bosnia.

Mr. President, this program is the product of a major effort of inter-Allied cooperation, with the United States playing a pivotal role. The final meeting took place in Washington, and Secretary Christopher was the one who spoke for the group in the public announcement.

I would note that Foreign Minister Andrei Kozyrev of Russia was a key participant. The Foreign Relations Committee met with Mr. Kozyrev last week, and from our discussion it was clear that his government is prepared to cooperate with and support the plan that was announced on Saturday. Russian participation may well be crucial in helping convince the parties that it is in their interest, and everyone's interest, to support the Joint Action Program as a way out of the conflict.

From my personal discussions with Secretary Christopher, I know how hard he has worked with his Foreign Minister colleagues to achieve this result. This has not been easy. Bosnia is truly the "problem from hell" as the Secretary described it in recent congressional testimony, and it is no easier when seen from the perspective of the capitals of the other countries participating in this plan. The public at large has little sense of the extensive communications by telephone and telegram and in personal meetings needed to create the sense of trust and mutual responsibility that has made it possible to construct and agree on this Joint Action Program.

Secretary Christopher and the four Foreign Ministers of the other countries are to be commended on what they have achieved. The Joint Action Program deserves our support, which will be essential if it is to have a chance of working.

Mr. President, for the convenience of other Senators, I ask unanimous consent that the text of Secretary Christopher's May 22 announcement and the text of the Joint Action Program be printed in the RECORD.

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

STATEMENT BY SECRETARY WARREN CHRISTOPHER—ANNOUNCEMENT OF JOINT ACTION PROGRAM, MAY 22, 1993

I am pleased to be here today with my colleagues, Foreign Secretary Douglas Hurd of the United Kingdom, Foreign Minister Andrei Kozyrev of Russia, Foreign Minister Javier Solana of Spain, Foreign Minister Alain Juppe of France. I have been asked by my colleagues to make a short summary statement with respect to our deliberations.

We are determined that the international community will act together—based on shared responsibilities and common purpose—to bring increased direct pressure to bear on those engaged in the conflict in Bosnia.

Each of us—along with our colleagues in other capitals and at the United Nations—have worked hard to find a common approach that will work to stop the killing in Bosnia, prevent the conflict from spreading, and bring concerted pressure on the parties to reach a peaceful settlement of the conflict. This increased international pressure must especially be brought to bear on the Bosnian Serbs—who stand wholly isolated from the community of civilized nations.

During the last three days, we agreed on a Joint Action Program of further stops which we are announcing today.

This Joint Program described those steps that we will pursue to help extinguish this terrible war and achieve a lasting and equitable settlement. We all understand, collectively, that there is a need for urgent action.

Taken together, the course of action that we outline today is designed to directly affect the environment in Bosnia and escalate the pressure on those still fighting so that a political settlement to this crisis—which must be achieved—will be more likely.

Let me, on behalf of my colleagues, summarize the specific, concrete steps that we have agreed to take and are presented in our joint document:

We will continue our programs of humanitarian assistance to the people of Bosnia-Herzegovina to save lives and will insist that all the parties allow this aid to pass without hindrance.

We will rigorously enforce the tight and tough regime of sanctions that isolate and pressure Serbia and Montenegro. This pressure will be unrelenting until the necessary conditions of relevant UN Security Council resolutions are met, including the withdrawal of Bosnian Serb troops from territories occupied by force.

Each of us will contribute in our own way—for instance, through monitors, technical assistance, or surveillance—to a joint effort that ensures that Belgrade's promise to close their border with Bosnia-Herzegovina is not a shallow one.

We will work in the UN for early adoption of measures that will implement certain "safe areas" in Bosnia-Herzegovina. Each of our nations will make appropriate contributions to securing these "safe areas." In this context, the United States is prepared to meet its commitment to help protect United Nations forces in the event they are attacked and request such action.

We will continue to enforce vigorously the No-Fly Zone established over Bosnia.

We support the rapid establishment of a War Crimes Tribunal so that those guilty of atrocities may be brought to justice.

We will remain intensely involved in efforts to achieve a durable, negotiated settlement to this crisis. To the extent that the parties decide to implement mutually-agreed provisions of the Vance-Owen Plan, that is something we encourage.

We put Croatia on notice that assistance to Bosnian Croatian forces engaged in fighting and "ethnic cleansing" could result in international sanctions against Croatia.

Grave consequences would arise from violence spreading elsewhere in the Balkans. We support an increased international presence in the Former Yugoslav Republic of Macedonia in consultation with the authorities in Skopje and an increase in the international monitoring presence in Kosovo.

We will keep open options for new and tougher measures, none of which is prejudged or excluded from consideration.

Each of us will work—individually and colletively—to define operational plans to carry out these measures promptly.

It is testimony to the strength of our alliance and our new partnership with the Rus-

sian Federation that we have arrived at the mutual course of action that we announce today.

The actions we announce today help will save lives, keep the conflict from spreading, and increase pressure in favor of a negotiated solution.

As our statement says, we are firmly united and committed to prosecuting this course of action.

JOINT ACTION PROGRAM

France, the Russian Federation, Spain, the United Kingdom, and the United States of America are profoundly concerned that the conflict in Bosnia-Herzegovina is continuing despite the strenuous efforts of the international community and the Co-Chairmen of the International Conference on the Former Yugoslavia, which they strongly support, to bring an end to it.

We shall continue to work urgently to help extinguish this terrible war and to achieve a lasting and equitable settlement.

We also have common views on the most productive immediate steps to take. These should lead to implementation of relevant Security Council resolutions as well as the elaboration of further steps.

1. *Humanitarian Assistance.* We will continue providing humanitarian assistance for the people of Bosnia-Herzegovina, and will insist that all parties allow humanitarian aid to pass without hindrance.

2. *Sanctions.* The economic sanctions imposed by the United Nations Security Council against Serbia and Montenegro must be rigorously enforced by all members of the UN until the necessary conditions set out in Security Council Resolution 820, including the withdrawal of Bosnian Serb troops from territories occupied by force, are not for lifting lifetime the sanctions.

3. *Sealing Borders.* We note the pledge of the Belgrade authorities to close the border with Bosnia-Herzegovina, in order to put pressure on the Bosnian Serbs to accept the peace plan. We are watching to see if the border closure is effective. Although the primary responsibility for enforcing this step belongs to Belgrade, we can assist, for instance by placing monitors on the borders or providing technical expertise or conducting aerial surveillance. We also note the willingness expressed by the Zabreb authorities for monitoring to take place along the border between Croatia and Bosnia-Herzegovina.

4. *"Safe Areas".* The concept of "safe areas" in Bosnia-Herzegovina, as France and others have proposed, could make a valuable contribution. We will work to secure early adoption of the new UN Security Council Resolution now under discussion. The United Kingdom and France along with other nations already have forces serving with UNPROFOR in "safe areas." Troops from other countries, including Spain and Canada, are playing an important role on the ground. The Russian Federation is considering making forces available in Bosnia in addition to its forces presently in Croatia. The United States is prepared to meet its commitment to help protect UNPROFOR forces in the event they are attacked and request such action. Further contributions from other countries would be most welcome.

5. *No-Fly Zone.* The No-Fly Zone should continue to be enforced in Bosnia.

6. *War Crimes Tribunal.* We support the rapid establishment of the War Crimes Tribunal, so that those guilty of atrocities may be brought to justice.

7. *Durable Peace.* Negotiated settlement in Bosnia-Herzegovina, building on the Vance-Owen process and intensified international cooperation and effort, is the way a durable peace can be established. France, Russia, Spain, the United Kingdom, and the United States will assist and actively participate in a continued political process to this end. To the extent that the parties decide to implement promptly mutually-agreed provisions of the Vance-Owen Plan, this is to be encouraged.

B. *Central Bosnia-Herzegovina.* We are deeply concerned about the fighting between Bosnian Croatian and Bosnian Government forces and the related "ethnic cleansing," and we agree that Croatia should be put on notice that assistance to Bosnian Croatian forces engaged in these activities could result in the international community imposing sanctions on Croatia.

9. *Containment.* We will cooperate closely to enhance efforts to contain the conflict and prevent the possibility that it will spill over into neighboring countries. We would regard such a development with the utmost seriousness.

10. *Former Yugoslav Republic of Macedonia.* It is essential that everyone in the region understands that aggression against the Former Yugoslav Republic of Macedonia would have grave consequences. We will support an increase in the international presence there in consultation with the authorities in Skopje. The United States is considering a contribution to this effort.

11. *Kosovo.* We favor an increase in the international monitoring presence in Kosovo. International standards of human rights should be strictly respected in the formerly-autonomous region of Kosovo, although we do not support declarations of independence there.

12. *Croatia.* The same considerations apply to the Serb-populated areas of Croatia. We will work for the renewal and strengthening of UNPROFOR's mandate. The Croatian Government and the local Serb authorities should maintain the cease-five and constructively pursue their dialogue leading to settling practical, economic, and, eventually, political problems between them.

13. *Further Measures.* We will keep open options for new and tougher measures, none of which is prejudged or excluded from consideration.

We five members of the United Nations Security Council are firmly united and firmly committed to taking these immediate steps. We will work closely with the United Nations and the involved regional organizations as we carry out these efforts.

INDONESIAN ABUSE OF HUMAN RIGHTS CONTINUES IN EAST TIMOR

Mr. PELL. Mr. President, last Friday a miscarriage of justice occurred in East Timor. On that distant Southeast Asian island, an Indonesian court sentenced Jose Alexandre Gusmao to life in prison. Mr. Gusmao had long led the Revolutionary Front for an independent East Timor, popularly known as Fretilin. His activities on behalf of East Timorese independence predate the Indonesian invasion in late 1975.

I know it is hard for us so far away to understand the atmosphere of intimidation and fear prevading a land so few have been able to visit. A few of us may recall the Indonesian invasion on December 7, 1975, which resulted in the deaths from war or mistreatment of as much as one-third of the East Timor population. Some may remember the massacre on November 12, 1991, when a procession of East Timorese, marching from a memorial mass for a Timorese youth killed by Indonesian security forces, were fired on by the Indonesian military. Approximately, 100 were killed then. At least 60 people remain missing.

Following the massacre near the Santa Cruz cemetery, eight East Timorese were arrested and tried. They were imprisoned from 5 years and 8 months to life in prison for participating in the march. Of the military, however, who fired on the East Timorese, only eight were tried. They received sentences ranging from 8 to 18 months. The disproportionate prison terms given to those who did the shooting compared to those who were shot at suggests why Indonesian justice in East Timor has to be viewed with great skepticism.

Thus, Mr. Gusmao's arrest last November by the Indonesian armed forces provoked outcries of international concern. For the first 17 days of his arrest he was kept incommunicado. Only after considerable international pressure were representatives of the International Committee of the Red Cross [ICRC] permitted to visit him—once. No family members were granted access until April when his parents briefly visited him.

His family asked that lawyers from the Indonesian Legal Aid Institute serve as Mr. Gusmao's defense attorneys. They, however, were denied access to him. After corresponding by letter, they received a response purportedly from him, thanking them for their offer but rejecting it. Instead, he received a court-appointed attorney, a Mr. Sudjono, who was a close friend of the Indonesian police intelligence officer handling the case.

A week ago Monday Mr. Gusmao attempted to read a 27-page defense statement. The court stopped him after he had read only 2½ pages, declaring his arguments were irrelevant to the case. If the court had listened, one of the things it would have heard him say was that:

> On 22 December, I read a letter that was addressed to me by the LBH [the Indonesian Legal Aid Institute]. On 23 December I replied to that organisation, accepting a lawyer. But I was compelled to renounce it. On the 30 of the same month, I had to write a letter to the LBH refusing their offer. My initial letter which had been intercepted was returned to me.

Mr. President, I would like to include here, part of Mr. Gusmao's defense statement which has been smuggled out of East Timor. In addition, I would like to call my colleagues attention to a report released by Asia Watch in April, entitled "Remembering History in East Timor: The Trial of Xanana Gusmao and a Followup to the Dili

Massacre." It provides a reasoned and balanced assessment of the issue.

In his defense statement, Mr. Gusmao proposes negotiations on the East Timor issue take place between Indonesia and the East Timorese under the auspices of the United Nations. Talks are already occurring intermittently between Indonesia and Portugal, East Timor's former colonial rulers. However, despite Portuguese requests, the Indonesians have never permitted East Timorese, representing independent political groups, from participating in them. It is my view that a resolution of this conflict can only take place if all sides participate under the guidance of the U.N. Secretary General.

I raised my concerns with the Indonesian Foreign Minister, Ali Alatas, when he was here last month. I told him of my deep distress at the situation and of the views in Rhode Island. Last year, I received a letter from one such Rhode Islander, Michael Bianchetta, who captured well the feelings of many when he wrote:

After hearing firsthand accounts of the unprovoked massacre of Timorese mourners by the Indonesian army that took place last November and also some of the history of the Indonesian occupation in East Timor, I was appalled at the blatant brutality and genocidal acts of the Indonesian military.

I also spoke to the Foreign Minister about the case of an East Timorese woman, Gabriella Pinto, the wife of a young man, Constancio Pinto, recently admitted to Brown University. Ms. Pinto has requested permission to leave Indonesia and join her husband. I asked the Foreign Minister to facilitate her departure and observed that I had received complaints she was being harassed by Indonesian security forces. Mr. Alatas assured me that she could leave and that reports of intimidation were incorrect. Today, I have been told by her husband who spoke to her on the telephone yesterday that she is receiving daily visits from security forces who threaten to prevent her departure. I hope such harassment will end and she will be permitted to leave as the Foreign Minister assured me.

Mr. President, by its actions the Indonesian Government ensures that the issue of East Timor will not disappear. I have been to Indonesia. I have been impressed by the diligent efforts of the Indonesian people to develop. They have prospered and it is true that they have provided some of their prosperity to the East Timorese people to assist their development. Indonesia has done much to add to Southeast Asia's prosperity, aiding most recently U.N. efforts to bring peace to Cambodia. But all of Indonesia's good works is easily undone in the eyes of the international community when killings, intimidation, and the ruthless suppression of peaceful dissenters takes place in East Timor. Indonesia does itself a disservice by its actions in East Timor. It would do itself an immeasurable service by recognizing that the East Timorese also have the right to determine peacefully their own future.

I ask unanimous consent to print in the RECORD excerpts of the defense plea.

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

DEFENCE PLEA OF XANANA GUSMAO
(EXCERPTS)

(These are excerpts from the 28-page defence plea, hand-written in Portuguese, that was presented in the Dili district court on 17 May 1993 by the defendant, Xanana Gusmao. After reading the first two pages, the court ordered him to stop.)

(These translated excerpts are made available to the press-and others on 21 May 1993 by TAPOL.)

First of all, I would like to thank you for the opportunity you have afforded me to express myself freely, without coercion of any kind.

I have always insisted in all my conversations with everyone, including my conversation with the Indonesian ambassador to the United Nations, Mr. Nugroho, that considering the circumstances under which my earlier statements in Jakarta were made, they cannot be construed as being credible.

This is the appropriate moment for me to explain everything. I hope that Indonesian intellectuals will understand my frame of mind at this moment when I am making use of my freedom of expression as a result of the rights which I have.

I hope that the new Indonesian generation, or to be more precise, the Indonesian youth will appreciate the importance of the law on freedom both as a fundamental aspect of human life today and in the modern society in which we live.

I hope finally that the international community will appreciate the worth of all my declarations, considering the time and place in which they were made.

I thank you once again, honorable judge, for allowing me to speak in my own defence.

I am resistance commander Xanana Gusmao, leader of the Maubere resistance against the cowardly and shameful invasion of the 7 December 1975 and the criminal and illegal occupation of ET for the last 17 years.

On 22 November last year in Denpasar, I signed a document in which I affirmed that according to international law, I continue to be, like all Timorese, a Portuguese citizen and before my own conscience I am a citizen of East Timor.

It is in these terms that I reject the competence of any Indonesian court to try me, and particularly the jurisdiction of this court which has been imposed by force of arms and crimes against my homeland, East Timor.

I believe that the international press has not failed to notice the massive political stage-managing has occurred. In case this has gone unnoticed, I now want to draw the attention of everyone to the fact that I feel like a foreigner in my own land. In prison at Polwil [the regional police command] I am completely surrounded by Indonesians; officers from BAIS [the Strategic Intelligence Agency] and men from Kopassus [the red-beret elite troops] are my wardens. I asked for a visit from the Bishop and they sent me an Indian priest who is a defender of integration.

Here in this so-called court, I see only Indonesians and above all, Indonesian military from Kopassus and BAIS. According to Indonesian law, trials of this nature are, or should take place in, public. Every time that I enter this courtroom, the public that I see are these same military authorities, some of whom have been the main actors in my case, throughout my imprisonment. The Timorese, my compatriots, are out in the street under strict surveillance. This is the blatant rule of the occupier. This is the display of foreign oppression, foreign domination which flaunts the arrogant contempt of the colonisers.

The question of East Timor is the responsibility of the international community, a question of international law. It is a case in which universal principles are at stake, a case where the decolonisation norms of the UN have been manipulated, a case where Indonesia has disregarded the resolutions of the UN, a case therefore of the flagrant violation of the principles of the Non-Aligned Movement, and of the universal pattern of law, peace and justice.

Every Indonesian is bound to the policy of their own nation, and their understanding of East Timor is the product of how their government sees it, unless they listen to their own consciences and commit themselves to the universal principles of justice, freedom and the rule of law.

For 17 years, East Timor, the other side of the coin, has been the story of the great Indonesian farce. For almost four months I have been used as part of this shameful force. Whether cleverly or unfortunately is not for me to judge.

This court claims that it is trying me for crimes committed against the Indonesian state and for the illegal possession of firearms. I know that everything has been arranged for me to be acquitted. . . .

The ones who should be standing before an international court are, in the first place,

The Indonesian government for crimes committed in the past 17 years in East Timor;

The US administration which gave the green light to the invasion on 7 December 1975 and have since given military aid and political support for Indonesia's genocide in East Timor;

The governments of Australia and western Europe for their policy of complicity towards Indonesia;

And finally, the Portuguese government for its grave irresponsibility in the decolonisation of East Timor.

The UN recognises as legitimate all means of opposition to the colonial presence in any part of the world where people are fighting for liberation. My struggle and the resistance of my people and of Falintil [the armed forces of the East Timorese resistance movement, the CNRM, the National Council of Maubere Resistance] should be placed in this context, standing above Indonesian law.

Mr. Sudjono, in his demurrer [eksepsi] tried to adopt a more liberal position when he questioned the Ballbo Declaration, but he did not deal with the fundamental problem the illegality of the annexation of East Timor by means of force. The key question in this court is the so-called "process of the integration of East Timor."

I remind you here that in Denpasar I was compelled to make statements apologising to the Indonesian army of the massacre of Santa Cruz, a massacre which was perpetrated by the Indonesian army and not by me. I remind you as well that in Jakara, I declared, on the specific Instructions of the puppet governor, Abilio Osorio, that I was prepared to surrender.

This court must surely agree with me that it went too far in saying that Frerillin "dared to impose its will on the people" and that the afore-mentioned Bali Beach proclamation (the "Balibo Declaration,' purportedly signed in Balibo, East Timor, by several East Timorse on 30 November 1975, was in fact signed in Bali, Indonesia at the Bali Beach Hotel expressed the genuine will of the people of East Timor. The court omitted the political element which would have given it the juridical validly on which everyone insists; representation of the wall of the majority of the people. This is the condition sine qua non.

Until this very moment, the UN does not recognize Indonesian sovereignty over East Timor, a sovereignty which was imposed by the means of force, by the practice of violence and the systematic violation of the most fundamental human rights.

This court mentioned the date 17 December 1975 as the day of the formation of a provisional government and a local assembly. And since all the Indonesians have forgotten, it is my duty to recall here the tragic day, 7 December of that same year. The 7 December 1975 which witnessed the cowardly and shameful Indonesian invasion, the day on which Indonesian troops indiscriminately massacred the defenceless population of Dili, causing thousands of deaths among the elderly, women and children, including an Australian journalist.

While the Balibo statement was signed with the blood of four Australian journalists who were murdered by Indonesian troops during the attack on the village of Balibo, the so-called Indonesian provisional government was formed over the corpses of the Timorese massacred between the 7 and the 17 of December of that year.

A government which was established to the accompaniment of the sound the sea and land shelling of the defenceless population, to the sound of advancing tanks and canons, can such a government claim any juridical standing? In my opinion, it has the same standing as the advance of the Iraqi troops in Kuwait, the same dimension as the advance of Russian tanks into Kabul, the same character as the Vietnamese invasion of Cambodia.

The court said that Fretilin was opposed to the referendum, should the people choose integration. However, quoting the so-called petition, the court mentioned that Arnaldo de Araujo, Gulherme Goncalves, and the president, General Suharto, convinced Parliament to approve in haste integration without any referendum. After all, who was it who did not want a referendum, Fretilin or Indonesia?

On behalf of which people was that so-called petition signed? Today, the Indonesian government can show the world its de facto control of the territory, and claims to be developing the territory which is occupying, while at the same time condemning the ones who were not able to do this, namely Portugal. Is it that because Portugal failed to develop East Timor for four hundred years, we Timorese have had to pay for the errors of one coloniser while also paying for the crimes of the other coloniser?

The lies of the Indonesians.

I have been lectured a lot about the backwardness of Portuguese colonialism as if I did not live under that colonialism. They want to show me the development in East Timor as if this were just a matter of statistics, to be compared with the Portuguese colonial period. I should ask whether colonialism can be quantified as good or bad.

I have been in contact with Irian Jayan officers who spoke to me about the great Indonesian family and I was disgusted with these men. I met a Sumatran, a translator from BAIS who speaks Portuguese and had nothing but praise for his Javanese brothers, and I felt repulsion. I have met officers from Sulawesi who told me about Indonesian "standards" and I felt an emptiness inside me.

The concept of realpolitik has acquired a new dimension for me. Political realism is political subservience, the denial of the individual conscience, the death of the conscience of a people.

I understand very well what scares Indonesia today, like yesterday. The ideological anachronism/orthodoxy of ethnic groups which has motivated the war in Yugoslavia and in the republics of the former Soviet Union. The theories are not proving history to be right, it is history which is validating genuine and false theories.

The facts described by Mr. Sudjono originate from the misconceptions which he has an Indonesian citizen who is bound to the policies of his government. By the way, he was appointed by BAIS and therefore by the Indonesian government. On 22 December, I read a letter that was addressed to me by the LBH [the Legal Aid Institute]. On 23 December I replied to that organisation, accepting a lawyer. But I was compelled to renounce it. On the 30 of the same month, I had to write a letter to the LBH refusing their offer. My initial letter which had been intercepted was returned to me.

BAIS is a powerful machine of the Indonesian secret police, and Kopassus are their sinister tentacles. The Indonesian military don't accept any other policy other than the one dating from 7 December 1973. In my case, both BAIS and the Indonesian government decided to play it by taking the least possible risks, manipulating the entire proceedings. To be able to be here today and to be able to talk as I am now doing, I also chose to take risks inherent to my struggle. I have always told everyone: "You are talking with Xanana and not with one of his 'anggoras'" ['members' or subordinates].

My own situation in which all my movements were rigorously controlled reminded me of the total control that followed in the wake of the cowardly massacre of Santa Cruz against the population of Dill and in particular against the heroic youth of East Timor.

In Polwil where they try to flatter me with exaggerated attention, the inscriptions written by the prisoners, my companions, on the prison walls, remind me constantly of the sufferings of many of my compatriots, victims of all kinds of torture and also remind me constantly of the unforgettable 12 November 1991. What did the peaceful demonstration of 12 November want? To remind Jakarta and to remind the world of the need for dialogue, to remind Jakarta and remind the world that there is something profoundly wrong in East Timor.

On the day of my capture, in the meeting I had with General Try Sutrisno, I mentioned the question of dialogue with representatives of the people of East Timor. One of the twenty generals who were present and were congratulating each other for the imminence of their easy victory, asked me, furiously: "Rakyat mana?" [What people?] and when I answered: "Let's have a referendum," the Indonesian generals had to swallow their own arrogance. On the next day, 21 November—I was already in Denpasar—when the wife of the local panglima [military commander], surprised by the extent of the support I had, said, "after all, many people support him," a high-ranking officer said, "possibly all the people of East Timor."

During the period of interrogation by BAIS in Jakarta, I realised the following:

The war in East Timor is in essence a matter for BAIS, it is not a political issue for the government in Jakarta as one might have thought.

Mr. Pieter Kooijmans was the rapporteur of the UN sent to east Timor with the agreement of Jakarta to investigate in loco violations of human rights in the territory, violations which had always been denied by Indonesia at the UN. During his visit, a massacre was perpetrated in cold blood. . . .

The corpses have disappeared to this day or rather, were thrown into mass graves. Where? Only the forces of occupation know. Many of the murderers are present in this room, men from Kopassus, intel [intelligence] men, the men in whose hands the entire political life in East Timor and also of Indonesian rests.

What or who are the Indonesian forces of occupation afraid of? Of the defenceless population, of a population that you, gentleman, say are satisfied with integration? Whom do you want to terrorise?

In the UN, Jakarta cannot suppress the fact that Portugal is an interested party in the solution of the problem. And so, Jakarta should also never forget that the Maubere people [the people of East Timor] have already demonstrated that the idea, the objective for which they have fought and resisted to this day can never die. People die but ideas stay alive.

If the Indonesian government does not know this, BAIS knows it very well. The witness, Saturnino da Costa Belo, is a clear example of the heroism of these people. The farce of the hastily drafted medical certificate stating that Saturnino was ill should make you blush with shame, all of you gentlemen here present, because you know very well that the question rests here with you.

On the first day and on the following days, they asked me whether I considered myself to be an Indonesian and I always replied in this way: If I say yes, the bapaks [the mock deferential word meaning 'fathers' by which the East Timorese address Indonesian troops] will not believe me. First they laughed but then they gritted their teeth.

The Indonesian generals do not care about the spirit, the conscience of the people. They are quickly satisfied when we just do what they want. I don't know if this is because of naivete or because of the culture of their military training.

I know that BAIS made the necessary arrangements for me to be spared the death penalty and if I were to praise integration, I would be acquitted.

I remember once while in Jakarta, in order to make a change from recording all my movements in jail, they took me handcuffed for a tour of the city and they showed me the gold of Monas, the national monument of Indonesia. I felt like shouting to my warders that I would never sell my soul for the crest of gold Monas, and still less would I ever sell my people. I cannot betray the hope of my people to one day live free and independent.

I can never recognize the criminal occupation of East Timor only in order to be able to live for a few more years. My struggle is superior to my own life. The people of East Timor have sacrificed their lives and continue to suffer.

I continue to recall the need for dialogue, with the participation of the East Timorese. I have always said to all those who wanted to

listen to me that the Maubere people don't like the word, 'pembangunan' [development]. The problem is that it is not free. Freedom is what my people value, the aim of their struggle. Dom Ximenes Belo put it very clearly when he wrote to the UN Secretary-General: "We are dying as a people and as a nation."

The Indonesian ambassador to the UN came to ask for my cooperation. He asked me to be consistent in what I said. I noticed that the Indonesians have completely forgotten that I fought for 17 years and, in order to be consistent, I must be consistent towards my people and never towards the assassins of my people, towards the invaders of my homeland.

Minister Ali Alatas in a speech last January said the following: "If we don't accept, if Jakarta, won't accept a referendum, it is not because we are afraid of losing the vote but because many people have already suffered so much."

The ambassador to the UN told me: "The problem is that dialogue as it is conceived by us (and therefore by Jakarta) has its parameters. We do not accept a referendum."

In 1983, during the ceasefire, the then Majors [name illegible] and Gatot told us clearly: "We don't accept a referendum because we know that all the people belong to Fretilin!"

Many witnesses who were brought here were inhibited from saying what they wanted to say. All the defendants had to declare that they surrendered of their own free will.

This court condemned the victims who were held in Polwil, the prisoners were inhumanely maltreated. It is enough to take a look at the witnesses who were brought here and who are still in jail. They are so thin.

Were those responsible for these murders ever brought before this court to answer for their crimes? What is the worth of a law which closes its eyes to the ghastly crime of 12 November? Which moral value, which pattern of justice, do the Indonesian uphold, to declare criminals to be heroes and condemn the victims.

All the proceedings connected with my trial are a matter for BAIS and Kopassus, and their officers fill this room, watching everything and everybody. Jakarta should be ashamed of its criminal behaviour in East Timor and should, since long, have recognized that it has lost in East Timor.

The Indonesian generals should be made to realise that they have been defeated in East Timor. Here, today, as the commander of Falintil, the glorious armed forces of national liberation of East Timor, I acknowledge military defeat on the ground. I am not ashamed to say so. On the contrary, I am proud of the fact that a small guerrilla army was able to resist a large nation like Indonesia, a regional power which in a cowardly fashion invaded us and want to dominate us by the law of terror and crime, by the law of violence, persecution, prison, torture and murder.

The moment has come for Jakarta to recognise its political defeat on the ground. I don't know if it was to impress me that they placed armed tentaras [soldiers] on the route from Polwil to the court.

I have been flattered in all kinds of ways in order to convince me to behave here like a docile Indonesian. I have had to behave like one, and the witnesses brought here have also had to behave in the same way. I know that behind me, the men from BAIS and Kopassus are gritting their teeth with rage. They should be doing it for being the real murderers of the Maubere people.

Who is afraid of a referendum? Why are they afraid of the referendum? I am not afraid of a referendum. And if today, under international supervision, the Maubere were to choose integration. I would make a genuine appeal to my companions in the bush to lay down their arms and I would offer my head to be decapitated in public.

Whoever is afraid of the referendum is afraid of the truth.

Why is there all that military apparatus in front of this disgusting court? Why are their armed soldiers posted along the route with their arms held at the ready?

I appeal to the new generation of Indonesians to understand that the people of East Timor attach much more value to freedom, to justice and to peace than to the development which is carried out here with the assistance of Australia, the United States and other European countries who maintain close economic relations with Jakarta.

I appeal to the people of Indonesia to understand that according to universal principles and international law, East Timor is considered to be a non-autonomous territory in accordance with the norms that govern decolonisation. I appeal to the Indonesian people to understand that East Timor is not a threat to Indonesia or a factor threatening Indonesia's security. The story they tell you, that East Timor is communist, is old [stale]. We don't want to dismember Indonesia. The fact is that East Timor was never part of Indonesia.

I appeal to the international community to understand that it is time to show that the New World Order is about to begin. This requires acts that will bring to an end the situation inherited from the past.

I appeal to the European Community to be consistent with its own resolutions and also to be consistent with all the resolutions adopted regarding East Timor.

I appeal to all the friends of East Timor, parliamentarians from Europe, America, Japan and Australia, to go on pressing their own governments to change the double standards applied to similar cases where systematic violations of UN resolutions occur, as in the case of Indonesia's behaviour regarding East Timor.

I appeal to President Bill Clinton to reconsider the problem of East Timor and to press Jakarta to accept dialogue with the Portuguese and the Timorese in the search for an internationally-acceptable solution.

I appeal to the Portuguese Government never to abandon its responsibility towards East Timor.

I appeal to the Secretary-General of the UN to ensure that the solution he seeks for East Timor is based on universal principles and international law.

Finally, I appeal to the government of Indonesia to change its attitude and to realise that the moment has come to understand the essence of the struggle in East Timor.

From today, I will start a hunger strike, as a practical way to appeal to the EC, the US government and the government of Australia.

No agreement can be reached between a prisoner and his warders.

To the Secretary-General of the UN, I would like to say that I am ready to participate in the negotiating process at any moment or in any place. I will however, never accept to be a part of the Indonesian side in the negotiations because I am not willing to participate in the farce of integration and in the criminal repression of my people.

As a political prisoner in the hands of the occupiers of my country, it is of no consequence at all to me if they pass a death sentence here today. They have killed more than one third of the defenceless population of East Timor. They are killing my people and I am not worth more than the heroic struggle of my people who, because they are a small and weak people, have always been subjected to foreign rule.

DILI, *27 March 1993.*

(signed) X Gusmao,
Member of CNRM,
Commander of Falintil.

Mr. PELL. I yield the floor.

Mr. CHAFEE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 1013 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CHAFEE. I thank the Chair. I see no one present, so I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar 124, 133, 134, 135, Calendar 170–177, Calendar 180–186; I ask unanimous consent further that the nominees be confirmed en bloc; and that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

Mr. President, I ask that consideration of Calendars 176 and 183 be vitiated.

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

Mr. CHAFEE. Mr. President, was I correct that what we did then was to take 180, 181, 182, 184——

Mr. FORD. 180–186, with the exception of 183; then 170–177, with the exception of 176.

The ACTING PRESIDENT pro tempore. Without objection, the unanimous-consent request is agreed to.

The nominations considered and confirmed are as follows:

DEPARTMENT OF THE INTERIOR

Daniel P. Beard, of Washington, to be Commissioner of Reclamation.

DEPARTMENT OF LABOR

Geri D. Palast, of California, to be an Assistant Secretary of Labor.

Thomas P. Glynn, of Massachusetts, to be Deputy Secretary of Labor.

Thomas S. Williamson, Jr., of California, to be Solicitor for the Department of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Avis LaVelle, of Illinois, to be an Assistant Secretary of Health and Human Services.

Jerry D. Klepner, of Virginia, to be an Assistant Secretary of Health and Human Services.

Harriet S. Rabb, of New York, to be General Counsel of the Department of Health and Human Services.

Kenneth S. Apfel, of Maryland, to be an Assistant Secretary of Health and Human Services.

Walter D. Broadnax, of New York, to be Deputy Secretary of Health and Human Services.

Bruce C. Vladeck, of New York, to be Administrator of the Health Care Financing Administration.

DEPARTMENT OF THE TREASURY

Jean E. Hanson, of New York, to be General Counsel for the Department of the Treasury, vice Jeanne S. Archibald, resigned.

DEPARTMENT OF STATE

Marshall Fletcher McCallie, of Tennessee, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Mark Johnson, of Montana, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Douglas Joseph Bennet, Jr., of Connecticut, to be an Assistant Secretary of State.

Karl Frederick Inderfurth, of North Carolina, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Ruth R. Harkin, of Iowa, to be President of the Overseas Private Investment Corporation.

U.S. INFORMATION AGENCY

Joseph D. Duffey, of West Virginia, to be Director of the U.S. Information Agency.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE DISTRICT OF COLUMBIA GOVERNMENT'S 1994 BUDGET REQUEST AND 1993 BUDGET SUPPLEMENTAL REQUEST—MESSAGE FROM THE PRESIDENT—PM 23

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 Appropriations:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1994 budget request and 1993 budget supplemental request.

The District of Columbia Government has submitted a 1994 budget request for $3,389 million in 1994 that includes a Federal payment of $671.5 million, the amount authorized and requested by the Mayor and City Council. The President's recommended 1994 Federal payment level of $653 million is also included in the District's 1994 budget as an alternative level. My transmittal of the District's budget, as required by law, does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the 1994 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 24, 1993.*

MESSAGE FROM THE HOUSE

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 820. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range.

MEASURES REFERRED

The following measures, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 820. An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 873. An Act to provide for the consolidation and protection of the Gallatin Range; to the Committee on Energy and Natural Resources.

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-844. A communication from the Principal Deputy Comptroller, Comptroller of the Department of Defense, transmitting, pursuant to law, the report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union for the period January 1, 1993, through March 31, 1993; to the Committee on Armed Services.

EC-845. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Marine Safety Act of 1993"; to the Committee on Commerce, Science, and Transportation.

EC-846. A communication from the Deputy Associate Director for Compliance (Minerals Management Service), United States Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-847. A communication from the Acting Director of the United States Information Agency, transmitting, a draft of proposed legislation entitled "United States Information Agency Authorization Act, Fiscal Years 1994 and 1995"; to the Committee on Foreign Relations.

EC-848. A communication from the President of the United States, transmitting, pursuant to law, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 779. A bill to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes (Rept. No. 103-48).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 1010. An original bill authorizing appropriations for the Federal Election Commission for fiscal year 1994 (Rept. No. 103-49).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Webster L. Hubbell, of Arkansas, to be Associate Attorney General;

Drew S. Days III, of Connecticut, to be Solicitor General of the United States; and

Philip Benjamin Heymann, of Massachusetts, to be Deputy Attorney General.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees[1] commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 1009. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

By Mr. FORD:

S. 1010. An original bill authorizing appropriations for the Federal Election Commission for fiscal year 1994; from the Committee on Rules and Administration; placed on the calendar.

By Mr. PRYOR (for himself and Mr. COHEN):

S. 1011. A bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to social security programs and agencies; to the Committee on Finance.

By Mr. EXON:

S. 1012. A bill to suspend temporarily the duty on 3,4,4'- trichlorocarbanilide; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. THURMOND):

S. 1013. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied, to permit a qualified conservation contribution where the probability of surface mining is remote, and to make technical changes to the alternative valuation rules; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. BREAUX, Mr. DURENBERGER, and Mr. D'AMATO):

S. 1014. A bill to amend the Communications Act of 1934 to ensure competition in the provision of electronic security services; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. SIMON, Mr. PELL, Mr. HELMS, Mr. BIDEN, Mr. JEFFORDS, Mr. MCCONNELL, Mr. D'AMATO, and Mr. KERREY):

S. Res. 112. A resolution urging sanctions to be imposed against the Burmese government, and for other purposes; to the Committee on Foreign Relations.

By Mr. SIMON (for himself, Mr. JEFFORDS, Mr. KERRY, Mr. WOFFORD, Mr. KENNEDY, Mr. DECONCINI, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. DURENBERGER, and Mr. AKAKA):

S. Con. Res. 26. A concurrent resolution urging the President to redirect United States foreign assistance policies and spending priorities toward promoting sustainable development, which reduces global hunger and poverty, protects the environment, and promotes democracy; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 1009. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

DUTY LEGISLATION

Mr. HELMS. Mr. President, I am today introducing legislation on behalf of D&S International of Burlington, NC.

D&S imported four warp knitting machines from Germany at a duty-free rate. D&S then sold the machines to a Venezuelan company, which decided not to keep the machines and returned them to D&S. Upon reentry, the Customs Service mistakenly classified the machines first as a reentry of a United States good, instead of a Germany good, and then misclassified them at a duty rate of 4.4 percent.

D&S contacted Customs by memorandum to protest the duty assessment. However, Customs ruled that the memorandum did not qualify as a formal protest because D&S did not file form 19. Amazingly, there is no right of appeal within Customs on these rulings if a company misses the deadline for protesting. D&S would have to spend a lot of money going to court to try to rectify the mistake.

As a result of these mistakes, D&S now owes approximately $25,000 in duties on machines that were supposed to be duty free. This error by the Customs Service will be remedied by my bill, which instructs Customs to reclassify the machines as duty free and refund to D&S the duties improperly assessed.

By Mr. PRYOR (for himself and Mr. COHEN):

S. 1011. A bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security programs and agencies; to the Committee on Finance.

SENIOR CITIZEN PROTECTION ACT OF 1993

Mr. PRYOR. Mr. President, the other night I was sitting at home here in Washington and I saw a commercial that alarmed me, on television, 30 seconds. It was warning senior citizens that disastrous legislation would strike them unless they called a 1–800 number to register their concern. It was what I call, simply put, a scare ad.

I decided to call this 1–800 number and I dialed it and I dialed it and I dialed it and finally I got an answer. I discovered very quickly that it belonged to a profit-making group named United Seniors. What they wanted basically was about $10 to send a message to my Senators and my elected Representatives. They said the charge would be added by next telephone bill. I asked them why could I not simply put 29 cents on my own letter and write my own Senators and Congressmen. They replied, because that will not be heard in Washington.

The funny thing is that as a Senator and as the chairman of the Special Committee on Aging, I do not ever recall having once heard from United Seniors. But, Mr. President, United Seniors has, in fact, convinced hundreds of thousands of senior citizens across America to contribute millions of dollars over the past year. Yet, it has no lobbyists, its directors are experts in fundraising and scare tactics and not the problems of the elderly.

The television ad that I saw that evening was just the tip of the iceberg when it comes to scaring senior Americans. A growing number of profiteers are targeting the elderly because they might be unsuspecting, vulnerable, or afraid. To put it quite simply, these people make their profit from fear. These groups claim that Social Security and Medicare are about to fall apart and can be saved only if seniors send in a contribution. For a price, they claim, they will get you a better Social Security check or stop new taxes from being placed on your benefits.

Rarely, if ever, do any of us on Capitol Hill actually ever hear from these particular groups. When we do, they are just forwarding a batch of petitions or maybe sending an occasional letter. I tell my constituents from Arkansas, Mr. President, that if you want to contact me, send a letter or a postcard to me directly. Spend 29 cents and save that $10 or $20 or $50 in membership donations.

Seniors should think twice before sending their retirement funds to these modern-day snake-oil salesmen. Seniors need to stop and ask: Who is this group and what are they all about? I think if more people knew the answers to these questions, they would keep their checkbooks in the drawer.

The fact is that a number of these organizations that have led efforts to prey upon the elderly were set up, in fact, by a right-wing fundraiser named Richard Viguerie. He is best known as the pioneer of the direct mail fundraising technique that led to the rise of the New Right in the 1970's. He was invited, in fact, to testify before the Senate Finance Committee to discuss the concerns about some of his fundraising tactics in 1989.

I might say to no one's surprise, he refused. He still refuses to explain his actions to the Congress or to the press. As chairman of both the Senate's Postal Subcommittee and the Aging Committee, I have been recently assessing unethical mailing practices. Mr. Viguerie's name comes up repeatedly during these assessments. He is an opportunist who is operating at the very fringes of the law, and I might say at the expense of the very people for whom they claim concern.

His goal, Mr. President, is not to help older people. His goal is to generate money for his own pocket and for his

own organizations. He and other profiteers use these donations to fuel their direct mail operations across America. They get rich, while the only thing the seniors get is the thrill of having their names and addresses sold to other organizations who will ask them for more money. It is a vicious cycle and the elderly people of our country have become the victim in a national con game.

Mr. Viguerie's career of preying upon the elderly began when he joined forces in the late 1980's with something called the Taxpayer Education Lobby. According to that group's internal documents, it had been interested only in public-school-related issues up until that time. Then Mr. Viguerie set up a for-profit corporation that he called the Retired Americans Legislative Lobby, Inc. In fact, it was called RALLI, R-A-L-L-I, for short. My staff had a hard time tracking RALLI down. When they did not answer their phone, did not respond to messages on the answering machine, an investigator went to the address listed on their forms. All our investigator found when he got there was a townhouse in Maryland with a sign posted outside, Association Growth Enterprises.

Mr. President, here is a picture of that Maryland townhouse, Association Growth Enterprises, our investigator took. When he went inside to seek information about RALLI, he was given a slip of paper simply with the phone number of Richard Viguerie Associates.

When RALLI ultimately ran into debt, Mr. Viguerie was smart enough and cunning enough to fold it into a new nonprofit organization that takes advantage of large postal subsidies to send fright mail. That group, yes, became ultimately United Seniors, the group I called on the telephone recently on a night after seeing their commercial. Even more recently, Mr. President, Mr. Viguerie has now started yet another nonprofit organization named the "60/Plus Association," to solicit seniors on the same issues, using the same mailing lists.

Mr. President, I hope that seniors across America will take note of these organizations and beware of the names of these firms when they are sending their hard-earned money in, usually their retirement dollars.

There are also some other groups exploiting the profitable world of senior issues. I recently came across a mailing, this one from the National Center for Privatization. I think this one deserves a little special notice, Mr. President. In fact, a message on the envelope screams loudly in bold print: "Former Social Security Commissioner Reveals the Crisis Facing Social Security," with "Social Security" written in capital letters. This mailing is clearly designed to look like an official Government mailing. It even proclaims a $1,000 reward for information leading to the arrest and the conviction of any persons illegally interfering with or destroying the enclosed documents.

Mr. President, here is a copy of that particular document.

Now, Mr. President, let us talk just a moment about who this particular organization actually is. It is called the National Center for Privatization. They have a post office box in Washington, DC. In fact, they have a telephone number over in Virginia. And I tried as recently as about 30 minutes ago, Mr. President, to dial that number, and all I got was an answering machine.

This organization is run by Dorcas Hardy. She was the U.S. Commissioner of Social Security from 1986 to 1989. When she was the Commissioner of Social Security, I asked Mrs. Hardy before the Aging Committee for violating the privacy of Social Security records by using them to assist with credit checks. She lost her job in that particular capacity a few weeks later, but now she is shamelessly, and I say shamelessly, using her former position to scare senior citizens across America into sending their money to her organization.

We are still looking into it, Mr. President. But you can bet that most of these contributions will go directly to Mrs. Hardy and her organization, not to lobby Congress but for sheer profit and to pay for more fright mailings.

Such scare tactics are shameful because they undermine the truth. For example, yet another mailing I recently came across proclaimed that "all the Social Security money is gone." This is a mailing from a similar organization. In fact, nothing is further from the truth. The Social Security funds are in good shape. They are increasing by more than $1 billion a week, and we are considered to be solvent well into the next century. But telling the whole truth would not scare seniors enough into making a contribution, so the parade of lies continues.

A special word of thanks, Mr. President, to the chairman of the Finance Committee, Senator MOYNIHAN, who has for a long time taken issue with the tactics that these organizations have used. Senator MOYNIHAN and I have discussed these tactics and solutions and ways that we may be able to stop them in the future from mailing out these very frightening pieces of mail.

In the early 1980's, Mr. President, Congress enacted legislation which gave the Postal Service greater authority to crackdown on bogus weight loss and cancer cures sold through the mail. In 1989, the late Senator John Heinz and I sponsored and won approval of the Deceptive Mailings Prevention Act. This law was designed to stop nonprofit groups and businesses from sending mailings that looked like they were coming from a government agency.

However, Mr. President, these groups are smart and they operate on the fringe of the law. We cannot stand idly by while the airwaves and U.S. mail are used to take advantage of anyone, especially senior Americans. The elderly can least afford to pay for the wares of these modern-day snake oil salesmen.

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

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes 30 seconds remaining.

Mr. PRYOR. Mr. President, I will conclude and introduce the Senior Citizen Protection Act of 1993, to battle communications that are cloaked to resemble official notices from the Department of Health and Human Services. This bill, which I also introduced last year, was approved by Congress. It became integrated into H.R. 11, which was the revenue act of 1992. It was, of course, ultimately vetoed by former President Bush. Once again, I hope my colleagues will join me in promoting this much needed legislation.

I also plan to reintroduce very soon a stronger version of the Consumer Mail Fraud Protection Act, which I introduced at the end of the last Congress. This legislation, Mr. President, will give postal inspectors additional tools to fight fraud and will require mailers to disclose who they are and where the money they raise will go.

Finally, Mr. President, 30 years ago we would not have needed this type of legislation. There were few computers. There were no electronic mailing lists. But today these companies trade mailing lists like baseball cards. They have become one of the most valuable commodities in our economy.

Those lists are made up of people, people with real names and real lives. Many of those people are vulnerable to scare tactics, especially from someone who poses as the U.S. Government. These vulnerable people can be brought to believe that something is going to happen when in fact it is not.

Public awareness is a key to solving this problem. Seniors need to be alerted. They need to be on guard. My legislation also, I believe, will help to combat this problem by not only increasing the penalties but tightening the rules against misleading mailings.

Mr. President, it is a terribly hard thing to deal with fear. It is equally hard to deal with lies, but it is time that we try to deal with them when it comes to the schemes that prey especially upon the elderly of America.

Mr. President, I ask unanimous consent that a short summary of the Senior Citizen Protection Act of 1993 be printed in the RECORD.

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

SUMMARY OF THE SENIOR CITIZEN PROTECTION ACT 1993

Problem: During the past decade, soliciting senior citizens by deceptive means has be-

come big business. In their solicitations, various organizations have attempted to imply connections with Federal government agencies to lend credence to their scams. Existing provisions in the Social Security Act to prevent such fraud have proven inadequate to deter all deceptive mailings.

Present law: In 1988, Congress enacted a provision prohibiting the misuse of words, letters, symbols and emblems of the Social Security Administration (SSA) and the Health Care Financing Administration (HCFA) in a manner that the user knows or should know would convey the false impression that their mailings or solicitations were approved, endorsed or authorized by SSA or HCFA. The law permits the Department of Health and Human Services (HHS) to impose civil monetary penalties not to exceed $5,000 per violation or, in the case of a broadcast or telecast, $25,000 per violation. The total amount of penalties which may be imposed is limited to $100,000 per year.

Bill summary: the bill would eliminate the $100,000 annual cap on penalties in order to create an adequate deterrent for groups that take in millions of dollars per year by engaging in deceptive practices.

The bill adds protection for the names, letters, symbols or emblems of the Department of Health and Human Services, the Supplemental Security Income program, and the Medicaid program.

The bill would define a "violation" as each individual piece of mail in a mass mailing, overriding current regulations that define an entire mass mailing as only one violation. This further strengthens the deterrent against deceptive mailings.

The bill would add a new definition of a deceptive mailing. In addition to the current law standard which prevents an organization or a person from using names and symbols in a manner that such a person "knows or should know would convey a false impression" of a relationship with SSA, HCFA, or HHS, the bill would add a prohibition against the use of the names or symbols in a manner that "reasonably could be interpreted or construed as conveying," a relationship to those agencies. Further, the bill provides that determining violations is to be done without regard to disclaimers.

The bill would eliminate the existing requirement that the Department of Justice review and formally decline to handle cases on deceptive mailings under the Social Security Act. The current requirement needlessly delays action by HHS, and the DOJ has shown no interest in pursuing this area.

Finally, the bill would require HHS to report annually to Congress on enforcement actions taken in deceptive mailings.

By Mr. EXON:

S. 1012. A bill to suspend temporarily the duty on 3,4,4'-trichlorocarbanilide; to the Committee on Finance.

TRICHLOROCARBANILIDE DUTY SUSPENSION ACT OF 1993

• Mr. EXON. Mr. President, I am pleased to introduce legislation to suspend the duty for an important ingredient used in the production of Dial soap manufactured in Omaha, NE.

This ingredient known as Trichlo rocarbanilide is an antibacterial agent which is uniquely effective in bar soap. Suspension of this duty would allow American soapmakers to compete internationally. Soap made in Omaha is sold in the international market and suspending the duty will make this product more competitive. Suspension of this duty will help keep jobs and expand opportunities for the workers at Omaha's Dial soap factory.

When similar legislation was introduced in the last Congress by former Senator Alan Dixon, no opposition emerged. This legislation should be noncontroversial and included in the routine package of duty suspensions which the Congress considers on a regular basis.•

By Mr. CHAFEE (for himself and Mr. THURMOND):

S. 1013. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate the value of land subject to a qualified conservation easement if certain conditions are satisfied, to permit a qualified conservation contribution where the probability of surface mining is remote, and to make technical changes to the alternative valuation rules; to the Committee on Finance.

THE RURAL LAND CONSERVATION ACT OF 1993

Mr. CHAFEE. Mr. President, one of the most serious environmental problems facing this country is the loss to development of open spaces, including farms, forests, ranches, and wetlands. All across the country, public access to recreational opportunities are being threatened by the rapid disappearance of open space due to urbanization and improper planning.

America is losing over 4 square miles of farmland, forest land, and ranch land to development every day. These areas improve the quality of life for Americans throughout this great Nation and provide important habitat for fish and wildlife. The question is how do we conserve our most valuable resource during this time of significant budget constraints.

The President's budget for 1994 recommends a significant reduction in the amount of money that will be provided to the Federal Government's land acquisition program. Given the fiscal constraints of the Federal Government's ability to expand the National Park System, now more than ever, we need to find ways to encourage the private sector to preserve our open spaces.

The Rural Land Conservation Act of 1993, that I am introducing today, along with Senator THURMOND, will help to achieve this goal by providing incentives for private efforts to conserve environmentally and esthetically important areas.

This bill is similar to S. 2957, which I introduced along with Senator BAUCUS last year. Since the introduction of that bill, we have worked with the Piedmont Environmental Council to modify this proposal to ensure that the tax benefits will go only to those private landowners who conserve open spaces through the creation of conservation easements. The principles involved in this bill have been endorsed by the Piedmont Environmental Council, the Nature Conservancy, the Brandwine Conservancy, the American Farm Bureau, Ducks Unlimited, the American Forestry Association, the League of Conservation Voters, and the National Wildlife Federation.

Conservation easements, which are entirely voluntary, are agreements negotiated by landowners in which a restriction upon the future use of land is imposed in order to conserve those aspects of the land that are publicly significant. One of the major deterrents to the establishment of these easements is our Federal estate tax policy that subjects the value of the land subject to the conservation easement to an estate tax of as much as 50 percent.

In addition, our current estate tax policy results in complicated valuation disputes between the donor's estate and the Internal Revenue Service. In many cases, the additional costs incurred as a result of these disagreements may cause a potential donor of a conservation easement to decide not to make the contribution. This bill resolves these problems by providing an exemption from the estate tax for the value of land that is subject to a qualified, permanent conservation easement.

I urge my colleagues to join me in this effort to save environmentally sensitive open spaces.

Mr. President, I ask unanimous consent that a copy of the bill and a detailed explanation of the legislation be printed in the RECORD.

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

S. 1013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Rural Land Conservation Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. ESTATE TAX TREATMENT OF LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—Section 2031 of the Internal Revenue Code of 1986 (relating to the definition of gross estate) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—

"(1) IN GENERAL.—If the executor makes the election described in paragraph (4) of this subsection, then, except as otherwise provided in this subsection, there shall be ex-

cluded from the gross estate the value of land subject to a qualified conservation easement (reduced by the amount of any indebtedness to which such land is subject).

"(2) LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'land subject to a qualified conservation easement' means land which—

"(i) is located in or within 50 miles of an area which, on the date of the decedent's death, is—

"(I) a metropolitan area (as defined by the Office of Management and Budget), or

"(II) a national park, unless it is determined by the Secretary that land in or within 50 miles of the park is not under significant development pressure,

"(ii) which was owned by the decedent or a member of the decedent's family at all times during the 3-year period ending on the date of the decedent's death, and

"(iii) with respect to which a qualified conservation contribution (as defined in section 170(h)(1)) of a qualified real property interest described in section 170(h)(2)(C) is (or has been made) by the decedent or a member of the decedent's family.

"(B) CERTAIN CONTRIBUTIONS NOT INCLUDED.—For purposes of subparagraph (A), section 170(h)(4)(A) shall be applied without regard to clause (iv) thereof in determining whether there is a qualified conservation contribution.

"(C) FAMILY MEMBER.—For purposes of subparagraph (A), the term 'member of the decedent's family' has the same meaning given such term by section 2032A(e)(2).

"(3) TAX ON DISPOSITION IF LAND SUBJECT TO RETAINED DEVELOPMENT RIGHT.—

"(A) IN GENERAL.—If the donor retained any development right when the qualified conservation contribution described in paragraph (2)(A)(iii) was made, there is hereby imposed an additional estate tax on the first person disposing (other than by gift or devise) of the property after the death of the decedent.

"(B) AMOUNT OF ADDITIONAL TAX.—

"(i) IN GENERAL.—The amount of the additional tax imposed by subparagraph (A) shall be the amount equal to the increase in estate tax liability which would have occurred if the value of the development right had been included in the gross estate of the decedent (as determined under paragraph (4)).

"(ii) PARTIAL DISPOSITION.—If only a portion of the property is disposed of, the person disposing of the property shall pay a pro rata portion of the tax imposed by subparagraph (A) (and such tax shall be reduced with respect to subsequent dispositions by the taxes imposed with respect to prior dispositions).

"(iii) TIME FOR PAYMENT OF TAX.—Any tax imposed under subparagraph (A) shall be due and payable by the person disposing of the property no later than April 15 of the calendar year following the calendar year in which the disposition occurs.

"(C) DEVELOPMENT RIGHT.—For purposes of this paragraph, the term 'development right' means the right—

"(i) to establish or use any structure (and the land immediately surrounding it) for sale, rent, or other commercial purpose which is not subordinate to and directly supportive of the conservation purpose of the qualified conservation contribution described in paragraph (2)(A)(iii), or

"(ii) to conduct the activity of farming, forestry, ranching, horticulture, viticulture, or recreation, whether or not for profit, on the land.

"(4) ELECTION WITH RESPECT TO LAND SUBJECT TO QUALIFIED CONSERVATION EASEMENT.—The election under this subsection shall be made on the return of the tax imposed by section 2001 and shall be made in such manner as the Secretary shall by regulations prescribe. Such an election, once made, shall be irrevocable.

"(5) CALCULATION AND NOTICE OF POTENTIAL ESTATE TAX DUE.—

"(A) IN GENERAL.—An executor making the election described in paragraph (4) of this subsection shall compute the amount of the additional estate tax described in paragraph (3)(B).

"(B) NOTICE.—The executor shall file a 'Notice of Potential Estate Tax Due' in the place or places where deeds are put to public record for the locality in which the land subject to the qualified conservation easement is located.

"(C) FORM AND MANNER.—The computation and filing required by this paragraph shall be done in such manner and on such forms as the Secretary may prescribe."

(b) CARRYOVER BASIS.—Section 1014(a) of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by striking the period at the end of paragraph (3) and inserting ", or" at the end thereof, and by inserting at the end the following new paragraph:

"(4) in the case of property excluded from the gross estate of the decedent under section 2031(c), the basis of the property in the hands of the decedent."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 1992, which includes land subject to qualified conservation easements granted after December 31, 1992.

SEC. 3. GIFT TAX ON LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) GIFT TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—Section 2503 of the Internal Revenue Code of 1986 (relating to taxable gifts) is amended by adding at the end the following new subsection:

"(h) GIFT TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—

"(1) IN GENERAL.—At the election of the donor, the transfer by gift of land subject to a qualified conservation easement shall not be treated as a transfer of property by gift for purposes of this chapter. For purposes of this subsection, the term 'land subject to a qualified conservation easement' shall have the same meaning as in section 2031(c), except that any reference to 'decedent' or 'the date of the decedent's death' shall refer to the donor and the date of the transfer by the donor, respectively."

"(2) LAND SUBJECT TO RETAINED DEVELOPMENT RIGHTS.—

"(A) IN GENERAL.—If the donor retains any development right when the gift is made, then there is hereby imposed an additional gift tax on the first person disposing (other than by gift or device) of the property after the date of the gift to which this subsection applies.

"(B) AMOUNT OF TAX.—The amount of the tax under subparagraph (A) shall be equal to the increase in gift tax liability which would have occurred if the value of the development right had been treated as a gift.

"(C) DEFINITION AND RULES.—For purposes of this paragraph—

"(i) DEVELOPMENT RIGHT.—The term 'development right' has the meaning given such term by section 2031(c)(3)(C).

"(ii) OTHER RULES.—The rules of clauses (ii) and (iii) of paragraph (3)(B) and paragraph (5) of section 2031(c) shall apply, except that 'donor' shall be substituted for 'executor' each place it appears."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to gifts of land subject to qualified conservation easements granted after December 31, 1992.

SEC. 4. QUALIFIED CONSERVATION CONTRIBUTION WHERE SURFACE AND MINERAL RIGHTS ARE SEPARATED.

(a) IN GENERAL.—Section 170(h)(5)(B)(ii) of the Internal Revenue Code of 1986 (relating to special rule) is amended to read as follows:

"(ii) SPECIAL RULE.—With respect to any contribution of property in which the ownership of the surface estate and mineral interests has been and remains separated, subparagraph (A) shall be treated as met if the probability of surface mining occurring on such property is so remote as to be negligible."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to contributions made after December 31, 1992, in taxable years ending after such date.

SEC. 5. QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.

(a) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—Subsection (c) of section 2032A of the Internal Revenue Code of 1986 (relating to alternative valuation method) is amended by adding at the end thereof the following new paragraph:

"(8) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—A qualified conservation contribution (as defined in section 170(h)) by gift or otherwise shall not be treated as a disposition for purposes of this subsection. If qualified real property is land subject to a qualified conservation easement (as defined in section 2031(c)), this subsection shall not apply to such property."

(b) LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT IS NOT DISQUALIFIED.—Subsection (b) of section 2032A of the Internal Revenue Code of 1986 (relating to alternative valuation method) is amended by adding at the end the following paragraph:

"(6) QUALIFIED CONSERVATION EASEMENT.—Property shall not fail to be treated as qualified real property solely because it is land subject to a qualified conservation easement (as defined in section 2031(c))."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 1992, which include land subject to qualified conservation easements granted after December 31, 1992.

THE RURAL LAND CONSERVATION ACT OF 1993

America is losing over four square miles of farmland, forest land and ranch land to development every day. When the amount of other rural land having significance for its environmental sensitivity, or as wildlife habitat, open space, or a civil war battlefield site is added the loss is even greater. It is not legally or politically feasible to regulate the effective conservation of this land, nor is it financially practical to buy it all.

The Rural Land Conservation Act of 1993 would conserve farmland, forest land, and ranch land, as well as environmentally sensitive land, wildlife habitat, open space and historically significant land under significant development pressure in the vicinity of metropolitan areas and national parks. The Act will do this without regulation or purchase by exempting rural land subject to a permanent conservation easement from the federal estate tax.

The Rural Land Conservation Act of 1993 would:

Apply to rural land within 50 miles or a metropolitan statistical area or national park where land values have skyrocketed, often forcing the sale of rural land to pay estate taxes.

Conserve rural land without taking it off from local property tax roles or incurring government expense for maintenance or management.

Apply to bequests or gifts of land, but only as long as the land stays within the family of the easement donor.

Insure the permanent conservation of land receiving the benefit because the restrictions of conservation easements can generally only be extinguished by court order.

Collect estate tax for any development rights retained in the easement, but not until those rights are sold.

Strengthen benefits to family farmers under section 2032A (the "farm use value" provisions of the estate tax code)

Make current provisions of the Internal Revenue Code more equitable by providing benefits to "land poor" property owners whose income is insufficient to take advantage of existing income tax deductions for easement donations.

The benefits of The Rural Land Conservation Act of 1993 have been endorsed by major farmer's organizations, and numerous national, regional, and local conservation and environmental organizations.

THE RURAL LAND CONSERVATION ACT OF 1993—SUMMARY OF PROVISIONS

I. The Act would allow an Executor to elect an exclusion from the federal estate tax for land subject to a conservation easement meeting the following requirements:

The land covered by the easement is within a 50-mile radius of a metropolitan area as defined by the Office of Management and Budget (typically an area with a population of 50,000 or more), or a national park.[1]

The easement is a perpetual easement and has been donated.

The easement meets the requirements of section 170(h) of the *Internal Revenue Code of 1986*.

The easement was donated by the decedent or a member of the decedent's family.

The land was owned by the decedent or a member of the decedent's family for at least three years immediately prior to the decedent's death.

The exclusion does not apply to development rights (as defined in the Act) retained by the donor in the easement, but it does not tax those rights until they are disposed of. The Act requires calculation of potential estate tax due on any retained development rights and the filing of a "notice of potential estate tax due", if any.

Land excluded would receive a carryover basis rather than a stepped-up basis for purposes of calculating any gain on a subsequent sale.

II. The Act excludes a gift of land subject to a conservation easement from the federal gift tax provided that the easement meets the above-listed standards.

III. The Act deletes the date from section 170(h)(B)(ii) of the *Code* containing a special rule pertaining to donations of easements on property where the ownership of the surface estate and mineral interests has been separated to make the donation of such easements deductible where the possibility of surface mining is negligible.

IV. The Act provides that the existence of a conservation easement will not prevent property from qualifying for treatment under section 2032A of the *Code* (providing for the special valuation of farmland, etc. for estate tax purposes); that the conveyance of such an easement will not be deemed a "disposition" under subsection (c) of section 2032A; and that the existence of a conservation easement meeting the standards listed in section I above waives the requirements of subsection (c).

[1]The Act would allow the Secretary of the Treasury to deny the exclusion for land within 50 miles of a national park if he can establish that the land is not under significant development pressure.

By Mr. DECONCINI (for himself, Mr. BREAUX, Mr. DURENBERGER, and Mr. D'AMATO):

S. 1014. A bill to amend the Communications Act of 1934 to ensure competition in the provision of electronic security services; to the Committee on Commerce, Science, and Transportation.

THE ALARM INDUSTRY COMPETITION ACT OF 1993

• Mr. DECONCINI. Mr. President, for over a decade, the Congress has labored to develop a national policy for one of our Nation's most vital industries, telecommunications. This is an industry that has tremendous potential to increase our country's economic growth and our global competitiveness. Yet, for many years, the Federal Government has adopted telecommunications policy on an ad hoc basis without clear legislative direction from the Congress. Because no one is in charge and because the many interested parties have failed to reach an agreement, our industry and our consumers suffer. What's more, this dismal situation has been exacerbated by a recent Supreme Court ruling that fundamentally changes the rules, yet still leaves tremendous uncertainty.

Especially with the new administration, the time has come to go beyond talk and take legislative action, settling this important matter once and for all.

That is why I am introducing today the Alarm Industry Competition Act of 1993. I want to send a signal that we must act now. I am honored that Senators BREAUX, DURENBERGER and D'AMATO have joined this effort as original cosponsors.

I recognize that this legislation is just one piece of the larger telecommunications puzzle, but it is an important one nevertheless.

Competition in the alarm industry has been the norm for many decades. It is an industry comprised almost entirely of small businesses who compete vigorously. As a result, prices have decreased significantly over the past decade, service is superb, and innovations are constantly coming to the marketplace. Moreover, it employs over 125,000 people. It would not be an overstatement to say that our alarm industry leads the world.

This free market competition, however, is now threatened because of a 1991 Federal court ruling that permits the regional Bell operating companies to enter the alarm monitoring business. Normally, I would have no problem with any company entering any business. That's the American way. But, the Bells are not ordinary companies. They are regulated monopolies that have the incentive and ability to unfairly crush their competition—especially where their competition, as with the alarm industry, are small businesses who have no choice but to use the local telephone line.

The Bells' control is so pervasive and overwhelming that they can identify every alarm customer, which allows them to target market to the alarm industry's existing customer base. In addition, they control the ability of an alarm dealer: to be hooked into the public telephone network; to get scheduled for repairs; and to receive dedicated lines which are required by insurance companies when they insure banks and jewelry stores. No regulator in the world has any hope of stopping them before a small business, such as an alarm dealer, would go bankrupt.

The record is clear. When these monopolists enter unregulated, competitive markets, they are able to do just about everything they want including discriminating against competitors and cross-subsidizing their competitive services. And it is no comfort whatsoever for a businessman to know that he can later bring an antitrust suit. That is the reason why the Bells had been excluded from this business for so long and why they continue to be excluded from other businesses.

The legislation I am introducing would reinstate the bar to Bell participation in the alarm business that existed since 1956 and prior to the 1991 court ruling. Yet, it is important to note that even with this bar, the Bells could still transport alarm signals on a common carrier basis.

As I stated at the outset, it is time for Congress to gain control of telecommunications policy, and we should begin work promptly. I urge all my colleagues to support the efforts to pass telecommunications legislation in the 103d Congress and to support my efforts to maintain a fully competitive alarm industry.

Mr. President, I ask 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. 1014

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 "Alarm Industry Competition Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the public interest will be best served by continued vigorous competition in the

provision of alarm security monitoring services;

(2) because alarm security monitoring services are dependent upon access to the local telephone network, there is a substantial possibility that competition in the provision of alarm security monitoring services will cease to exist if these services are provided by the Bell Telephone Companies, which possess monopoly power;

(3) current providers of alarm security monitoring services are overwhelmingly small businesses, with substantial investment in plant and equipment, and they employ over 125,000 individuals;

(4) the alarm security monitoring industry provides services that protect the life, property, and safety of millions of Americans; and

(5) it is essential to preserve the existing competitive state in the alarm security monitoring service industry so long as there exists a substantial possibility that the Bell Telephone Companies can use their monopoly power to act anticompetitively when providing alarm security monitoring services.

SEC. 3. ALARM SECURITY MONITORING SERVICE COMPETITION.

Title II of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"SEC. 227. ALARM SECURITY MONITORING SERVICE COMPETITION.

"(a) No Bell Telephone Company, or any affiliate of the company, shall provide alarm security monitoring services for the protection of life, safety or property. A Bell Telephone Company may transport alarm security monitoring signals but on a common carrier basis only.

"(b) For the purposes of this section, 'alarm security monitoring' is defined as an information service designed to protect life, safety, or property via the remote supervision of conditions at commercial and residential premises, including—

"(1) the supervision at a remote central office of signals from sensors that detect intrusion, heat, fire, medical emergencies, and similar threats to life, safety, and property emanating from the monitored premises; and

"(2) the notification by the remote central office of appropriate entities in the event that the signals indicate the likelihood of burglary, fire, vandalism, bodily injury, or similar emergencies at the monitored premises.

"(c)(1) For the purposes of this section the term 'Bell Telephone Company' means any of the following companies:

"(A) Bell Telephone Company of Nevada.

"(B) Illinois Bell Telephone Company.

"(C) Indiana Bell Telephone Company, Incorporated.

"(D) Michigan Bell Telephone Company.

"(E) New England Telephone and Telegraph Company.

"(F) New Jersey Bell Telephone Company.

"(G) New York Telephone Company.

"(H) US West Communications Company.

"(I) South Central Bell Telephone Company.

"(J) Southern Bell Telephone and Telegraph Company.

"(K) Southwestern Bell Telephone Company.

"(L) The Bell Telephone Company of Pennsylvania.

"(M) The Chesapeake and Potomac Telephone Company.

"(N) The Chesapeake and Potomac Telephone Company of Maryland.

"(O) The Chesapeake and Potomac Telephone Company of Virginia.

"(P) The Chesapeake and Potomac Telephone Company of West Virginia.

"(Q) The Diamond State Telephone Company.

"(R) The Ohio Bell Telephone Company.

"(S) The Pacific Telephone and Telegraph Company.

"(T) The Wisconsin Telephone Company.

"(2) The term 'Bell Telephone Company' includes any successor or assign of any such company that owns facilities over which are provided telephone exchange services or that is so affiliated with an entity that owns facilities that provide telephone exchange services.".●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BOREN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 3, a bill entitled the "Congressional Spending Limit and Election Reform Act of 1993".

S. 70

At the request of Mr. COCHRAN, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 455

At the request of Mr. HATFIELD, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 474

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 474, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 636, a bill 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.

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Georgia [Mr. NUNN], the Senator from Colorado [Mr. BROWN], the Senator from Nebraska [Mr. KERREY], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, through 25, 1993, and of September 18, through 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 74

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution expressing the sense of the Senate regarding the Government of Malawi's arrest of opponents and suppression of freedoms, and conditioning assistance for Malawi.

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

SENATE CONCURRENT RESOLUTION 26—RELATIVE TO GLOBAL HUNGER

Mr. SIMON (for himself, Mr. JEFFORDS, Mr. KERRY, Mr. WOFFORD, Mr. KENNEDY, Mr. DECONCINI, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. DURENBERGER, and Mr. AKAKA) submit-

ted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 26

Whereas the easing of Cold War tensions requires a reassessment of United States foreign assistance objectives, programs, and spending priorities, and presents a unique opportunity to shift the emphasis from military and security-related priorities to addressing the urgent and interrelated problems of poverty and environmental destruction;

Whereas the post-Cold War world is one of tremendous human deprivation in which more than one-fifth of humanity exists in poverty, living a life of hunger, illness, and illiteracy;

Whereas tens of thousands of children in the developing world die each day, many of them from preventable diseases, and millions of other children are disabled or blind as a result of malnutrition;

Whereas in recent decades, the income gap between richest and poorest countries has widened, due in part to the large accumulated debt of many developing countries, with many countries now paying more in debt service than they receive in assistance and investment;

Whereas this debt and the resulting economic adjustments have taken their heaviest toll on the poor, especially women, in the form of higher food prices, reduced health care, education, housing, and other social services, and higher unemployment;

Whereas poverty-related conditions foster rapid population growth, which in turn exacerbates pressures on land and other natural resources, worsens unemployment, and strains government services;

Whereas poverty-related conditions of hunger, illiteracy, disease, and environmental degradation pose a serious threat to the economic and physical security of the United States and the world;

Whereas such conditions impede economic growth, undermine new democracies, fuel political instability within countries and across regions, foster displacement and massive migration, allow the spread of acquired immune deficiency syndrome (AIDS) and other epidemics, and damage the environment;

Whereas the United States therefore has a direct self-interest in promoting development that will avert such threats and has historically been a leader in providing assistance in response to humanitarian emergencies;

Whereas United States development cooperation has made valuable contributions to sustainable development through selected bilateral economic assistance programs, and through selected contributions to multilateral organizations and programs;

Whereas nongovernmental organizations, both in the United States and in developing countries, are often highly qualified actors in promoting grassroots development, strengthening civil society, and providing humanitarian assistance;

Whereas only 1 percent of the United States Government budget is spent on foreign assistance, and only approximately 28 percent of that amount goes toward programs focused on sustainable development and humanitarian needs; and

Whereas since the mid-1980s, resources have begun to shift within the foreign assistance budget toward increased expenditures for humanitarian and sustainable development programs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Many Neighbors, One Earth Resolution".

SEC. 2. SUSTAINABLE DEVELOPMENT POLICY AND PROGRAM OF ACTION.

(a) IN GENERAL.—The President is urged to develop and implement a coordinated economic and development policy and program of action designed to promote broad-based, sustainable development.

(b) PRINCIPAL OBJECTIVES.—This policy and program of action should have as principal objectives the following elements of sustainable development, which are interrelated and mutually reinforcing:

(1) ECONOMIC OPPORTUNITIES.—Expanding economic opportunities for women and men, especially the poor, to increase their productivity, earning capacity, and income in ways that do not harm the environment.

(2) BASIC HUMAN NEEDS.—Helping people meet their basic human needs for food, clean water, shelter, health care, and education necessary for all people to be productive and to improve their quality of life.

(3) ENVIRONMENTAL PROTECTION AND SUSTAINABLE USE OF NATURAL RESOURCES.—Promoting environmental protection and sustainable use of land, water, forests, and other natural resources, taking into account the needs of present and future generations.

(4) PLURALISM, DEMOCRATIC PARTICIPATION, AND HUMAN RIGHTS.—Promoting pluralism, democratic participation in economic and political decisions that affect the lives of all people (including participation of the poor), and respect for human and civil rights, including the rights of females and indigenous peoples.

(c) ALL RELEVANT ACTIVITIES OF THE GOVERNMENT TO BE INCLUDED.—This policy and program of action should involve all relevant international activities of the United States Government, including—

(1) bilateral economic assistance programs;

(2) contributions to international and multilateral development agencies and institutions;

(3) policies concerning international agricultural, environmental, health, energy, trade, debt, and monetary issues; and

(4) foreign military assistance programs.

(d) SPECIFIC ACTIONS TO BE TAKEN.—In furtherance of this policy and program of action, the President is urged to do the following:

(1) Work with Congress to enact legislation providing for a post-Cold War foreign assistance program that would have as its primary purposes the promotion of sustainable development and that would incorporate the objectives set forth in subsection (b).

(2) Ensure that development cooperation programs conform to the objectives in subsection (b) in ways that invigorate local community-based development through taking into account the relevant local-level perspectives of its beneficiaries (including women, minorities, and indigenous people) during the design, planning, implementation, and evaluation process for project and program assistance. Toward this objective, the agency primarily responsible for administering such assistance should consult closely with indigenous and United States-based nongovernmental organizations that have demonstrated effectiveness in community-based development of behalf of sustainable development in developing countries.

(3) Provide government-to-government assistance only to countries that exhibit a commitment to development that promotes the objectives set forth in subsection (b) through relevant sectoral and national policies, with priority given to countries that have the highest incidence of hunger and poverty.

(4) Encourage and support the efforts of countries to reduce their level of military spending when such spending is disproportionate to security needs and disproportionate to spending on health, education, and environmental protection.

(5) Exercise leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the goals adopted at the 1992 International Conference on Nutrition, the 1992 United Nations Conference on Environment and Development, the 1990 World Summit for Children, and the 1985 World Conference on Women.

(6) Enter into negotiations with highly indebted poor countries that are committed to sustainable development on reducing the debt owed by such countries to the United States Government, when debt reduction will support their sustainable development strategies.

(7) Develop and propose an effective system of evaluation and accountability for programs and projects of development cooperation, particularly regarding their effectiveness in furthering the objectives set forth in subsection (b).

(8) Examine the necessity of restructuring or replacing the Agency for International Development in order to have an effective bilateral development cooperation program that can achieve the objectives set forth in subsection (b).

(9) Give greater attention to linking emergency relief efforts to conflict resolution, rehabilitation, and longer-term development activities.

(10) Increase from approximately 30 percent in fiscal year 1993 to at least 35 percent in each of fiscal years 1994 through 1997 the share of foreign assistance funds directed to programs that best serve sustainable development and humanitarian needs, including programs for basic human needs, microenterprise and credit, appropriate technology, sustainable agriculture, fisheries, forestry and water management, environmental restoration and conservation, strengthening civil society and human rights, voluntary cooperation, disaster assistance, refugee assistance, and emergency and developmental food assistance.

(11) Make every effort to increase, consistently, the absolute amount of funding for such programs in developing countries through reallocating funds within the bilateral economic assistance budget and by transferring funds out of security assistance programs.

Mr. SIMON. Mr. President, I, joined by Senators JEFFORDS, JOHN KERRY, WOFFORD, KENNEDY, DECONCINI, FEINGOLD, MOSELEY-BRAUN, DURENBERGER, and AKAKA, would like to introduce a concurrent resolution urging the President to redirect U.S. foreign assistance priorities toward promoting sustainable development, especially the reduction of global hunger and poverty in environmentally sound ways. A similar resolution has been introduced in the House of Representatives by Congressmen HALL, BEREUTER, and others.

Mr. President, in keeping with the general view that foreign aid must be reexamined and restructured to meet the changing challenges of the world,

the Clinton administration has created a task force headed by Deputy Secretary of State Clifford Wharton. It is my understanding that the task force will soon make recommendations to reorganize foreign aid. The purpose of this resolution is to not interfere in this necessary and encouraging process, but rather to offer a congressional perspective on some general guidelines to be included in the discussion about how to reorient foreign aid.

Mr. President, toward this goal, the resolution urges the President to develop a coordinated policy which will translate to a program of action that includes four interrelated objectives:

First, expanding economic opportunities, especially the poor, to increase their productivity and earning capacity;

Second, meeting basic human needs for food, shelter, clean water, health care, and education;

Third, promoting environmental protection and sustainable use of natural resources; and

Fourth, promoting pluralism, democratic participation, and respect for human rights.

The resolution further urges the President to consider a series of actions, including to propose legislation incorporating the four objectives, and to develop a strategy that increases funding for assistance programs that serve humanitarian needs and sustainable development from approximately 30 percent of foreign assistance resources in 1993, to 35 percent in 1994. We believe that these increases should be achieved through reallocations within the economic assistance budget and through shifts from security assistance.

Mr. President, reordering foreign aid priorities toward reducing poverty and hunger is an idea whose time may have finally come. I am encouraged by the new administration's actions and look forward to working together to ensure that U.S. tax dollars contribute to sustainable development and the alleviation of poverty.

Mr. JEFFORDS. Mr. President, I am pleased to join Senator SIMON as an original sponsor of the "Many Neighbors, One Earth" resolution. I appreciate the hard work of the private grassroots organization "Bread for the World" as we prepared this resolution. Bread for the World has worked tirelessly all over the globe on behalf of the poorest of the poor. Their volunteers are the best examples of American activism abroad.

We seek in this resolution to give the administration a bipartisan frame of reference for a new approach to foreign assistance. We all recognize the need to reorganize our foreign assistance policy and programs. We have limited resources to apply to foreign development and we must ensure those resources are spent wisely and efficiently.

The guiding principle for our foreign assistance programs must be sustainable development. That means that we will help other countries to support themselves. What we spend money on today should be an investment in self-sustaining productivity tomorrow.

The key goals of our assistance to women and men in underdeveloped countries should be: Expanding economic opportunity; helping meet basic human needs; promoting environmental protection; and promoting pluralism, democracy, and respect for human rights.

We need to stop wasting money on governments that do not respect these key goals, and we should make sure our programs are geared to achieve these goals. Working with nongovernmental organizations and individuals with hands-on experience, we can shape effective and efficient aid programs.

Foreign assistance is not a zero-sum plan for the United States. When we promote democracy and long-term economic well-being abroad, we build a more peaceful and prosperous world for U.S. citizens.

SENATE RESOLUTION 112—RELATIVE TO URGING SANCTIONS AGAINST THE BURMESE GOVERNMENT

Mr MOYNIHAN (for himself, Mr. SIMON, Mr. PELL, Mr. HELMS, Mr. BIDEN, Mr. JEFFORDS, Mr. MCCONNELL, Mr. D'AMATO, and Mr. KERREY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 112

Whereas the military junta in Burma known as the State Law and Order Restoration Council (in this preamble referred to as the "SLORC") brutally suppressed peaceful democratic demonstrations in September 1988;

Whereas the Senate of the United States has repeatedly condemned and continues its condemnation of the SLORC;

Whereas the SLORC does not represent the people of Burma, since the people of Burma gave the National League for Democracy a clear victory in the election of May 27, 1990;

Whereas the SLORC has held Daw Aung San Suu Kyi, a leader of the National League for Democracy and the winner of the Nobel Peace Prize for 1991, under house arrest since July 1989;

Whereas the United Nations Human Rights Commission unanimously adopted on March 5, 1993, a resolution deploring the human rights situation in Burma and the continued arrest of Daw Aung San Suu Kyi; and

Whereas on March 12, 1992, the Committee on Foreign Relations of the Senate unanimously stated that (1) the SLORC does not represent the Burmese people and should transfer power to the winners of the 1990 elections, (2) United States military attaches should be withdrawn from Burma, and (3) the United States should oppose United Nations Development Program funding for Burma: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, the Secretary of State, and other United States Government representatives should—

(1) seek the immediate release of Daw Aung San Suu Kyi from arrest and the transfer of power to the winners of the 1990 elections in Burma; and

(2) encourage the adoption by the United Nations Security Council of an arms embargo and other sanctions against the regime of the State Law and Order Restoration Council in Burma.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

Mr. MOYNIHAN. Mr. President, on Wednesday some of us met with Nobel Peace Prize winner Archbishop Desmond Tutu and others to call for the immediate release of 1991 Nobel Peace Prize winner Daw Aung San Suu Kyi.

She is a leader of uncommon courage and valor. And although she has been under arrest by a military junta for near 4 years, she speaks ever more loudly to the world on behalf of the enslaved 40 million people in Burma. She must be freed. We demand she be freed.

Further, it is long since past the time that the United Nations ought turn the condemnation by the U.N. Human Rights Commission of the SLORC junta into international sanctions. Arming these criminals is not acceptable. China must stop. Funding a military regime that commits war crimes is not the place of the U.N. Development Program or any other U.N. body.

May 27 will mark the third anniversary of the first free election result in Burma in some three decades. The 1990 ballot has been disregarded and unlawfully rejected by the SLORC. The National League for Democracy led by Aung San Suu Kyi won that election with 80 percent of the seats.

Today I am introducing a bipartisan resolution, cosponsored by Senators SIMON, PELL, HELMS, BIDEN, JEFFORDS, MCCONNELL, D'AMATO, and KERREY, which we will ask the Senate to pass on May 27, to mark that electoral anniversary and to restate the Senate's demand Aung San Suu Kyi be released and the SLORC be held accountable for its crimes.

AMENDMENTS SUBMITTED

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

MITCHELL (AND OTHERS) AMENDMENT NO. 366

Mr. MITCHELL (for himself, Mr. FORD, and Mr. BOREN) proposed an amendment to the bill (S. 3) entitled "Congressional Spending Limit and Election Reform Act of 1993," as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1993".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by—

"(I) the amount of voter communication vouchers issued to the candidate; and

"(II) any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(vi) will cooperate in the case of any audit and examination by the Commission

under section 505 and will pay any amounts required to be paid under that section; and

"(vii) will meet the closed captioning requirements of section 509; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and subsections (b) and (c) of section 503—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $1,200,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

"(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the elec-

tion cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

"(d) PAYMENT OF TAXES ON EARNINGS.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

"(e) CERTAIN EXPENSES.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

"(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code;

"(3) payments from the Senate Election Campaign Fund in the amount determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) EXCESS EXPENDITURE AMOUNT.—(1) For purposes of subsection (a)(3), except as provided in section 510(d), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

"(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(iii) The excess described in paragraph (1).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) Subject to the provisions of section 510(d), the aggregate amount of voter communication vouchers issued to an eligible Senate candidate shall be equal to the sum of—

"(A) 12.5 percent (6.25 percent if the candidate is not a major party candidate) of the sum of—

"(i) the primary election expenditure limit under section 501(d)(1)(A); and

"(ii) the general election expenditure limit under section 502(b), plus

"(B) the independent expenditure amount.

"(2) If an eligible Senate candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount not less than twice the threshold contribution requirement under section 501(e), paragraph (1) shall be applied by substituting '25 percent' for '12.5 percent' and '12.5 percent' for '6.25 percent'.

"(3) For purposes of paragraph (1)(B), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304 with respect to the general election period and are certified by the Commission under section 304(d)(7).

"(4) Voter communication vouchers shall be used by an eligible Senate candidate—

"(A) to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate, except that any broadcast so purchased must be at least 60 seconds in length;

"(B) to purchase print advertisements during the general election period; or

"(C) to pay for postage expenses incurred during the general election period.

"(5) In the case of an eligible Senate candidate in a State in which the primary election is treated as a general election under section 301(20), the aggregate communications vouchers issued to such candidate for both the primary election and the regular general election shall not exceed the amount which would have been received for the regular general election if the primary election were not also treated as a general election.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(3) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—(1) The Commission shall conduct an examination and audit of the candidates' campaign accounts in 10 percent of the elections to seats in the Senate in each general election, and of the candidates' campaign accounts in each special election to a seat in the Senate, to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a general election to a Senate seat for examination and audit, the Commission shall examine and audit the campaign activities of all candidates in that general election whose expenditures were equal to or greater than 30 percent of the general election expenditure limit under section 502(b) for that election.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) CIVIL PENALTIES.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

"(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

"(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

"(f) UNEXPENDED FUNDS.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) PAYMENTS RETURNED TO SOURCE.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

"(h) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate;

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund (and any account thereof).

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) or vouchers under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

"SEC. 510. SENATE ELECTION CAMPAIGN FUND.

"(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the Senate Election Campaign Fund (hereafter in this section referred to as 'the Fund').

"(2) There are hereby appropriated to the Fund the following amounts:

"(A) Amounts received in the Treasury which are equivalent to the increase in Federal revenues by reason of the disallowance of deductions for lobbying expenditures, but only to the extent such amounts do not exceed the amount certified by the Commission as necessary to carry out the purposes of this title.

"(B) Amounts transferred to the Fund under any provision of this Act.

"(C) Amounts credited to the Fund under paragraph (3).

"(3) The Secretary of the Treasury shall transfer amounts to, and manage, the Fund

in the manner provided under subchapter B of chapter 98 of the Internal Revenue Code of 1986.

"(4) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) providing benefits under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(5) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (d), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Fund.

"(c) VOUCHERS.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (d), the Secretary of the Treasury shall, subject to the availability of appropriations, issue to an eligible candidate the amount of voter communication vouchers specified in such certification.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment, or issuance of a voucher, to an eligible candidate, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts and vouchers withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the Fund to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments (including vouchers) under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1994, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1994, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1994, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.), as amended by section 404, is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the office of President or Vice President or to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000";

(3) it shall be unlawful for a multi-candidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the sum of the general election spending limit under section 502(b) of FECA plus the primary election spending limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is an eligible Senate candidate, as defined in section 301(19) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible

candidate). The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking "$5,000" and inserting "$1,000".

(g) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1994; or

(B) contributions made to, or received by, a candidate on or after January 1, 1994, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1994, over

(ii) such contributions received by the candidate before January 1, 1994.

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

"(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

"(d) CERTIFICATIONS.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

"(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 134, is amended by adding at the end thereof the following:

"(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Amounts"; and

(2) by adding at the end the following new subsection:

"(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess

of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the Senate Election Campaign Fund established under section 510.

"(2) Paragraph (1) shall not apply to any amounts—

"(A) transferred to a legal and accounting compliance fund established under section 502(c); or

"(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.".

Subtitle B—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking "and the National" and inserting "the National"; and

(B) by striking "Committee;" and inserting "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(2) in paragraph (2)(B), by striking "and" after the semicolon;

(3) in paragraph (2)(C), by striking the period and inserting "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible Senate candidate' and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

"(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

"(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

"(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).".

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(2) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(3) in the matter before paragraph (1) of subsection (a), by striking "direct";

(4) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(5) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

"(B) appears at the end of the communication in a clearly readable manner with a rea-

sonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is certified under section 504 as eligible to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

SEC. 136. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking "if such mass mailing is postmarked fewer than 60 days immediately before the date" and inserting "if such mass mailing is postmarked during the calendar year"; and

(2) by inserting "or reelection" immediately before the period.

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this Act) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

"(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would con-

stitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

"(iii) provide the licensee a copy of the statement described in section 304(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of communication vouchers issued under section 503(a)(4) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.".

Subtitle B—Provisions Relating To Soft Money of Political Parties

SEC. 311. DEFINITIONS.

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee"; and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;".

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting "in connection with volunteer activities" after "such committee", and

(B) by striking "and" at the end of subclause (2), by inserting "and" at the end of subclause (3), and by adding at the end the following new subclause:

"(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;".

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraphs:

"(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

"(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).".

SEC. 312. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

"(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or".

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

"(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

"(B) No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

"(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.".

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

"(B) in the case of a campaign for election to such office, an amount equal to the sum of—

"(i) $20,000,000, plus

"(ii) the lesser of—

"(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

"(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.".

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking "or" at the end of clause (ii), by inserting "or" at the end of clause (iii), and by inserting at the end the following new clause "(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,".

SEC. 313. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions—

"(A) that—

"(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

"(ii) are described in section 301(8)(B)(viii); and

"(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

"(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations, prohibitions, and reporting requirements of this Act:

"(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

"(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

"(2) Any generic campaign activity.

"(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

"(A) a State or local candidate is also identified or promoted; or

"(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

"(4) Voter registration.

"(5) Development and maintenance of voter files during an even-numbered calendar year.

"(6) Any other activity that—

"(A) significantly affects a Federal election, or

"(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

"(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

"(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

"(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

"(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(A) any generic campaign activity;

"(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(D) voter registration; and

"(E) development and maintenance of voter files during an even-numbered calendar year.

"(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

"(A) has established a separate segregated fund for the purposes described in paragraph (1); and

"(B) uses the transferred funds solely for those purposes.

"(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

"(ii) certifies that such requirements were met.

"(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

"(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

"(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

"(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking "and" at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

"(xv) any amount contributed to a candidate for other than Federal office;

"(xvi) any amount received or expended to pay the costs of a State or local political convention;

"(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xix) any payment for research pertaining solely to State and local candidates and issues;

"(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking "and" at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

"(xi) any amount contributed to a candidate for other than Federal office;

"(xii) any amount received or expended to pay the costs of a State or local political convention;

"(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

"(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

"(I) overhead, including party meetings;

"(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

"(III) conducting party elections or caucuses;

"(xv) any payment for research pertaining solely to State and local candidates and issues;

"(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

"(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).".

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence:

"Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.".

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: "Each limitation under the following paragraphs shall apply to the entire election cycle for an office.".

SEC. 314. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

"(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) TAX-EXEMPT ORGANIZATIONS.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

"(A) holds a Federal office; or

"(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.".

SEC. 315. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434), as amended by section 133(a), is amended by adding at the end thereof the following new subsection:

"(e) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking "and" at the end of subparagraph (H), by inserting "and" at the end of subparagraph (I), and by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year", and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of

a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person who is required to register or to report its lobbying activities, or a lobbyist whose activities are required to be reported, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate, but only if the individual is not described in subparagraph (B)(ii);

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B), but only if the individual is not described in subparagraph (B)(ii); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

Such term does not include contributions made, or arranged to be made, by reason of an oral or written communication by a Federal candidate or officeholder expressly advocating the nomination for election, or election, of any other Federal candidate and encouraging the making of a contribution to such other candidate.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(VI):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

(b) PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 314(b), is amended by adding at the end the following new subsection:

"(m)(1) An individual who is described in section 315(a)(8)(B)(ii)(V) shall not make contributions to, or solicit contributions on behalf of—

"(A) any Member of Congress with respect to whom such individual has, during the preceding 12 months, either appeared before, or made a lobbying contact with, in such individual's representational capacity, or

"(B) any authorized committee of the President of the United States if, during the preceding 12 months, such individual has either appeared before, or made a lobbying contact with, a covered executive branch official.

"(2) An individual who is described in section 315(a)(8)(B)(ii)(V) who has made any contribution to, or solicited contributions on behalf of, any Member of Congress (or any authorized committee of the President of the United States) shall not, during the 12 months following such contribution or solicitation, either appear before, or make a lobbying contact with, such Member (or a covered executive branch official) in such individual's representational capacity.

"(3) For purposes of this subsection, the term 'covered executive branch official' means the President, Vice-President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0–7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 401(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 707, is amended by adding at the end the following new section:

"CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

"SEC. 326. It shall be unlawful for any person to—

"(1) cause another person to make a contribution or expenditure by using physical force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

"(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).".

SEC. 405. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting ", and no candidate or authorized committee of a candidate shall accept from any one person," after "make".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)), as amended by section 315(d), are amended by inserting after "calendar year" each place it appears

the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

(a) REPORTING BY POLITICAL COMMITTEES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

(b) RECORDKEEPING AND REPORTING BY PERSONS TO WHOM EXPENDITURES ARE PASSED THROUGH.—Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) The person described in section 304(b)(5)(A) who is providing personal or consulting services and who is in turn making expenditures to other persons (not including employees) for goods or services provided to a candidate shall maintain records of and shall provide to a political committee the information necessary to enable the political committee to report the information described in section 304(b)(5)(A).".

SEC. 503. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $200 or more.".

SEC. 504. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

"(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of $100,000 during the current calendar year, and

"(ii) may maintain and file them in that manner if not required to do so under clause (i).

"(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than signing) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) The Commission shall ensure that any computer (or other) system developed and maintained by the Commission to receive designations, statements, and reports in the forms required or permitted under this paragraph are compatible with the systems of the Secretary of the Senate and the Clerk of the House of Representatives.".

SEC. 505. POLITICAL COMMITTEES.

Section 303(b) of FECA (2 U.S.C. 433(b)) is amended—

(1) in paragraph (2), by inserting ", and if the organization or committee is incorporated, the State of incorporation" after "committee",

(2) by striking the "name and address of the treasurer" in paragraph (4) and inserting "the names and addresses of the officers", and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; and", and by adding at the end the following new paragraph:

"(7) a statement of the purpose for which the political committee was formed.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—(1) Section 304(a)(3) (A)(i) and (B)(i) of FECA (2 U.S.C. 434(a)(3) (A)(i) and (B)(i)) are amended by striking "20th" and inserting "15th".

(2) Section 304(a)(4) of FECA (2 U.S.C. 434(a)(4)) is amended—

(A) in subparagraph (A)(i) by inserting ", and except that if at any time during the election year a committee receives contributions in excess of $100,000 ($10,000 in the case of a multicandidate political committee), or makes disbursements in excess of $100,000 ($10,000 in the case of a multicandidate political committee), monthly reports on the 15th day of each month after the month in which that amount of contributions is first received or that amount of disbursements is first anticipated to be made during that year" before the semicolon; and

(B) in subparagraph (B) by striking "20th" and inserting "15th".

(c) INCOMPLETE OR FALSE CONTRIBUTOR INFORMATION.—Section 302(i) of FECA (2 U.S.C. 432(i)) is amended—

(1) by striking "submit" and inserting "report"; and

(2) by adding the following at the end: "In the case of a contribution required to be reported under section 304(b)(3)(A), the contribution shall not be used by the political committee to make an expenditure until the political committee has obtained all of the information that is required to be reported.".

(d) WAIVER.—Section 304 of FECA (2 U.S.C. 434), as amended by section 315(c), is amended by adding at the end the following new subsection:

"(g) WAIVER.—The Commission may relieve any category of political committees of the obligation to file 1 or more reports required by this section, or may change the due dates of such reports, if it determines that such action is consistent with the purposes of this Act. The Commission may waive requirements to file reports in accordance with this subsection through a rule of general applicability or, in a specific case, may waive or change the due date of a report by notifying all political committees affected.".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) IN GENERAL.—Section 309 of FECA (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

"(2)(A)(i) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, agrees, by an affirmative vote of 3 of its members, with the General Counsel's recommendation that facts have been alleged or ascertained that, if true, give reason to investigate whether a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has occurred or is about to occur, the Commission shall, through its Chairman or Vice Chairman, notify the person of the alleged violation. The General Counsel may make an investigation of the alleged violation, which may include a field investigation or audit, in accordance with this section.

"(ii) If the General Counsel recommends that the Commission find no reason to believe an alleged violation has occurred and the Commission rejects that recommendation by an affirmative vote of 4 of its members, the Commission shall notify the person of the alleged violation and shall direct the General Counsel to make an investigation in accordance with clause (i).

"(B)(i) Notwithstanding section 307, in an investigation conducted under this section, the General Counsel shall have the powers provided in section 307(a) (2), (3), (4), and (5), including the power to issue subpoenas signed by the General Counsel.

"(ii) A person to whom a subpoena is directed by the General Counsel may file a motion to quash or modify the subpoena with the Commission prior to the time specified therein for compliance, but in no case more than 5 days after receipt of such subpoena. The Commission may determine, on an affirmative vote of 4 of its members, to quash or modify the subpoena at issue.";

(B) by adding at the end of paragraph (4)(A) the following new clauses:

"(iii) In a case initiated by a complaint under paragraph (1), if the General Counsel recommends that the Commission find probable cause to believe that a person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986, and the Commission fails to sustain or reject the General Counsel's recommendation, or any portion thereof, by an affirmative vote of 4 of its members, the complainant may bring a civil action in any district court of the United States described in paragraph (6)(A) in the name of the complainant to remedy the violation alleged in the complaint on which the Commission failed to achieve 4 votes.

"(iv) In a civil action brought by a complainant under subparagraph (iii), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty that does not exceed the maximum amount permitted under paragraph (6)(B). A prevailing complainant shall be awarded an amount deemed appropriate by the court, but in no case more than 10 percent of the proceeds, which shall be paid out of the proceeds. The complainant shall also be awarded an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees, and costs. All such expenses, fees and costs shall be awarded against the defendant."; and

(C) by adding at the end the following new paragraph:

"(14) Nothing in this subsection shall be construed to limit the ability of the Commission to determine at any time to take no further action in a proceeding under this subsection."; and

(2) by adding at the end the following new subsection:

"(e)(1) A complaint filed under subsection (a)(1) shall be, to the best of the signer's knowledge, information, and belief (formed after reasonable inquiry), well grounded in fact and warranted by a Commission regulation or decisional precedent or a good faith argument for the extension, modification, or reversal of existing law, and shall not be interposed for any improper purpose, such as to harass or to cause any unnecessary delay or needless increase in the cost of litigation.

"(2) If the Commission determines, on its own motion or on the basis of a complaint, that a complaint fails to meet the requirements of paragraph (1), it may proceed against the complainant in accordance with this section. In such a case, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that a party to the conciliation agreement pay a civil penalty not to exceed $20,000.".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B)(i) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

"(ii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that there is clear and convincing evidence that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in subparagraph (A) (ii), (iii), and (iv) are met, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under subparagraph (A).

"(iii) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to it, that the complaint is clearly without merit, the Commission may—

"(I) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(II) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.

"(C) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found or in which the violation is occurring, has occurred, or is about to occur.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

(c) REFERRAL OF APPARENT VIOLATIONS TO THE ATTORNEY GENERAL.—Section 309(a)(5)(C) of FECA (2 U.S.C. 437g(a)(5)(C)) is amended by adding the following at the end: "The preceding sentence shall not be construed to detract from the general authority of the Commission under section 307(a)(9) to refer an apparent violation of law, including a violation of this Act, to the Attorney General at any time without making a finding of probable cause.".

(d) FAILURE TO PRESENT MATTER BEFORE THE COMMISSION.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

"(10) In a proceeding before a district court or court of appeals in which there is under review a decision of the Commission made in a proceeding under this section, the court shall not consider an argument, objection, issue, or other matter that was not presented to the Commission, but if the court finds that there was good cause for the failure to present the matter to the Commission, the court may remand the proceeding to the Commission for consideration of the matter.".

(e) REPRESENTATION OF THE COMMISSION IN COURT.—Section 306(f)(4) of FECA (2 U.S.C. 437c(f)(4)) is amended by adding at the end thereof the following: "The Commission may appear and submit briefs as amicus curiae in a proceeding a decision in which may affect the administration of this Act even though the proceeding may not arise under this Act or require interpretation or application of this Act. In any proceeding in which the Commission appears under authority of this paragraph or section 309, the Commission and its attorneys may be required to comply with local court rules, except that the Commission shall not be required to appear by local counsel.".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) does not exceed the greater of $5,000 or all contributions and expenditures involved in the violation.".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation." and inserting "which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 150 percent of all contributions and expenditures involved in the violation.".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (B) or (C) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found or in which the violation occurred.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which—

"(i) is not less than all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $10,000 or 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which—

"(i) is not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) does not exceed the greater of $20,000 or 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986 or to an authorized committee of an eligible Senate candidate subject to audit under section 505(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate regulations to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

SEC. 609. SIMULTANEOUS REGISTRATION OF CANDIDATE AND CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE.

Section 303(a) of FECA (2 U.S.C. 433(a)) is amended in the first sentence by striking "no later than 10 days after designation" and inserting "on the date of its designation".

SEC. 610. REIMBURSEMENT FUND.

Section 311 of FECA (2 U.S.C. 438) is amended by adding at the end thereof the following new subsection:

"(g)(1) There is established in the Treasury of the United States a Federal Election Commission Reimbursement fund (referred to in this subsection as the "fund").

"(2) There shall be credited to the fund an amount equal to—

"(A) the expenses of the Commission incurred in preparing copies of documents, publications, computer tapes, and other forms of records sold to the public;

"(B) the expenses of the Commission incurred in responding to requests for records under section 552 of title 5, United States Code; and

"(C) costs awarded to the Commission in litigation.

"(3) Amounts credited to the fund shall be available without fiscal year limitation to the Commission, in addition to amounts otherwise appropriated to the Commission, for the purpose of paying the expenses of the Commission in providing records to the public as described in subparagraphs (A) and (B) and in providing at no charge to the public informational publications designed to assist candidates, political committees, and other persons in complying with this Act.".

SEC. 611. INSOLVENT POLITICAL COMMITTEES.

Section 303(d) of FECA (2 U.S.C. 433(d)) is amended by adding at the end the following new paragraph:

"(3) Proceedings by the Commission under paragraph (2) constitute the sole means, to the exclusion of proceedings under title 11, United States Code, by which a political committee that is determined by the Commission to be insolvent may compromise its debts, liquidate its assets, and terminate its existence.".

TITLE VII—MISCELLANEOUS

SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

"(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 315(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the usual and normal charge for the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 703. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are receiving payments under section 9003 of the Internal Revenue Code of 1986 from the Secretary of the Treasury shall refund such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 3 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are receiving payments under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) not receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 704. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 705. PROVISIONS RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.

(a) LIMITATION ON PRESIDENTIAL PRIMARY EXPENDITURES.—Section 315(b)(1)(A) of FECA (2 U.S.C. 441a(b)(1)(A)) is amended to read as follows:

"(A) $12,000,000, in the case of a campaign for nomination for election to such office; or".

(b) MINIMUM CONTRIBUTIONS.—Section 9033(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$5,000" and inserting "$15,000"; and

(2) by striking "20 States" and inserting "26 States".

(c) CONFORMING AMENDMENT.—Clause (vi) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(vi)) is hereby repealed.

SEC. 706. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

"(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

"(A) Its only express purpose is the promotion of political ideas.

"(B) It cannot and does not engage in any activities that constitute a trade or business.

"(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

"(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

"(E) It—

"(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

"(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

"(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

"(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

"(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 707. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 313, is amended by adding at the end the following new section:

"AIDING AND ABETTING VIOLATIONS

"SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.".

SEC. 708. DEPOSIT OF REPAYMENTS OF EXCESS PAYMENTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Subsection (d) of section 9007 of the Internal Revenue Code of 1986 (relating to examinations, audits, and repayments) is amended to read as follows:

"(d) DEPOSIT OF REPAYMENTS.—All payments received by the Secretary under this section shall be deposited in the fund.".

SEC. 709. DISQUALIFICATION FROM RECEIVING PUBLIC FUNDING FOR PRESIDENTIAL ELECTION CAMPAIGNS.

(a) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(e) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 96 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

(b) PRIMARY ELECTION.—Section 9033 of the Internal Revenue Code of 1986 (relating to condition for eligibility to receive payments) is amended by adding at the end the following new subsection:

"(d) DISQUALIFICATION.—A person who has been convicted of a violation of this chapter or chapter 95 shall be ineligible to receive benefits under this chapter on and after the date of the conviction.".

SEC. 710. PROHIBITION OF CONTRIBUTIONS TO PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FUNDING IN THE GENERAL ELECTION CAMPAIGN.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 402, is amended by adding at the end the following new subsection:

"(o) Except to the extent permitted under sections 9003 (b)(2) and (c)(2) of the Internal Revenue Code of 1986, no person shall make a contribution to a candidate who has become eligible to receive benefits under chapter 95 of such Code by making a certification described in section 9003 (b) and (c) of such Code.".

TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1995.

SEC. 802. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the Director of the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this Act.

(b) FUNDING.—Legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit, but should be funded by disallowing the Federal income tax deduction for expenses paid or incurred for lobbying the Federal Government.

SEC. 803. SEVERABILITY.

Except as provided in section 101(c), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court finding any provision of this Act, or amendment made by this Act, to be unconstitutional.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 805. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this Act within 9 months after the effective date of this Act.

WELLSTONE AMENDMENT NO. 367

Mr. WELLSTONE proposed an amendment to amendment No. 366 (in the nature of a substitute) proposed by Mr. MITCHELL to the bill (S. 3), supra, as follows:

Strike section 401(b) of the substitute and insert the following:

(b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsections:

"(m)(1)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress with whom the lobbyist has made a lobbying contact, representing an interest of a client, during the preceding 11-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of a

member of Congress or candidate for Congress shall not make a lobbying contact with that member (or candidate who becomes a member), representing an interest of a client, during the 11-month period after the date on which the contribution is made or solicited.

"(B)(i) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of the member during the preceding 11-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of the member during the preceding 11-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with the member during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of the member during the preceding 11-month period.

"(2)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if the lobbyist, representing an interest of a client, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of an authorized committee of the President or candidate for President shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official during the 11-month period after the date on which the contribution is made or solicited if the candidate to whom the contribution is made is elected.

"(B)(ii) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 11-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 11-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with a covered executive branch official during the preceding 11-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 11-month period.

"(3) The following rules apply for the purposes of this subsection:

"(A) A lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the member of Congress;

"(ii) any person employed in the office of the member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.

"(B) A person shall be considered to be a client of a lobbyist if the person pays compensation to the lobbyist for making a lobbying contact with a member of Congress or covered executive branch official.

"(C) A client or a political committee or other entity with which a client is associated under paragraph (2) (C) or (D) or (3) (C) or (D) shall be considered to have knowledge of a fact if the fact is within the knowledge of a member or officer of the client, political committee, or other entity or of an employee of the client, political committee, or other entity, other than a clerical employee, who participates in decisionmaking with respect to making contributions to candidates or lobbying members of Congress or covered executive branch officials.

"(4) For the purposes of this subsection—

"(A) the term 'covered executive branch official' means—

"(i) the President;

"(ii) the Vice-President;

"(iii) any officer or employee of the executive office of the President other than a clerical or secretarial employee;

"(iv) any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order;

"(v) any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code);

"(vi) any member of the Armed Forces of the United States whose pay grade is at or in excess of O–7 under section 201 of title 37, United States Code; and

"(vii) any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist'

"(i) means—

"(I) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

"(II) a person required under any other law to register as a lobbyist (as the term 'lobbyist' may be defined in any such law); and

"(III) any other person that receives compensation in return for making a lobbying contact with a member of Congress or a covered executive branch official, including a member, officer, or employee of any organization that receives such compensation; and

"(ii) includes—

"(I) all of the members, officers, and employees of a firm or other organization, of which a person described in clause (i) is a member, officer, or employee, that is organized for the purpose (solely or among other purposes) of engaging in the business of making lobbying contacts; and

"(II) a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a person or organization described in clause (i) or subclause (I).

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with a member of Congress or covered executive branch official made by a lobbyist on behalf of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the ne-

gotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.".

WELLSTONE AMENDMENT NO. 368

Mr. WELLSTONE proposed an amendment to amendment No. 367 proposed by him to amendment No. 366 (in the nature of a substitute) to the bill S. 3, supra; as follows:

Strike all after "(b) Prohibition" and in lieu thereof, insert the following:

OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsections:

"(m)(1)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress with whom the lobbyist has made a lobbying contact, representing an interest of a client, during the preceding 12-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of a member of Congress or candidate for Congress shall not make a lobbying contact with that member (or candidate who becomes a member), representing an interest of a client, during the 12-month period after the date on which the contribution is made or solicited.

"(B)(i) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of the member during the preceding 12-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with the member during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of the member during the preceding 12-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of a member of Congress if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with the member during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a member of Congress if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of the member during the preceding 12-month period.

"(2)(A)(i) A lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if the lobbyist, representing an interest of a client, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist who makes a contribution to or solicits a contribution on behalf of an authorized committee of the President or candidate for President shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official during the 12-month period after the date on which the contribution is made or solicited if the candidate to whom the contribution is made is elected.

"(B)(ii) A client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the client, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 12-month period.

"(C)(i) A political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a client of a lobbyist shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client, make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by the client has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 12-month period.

"(D)(i) A political committee or other entity of which a client of a lobbyist is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)) shall not make a contribution to or solicit a contribution on behalf of an authorized committee of the President if, to the knowledge of the political committee or other entity, the lobbyist, representing an interest of the client that is shared by the political committee or other entity, has made a lobbying contact with a covered executive branch official during the preceding 12-month period.

"(ii) A lobbyist shall not, representing an interest of a client that is shared by a political committee or other entity of which the client is a member or to which the client is a contributor (other than a political committee described in subparagraph (C)), make a lobbying contact with a covered executive branch official if, to the knowledge of the lobbyist, the political committee or other entity has made a or solicited a contribution on behalf of an authorized committee of the President during the preceding 12-month period.

"(3) The following rules apply for the purposes of this subsection:

"(A) A lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

"(i) the member of Congress;

"(ii) any person employed in the office of the member of Congress; or

"(iii) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.

"(B) A person shall be considered to be a client of a lobbyist if the person pays compensation to the lobbyist for making a lobbying contact with a member of Congress or covered executive branch official.

"(C) A client or a political committee or other entity with which a client is associ-

ated under paragraph (2) (C) or (D) or (3) (C) or (D) shall be considered to have knowledge of a fact if the fact is within the knowledge of a member or officer of the client, political committee, or other entity or of an employee of the client, political committee, or other entity, other than a clerical employee, who participates in decisionmaking with respect to making contributions to candidates or lobbying members of Congress or covered executive branch officials.

"(4) For the purposes of this subsection—

"(A) the term 'covered executive branch official' means—

"(i) the President;

"(ii) the Vice-President;

"(iii) any officer or employee of the executive office of the President other than a clerical or secretarial employee;

"(iv) any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order;

"(v) any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code);

"(vi) any member of the Armed Forces of the United States whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code; and

"(vii) any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

"(B) the term 'lobbyist'

"(i) means—

"(I) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

"(II) a person required under any other law to register as a lobbyist (as the term 'lobbyist' may be defined in any such law); and

"(III) any other person that receives compensation in return for making a lobbying contact with a member of Congress or a covered executive branch official, including a member, officer, or employee of any organization that receives such compensation; and

"(ii) includes—

"(I) all of the members, officers, and employees of a firm or other organization, of which a person described in clause (i) is a member, officer, or employee, that is organized for the purpose (solely or among other purposes) of engaging in the business of making lobbying contacts; and

"(II) a political committee or other entity that is directly or indirectly established and maintained, owned, funded, or controlled solely by a person or organization described in clause (i) or subclause (I).

"(C) the term 'lobbying contact'—

"(i) means an oral or written communication with a member of Congress or covered executive branch official made by a lobbyist on behalf of another person with regard to—

"(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

"(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

"(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

"(ii) does not include a communication that is—

"(I) made by a public official acting in an official capacity;

"(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

"(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

"(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

"(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

"(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

"(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

"(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

"(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

"(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

"(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

"(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

"(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Monday, May 23, 1993, at 2:30 p.m. on Department of Commerce nominees: D. James Baker, Douglas K. Hall, Kathryn D. Sullivan, Arati Prabhakar, and Clarence L. Irving.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Monday, May 24, 1993, in the afternoon, in order to vote on the nominations of Philip Heymann to be Deputy Attorney General, Webb Hubbell to be Associate Attorney General, and Drew Days to be Solicitor General.

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

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Monday, May 24, 1993, at 2 p.m., in open session, to receive testimony on logistics programs in review of the Defense authorization request for fiscal year 1994 and the Future Years Defense Program.

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

ADDITIONAL STATEMENTS

COMMEMORATING THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

• Mr. JEFFORDS. Mr. President, I join my colleagues in remembering the tragedy of mass murders of Armenians begun in 1915. Armenian grief is a sea and the Armenian people have an often tortured history. Yet, as the American-Armenian poet William Saroyan defiantly said, the Armenian people could not be destroyed. Today, a new Armenia stands as an independent nation.

We must remember the past and apply its lessons today. The United States is not turning its back on Armenia today, and indeed has taken the lead in providing humanitarian assistance to the people of Armenia. We are working with the international community for a lasting an just peace between Armenia and its neighbors. We firmly support the human rights of all citizens, including protection for minorities. People of Armenian origin should have the same freedoms as their fellow citizens, wherever they reside.

Armenia has a rich culture, from which America has benefited. As we remember Armenian victims of the massacres, let us also thank their survivors for their contributions to our country.•

IN HONOR OF THE ACHIEVEMENTS OF MINNESOTA HIGH SCHOOL SCHOLARS

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to three Minnesota high school scholars who are among the top 40 students in the 52d Westinghouse Science Talent Search. In recognition of this national accomplishment these students are being honored today in special ceremonies by the Young Scientist Roundtable of Wayzata Public School.

Ryan David Egeland, Wayzata Senior High School, Plymouth, conducted research related to the impact of salt runoff from the roads on the life cycles of daphnia, commonly called water

fleas. The daphnia, which are sensitive to salt level, constitute as much as 90 percent of the diet of some fish and therefore are an important component of the lake food chain.

His research placed him fifth in the Nation. In addition, Ryan also won the Salute to Excellence—American Academy of Achievement—received the Heart Research Scholarship from the American Heart Association, and was placed in the 1993 All-USA Academic First Team by USA Today. Ryan was an all-conference honorable mention of football and has performed in piano recitals for the past 7 years.

Mayukh Vasant Sukhatme, Spring Lake Park Senior High School, Minneapolis, research focused on the genetics involved in the nitrogen-fixing process in the different types of alfalfa nodules. Mayukh has been selected for the Honeywell/Alliant Tech Student Academy, University of Minnesota Talented Youth Mathematics Program, U.S.-Russia Math Exchange Program and Panasonic Academic Challenge.

He is a part of the school's top jazz band and wind ensemble; a member of the Patriots marching band; a band leader in the school's pep band. He is also the editor-in-chief for the school's literary magazine, Mirage.

Mark Allan Johnson, Aitkin High School, Aitkin, designed a computerized procedure for managing water levels in small lakes. He has developed a system of electronic sensors at various points of the lake to gather data and use them further for the water management. Mark has received twice the Pepsi Science Award for Outstanding Science Achievement as well as the Presidential Academic Fitness Award. For each of the last 4 years, he was selected as a member of the National Honor Society.

Mr. President it is my privilege to offer each of these students, and their mentors, heartiest congratulations from the U.S. Senate.●

COMMENDING THOMAS WIGHTMAN CHANDLER

● Mr. MURKOWSKI. Mr. President, I rise today to pay tribute to a longtime Ketchikan resident and personal friend of mine, Thomas Wightman Chandler. Tom came to Alaska in the early 1940's where he served as a corporal in the U.S. Army on the Aleutian Islands. He was awarded an Asiatic Pacific Medal for his excellent service.

Upon completing his military duty in the Aleutians, Tom decided to remain in Alaska. He was in awe of the tremendous beauty of the country and he quickly adapted to the unique Alaskan lifestyle. He was an avid outdoorsman. His happiest times were spent hunting and fishing with close friends. Tom was a member of the Sports and Wildlife Club for 14 years, and served for a time as the club's vice president. Tom was also one of the founders of the Mirror Lake Fishing Club, and a lifetime member of the Eagles, Elks, Veterans of Foreign Wars, and the American Legion.

Tom fell in love and married Moag McDonald in 1946. They had one son, John Thomas Chandler. Tom could be characterized as the archetypal rugged Alaskan outdoorsman. He contributed much to Alaska, particularly to the Ketchikan community, and he will be sorely missed by all who knew and loved him.●

TIME FOR THE NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 80, a joint resolution designating "Time for the National Observance of the 50th Anniversary of World War II," just received from the House; that the joint resolution be deemed read three times, passed, the motion to reconsider laid upon the table, and the preamble agreed to.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The joint resolution was deemed read a third time and passed.

The preamble was agreed to.

ORDERS FOR TOMORROW

Mr. FORD. 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 9 a.m. Tuesday, May 25; that following the prayer, the Journal of proceedings be approved to date; the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senator MATHEWS for up to 5 minutes, Senators DORGAN and COHEN for up to 10 minutes each, with the time from 9:30 a.m. to 10:30 a.m. under the control of Senator BYRD; that at 10:30 a.m. the Senate resume consideration of S. 3; further, that on Tuesday, the Senate stand in recess from 12:30 p.m. until 2:15 p.m., in order to accommodate the respective party conferences.

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

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:20 p.m. recessed until tomorrow, May 25, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1993:

DEPARTMENT OF COMMERCE

EVERETT M. EHRLICH, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE JOSE ANTONIO VILLAMIL, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARY JO BANE, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JO ANNE B. BARNHART.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN E. JAQUISH [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARTIN J. RYAN, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. RICHARD J. TRZASKOMA [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN B. CROKER [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN E. JACKSON, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. WALTER KROSS [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THAD A. WOLFE [redacted] U.S. AIR FORCE.

THE FOLLOWING MIDSHIPMEN, U.S. NAVAL ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MAX J ALLEN [redacted]
DAVID S BROOKS [redacted]
TODD W CHAVANNE [redacted]
JOHN A DELIA [redacted]
MICHAEL L GILCHRIST, JR [redacted]
ERICK A JORDAN [redacted]

COLLINS L MORRISON xxx-xx-x...
MARY J NEENAN xxx-xx-x...
MICHAEL A PIERCE xxx-xx-x...
CHARLES E ROBINSON xxx-xx-x...
JAMES B ROOTS xxx-xx-x...
TIMOTHY T TENNE xxx-xx-x...
VOLODJA A TYMOSCHENKO xxx-xx-x...

IN THE MARINE CORPS

THE FOLLOWING NAMED U.S. NAVAL ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS., PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

ABRAHAM, ARNOUX x...
ALQUEZA, LODGERIO B. x...
BALET, EDWARD W. x...
BARRANCO, JOHN B., JR. xx...
BARTON, ARA E. x...
BASIL, SHAWN A. x...
BAULIG, DANIEL T. xx...
BERARDI, CLAY A. xx...
BERNSTEIN, PAUL G. x...
BERRY, CHARLES T. x...
BLAYLOCK, BRIAN R. x...
BOLDEN, ANTHONY C. x...
BOWER, MATTHEW H. x...
BROWN, BENJAMIN J. xx...
BROWN, HENRY D. x...
BROWN, JULIE L. x...
BROWN, TERRANCE M. x...
BROWN, WILLIAM I. x...
BRUNNSCHWEILER, STEFAN T. xx...
BUTTERS, JUSTIN xx...
CALERO, CARLOS A. x...
CAMPBELL, JOHN R. x...
CARNEVALE, ROBERT S. xx...
CARPENTER, CLIFTON B. xx...
CATLIN, CHRISTOPHER G. xx...
CESTA, MICHAEL A. x...
CHATLOS, GEORGE C. x...
CHECKLEY, WINFIELD E. x...
CHO, MICHAEL M. x...
CLARK, CHRISTOPHER L. x...
CLEMENT, GARY A. x...
COLEMAN, LAWRENCE C. x...
CONSTANT, DOUGLAS L. x...
CONWAY, SCOTT E. x...
COOPER, SCOTT A. x...
COTTRELL, SHOGO J. xx...
CRAWFORD, LONNIE L. x...
CRESPIN, AARON L. xx...
CREVIER, JUSTIN C. x...
DEEN, JAMES D. xx...
DELAZARO, STEVEN J. xx...
DEPUE, WILLIAM L. x...
DOBBINS, THOMAS M. x...
DOUGHTY, PETER M. x...
DURDIN, JEFFREY J. xx...
DWYER, BRIAN M. x...
ELDRIDGE, ERIK E. xx...
ELLIS, JAMES B. xx...
ERWIN, JAMES E. xx...
ESCAMILLA, CHRISTOPHER R. xx...
EWING, JOHN R. x...
FAGAN, KELLY A. x...
FAILS, ROBERT J. x...
FALKENBACH, ROBERT W. x...
FARRINGTON, KEVIN M. x...
FITZPATRICK, ANDREW T. xx...
GEE, GRACE S. x...
GORDON, PHILLIP M. x...
GORE, THOMAS D. x...
GRAVES, CHRISTOPHER T. xx...
GRAY, JEREMY L. x...
GREENE, MICHAEL E. xx...
GROTH, MICHAEL E. x...
HAGEN, TERRY D. x...
HALVERSON, JON L. x...
HAND, TERRANCE E. x...
HANNIGAN, CASEY E. x...
HARRIS, KEVIN C. x...
HERNANDEZ, ERIC L. x...
HERON, WINSTON A. x...
HETLAND, JON S. x...
HILL, KARL E. xx...
HIMELSPACH, STEVEN J. xx...
HITTLE, PATRICK R. x...
HOLLAND, AARON B. x...
HOLTON, ADAM Y. x...
HOUTING, DANIEL J. xx...
HUBER, MIKEL R. x...
JIMENEZ, WINSTON G. xx...
JONES, CALEB L. x...
KARCZEWSKI, NORBERT J. xx...
KARN, THOMAS M. x...
KELLY, MATHEW G. x...
KOHMUENCH, WILLIAM S. x...
KOLICH, MATTHEW J. xx...
KAROL, GEORGE L. x...
LARSON, BRENT L. x...
LEE, WALTER S. x...
LEGGETT, MARGERY A. xx...
LEHMANN, ANDREW T. x...
LEWIS, BRANDON K. x...
LEWIS, TYSON C. x...
LIANEZ, RAUL x...
LINLEY, JASON G. xx...
MADDOCKS, JASON R. x...
MANSFIELD, SHAWN E. x...
MARTIN, JON G. x...
MARUCCI, ANTHONY J. x...
MAYBACH, JOSEPH E. x...
MCCAULEY, TODD L. x...
MCCULLEY, WILLIAM E. xx...
MCDONIEL, PATRICK S. xx...
MCGINNIS, MARK N. x...
MCMILLEN, MARIA S. xx...
MCMILLON, CHESTER x...
MCNULTY, EDWARD D. x...
MEGOWN, CHARLES F. x...
MIKKOLA, DAVID M. x...
MILANETTE, RO T. xx...
MILES, ARRON J. xx...
MILLER, PAUL W. xx...
MINIFIE, CHARLES D. xx...
MITCHELL, JACOB N. xx...
MOLLOHAN, MICHAEL S. x...
MORENO, JOSEPH L. xx...
MOSKAL, ROBERT L. xx...
MURPHY, JAMES D. x...
NEIDIGH, JOHN C. x...
NELMS, CHANDLER S. xx...
OLEARY, BRYAN P. x...
OSBORNE, JOHN C. x...
OWENDY, THOMAS R. x...
PANGELINAN, VAUGHN M. x...
PATTERSON, BRYAN E. xx...
PECK, ERIC A. x...
PELTON, JULIE A. xx...
PETERS, MARK W. xx...
PETERSEN, RICHARD E. x...
PETERSEN, ROBERT S. x...
PLATZ, DARRELL W. xx...
POLIDORO, JOHN R. x...
PRITCHARD, JAMES A. xx...
PRITCHETT, THOMAS L. xx...
PROCTOR, BRIAN C. x...
PURCELL, MICHAEL A. xx...
QUANN, JAMES T. xx...
QUIGLEY, SEAN P. xx...
QUIMBY, SARAH R. x...
RAMPEY, TODD F. x...
RAYFIELD, WILLIAM P. xx...
REITTER, NORMAN L. x...
REUTER, MATTHEW B. x...
RICHMOND, BENJAMIN P. xx...
ROPELLA, ERIC J. x...
SABER, DOUGLAS J. x...
SABET, SASAN K. x...
SCHERER, KURT J. xx...
SCHIEFELBEIN, PETER K. x...
SCHIKLE, RICHARD A. x...
SCHIMPF, PAUL M. x...
SCHNELLE, JAMES A. xx...
SCHRODER, ROBERT W. x...
SCHUYLER, JOSEPH R. xx...
SCIALABBA, SAMUEL S. xx...
SEDWICK, MARK W. x...
SEIPT, MATTHEW K. x...
SMITH, CHARLES P. xx...
SMITH, COLIN D. x...
SMITH, SAMUEL H. xx...
SMULLEN, DAVID R. xx...
SOBKOWSKI, MICHAEL J. xx...
STEVENSON, JEFFREY T. xx...
SULLIVAN, FARRELL J. xx...
TANDY, DAVID E. x...
TAYLOR, JONATHAN P. xx...
TAYLOR, MICHAEL C. x...
TEHAN, KEVIN G. x...
TEN KLEY, MONTE D. xx...
TOWNSEND, PERRY F. xx...
TURNER, JOHN xx...
TURNER, TROY J. x...
VAVASSEUR, DAVID A. xx...
VILLALOBOS, LUIS E. x...
WAGLE, MATTHEW L. x...
WALDRON, JASON E. x...
WALLACE, JOHN R. x...
WALTERS, MATTHEW S. x...
WANG, AUSTIN x...
WEATHERS, WALTER T. xx...
WELBORN, THOMAS A. x...
WELCH, MARK x...
WENTZ, MICHAEL P. xx...
WIEBE, JACOB J. xx...
WILLIAMS, DAVID H. xx...
WILSON, GREGORY J. xx...
WINKLOSKY, DEVIN A. x...
WIRTH, CRAIG C. x...
WYLIE, JAY D. x...
YARGER, JOHN W. x...
YOUNG, CHARLES W. x...
ZOLLMANN, JAY K. x...

IN THE NAVY

THE FOLLOWING NAMED NAVAL ACADEMY MIDSHIPMEN TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY MIDSHIPMEN

To be ensign; permanent

ROBERT BRADLEY AARNES
PHILLIP MICHAEL ADRIANO
LEOPOLDO SARDALLA ALBEA, JR
BRENT ADDISON ALFONZO
JASON YANAR ALLEE
JASON CHRISTOPHER ALLEYNE
ANDREW ALAN ALOISIO
HERNAN ORLANDO ALTAMAR ESTRADA
HEIDI MARIE ALTHOFF
CHRISTOPHER CHAD ALVAREZ
MICHAEL TIMOTHY AMOS
KEVIN WARREN ANDERSEN
JAMES ARTHUR ANDERSON
JENNIFER LYNN ANDERSON
JUSTIN PATRICK ANDREWS
ERIC JOSE ANDUZE
DARREN RAYMOND ANZELONE
EDGAR FABILA ARNALDO
TODD ROBERT ARNESON
MATTHEW DAVID ARNOLD
JAIMESON JOSEPH ARNONE
MATTHEW LINDH ARNY
RICHARD CHARLES ARTHUR
GARRETT CHRISTOPHER ARTZ
BENJAMIN JESSE ASH
DAVID HERRINGTON ASHBY
ARLEN EDWARD ASPENSON
ROBERTO JOSE ATHA, JR
KEVIN LOUIS AUSTIN
ERIC JOSEF BACH
KATHERINE LOUISE BADGLEY
EUGENE RAYMOND BAILEY
LAURA ANN BAJOR
ANTHONY POWER BAKER
DOUGLAS CONAN BAKER
JOHN ANTHONY BALTES
JONATHAN BAUTISTA BARON
JEFFREY ISAAC BARR
ROBERT VINCENT BARTHEL
JOSEPH WILLIAM BARTISH, IV
WILLIAM ANDREW BARTLE
DANIEL VERNON BAXTER
JOHN ALLEN BAYLESS
CHRISTOPHER STUART BEAUFAIT
CHRISTOPHER THOMAS BECK
DAVID GEORGE BEITER
STEPHEN JOSH BELL
BRIAN CHARLES BENDER
JASON HORST BENNETT
AARON DEWAYNE BENWAY
JEFFREY ALAN BERNHARD
PAUL GREGORY BERNSTEIN
ROBERT MOGABGAB BERRYMAN
STEPHEN ANTHONY BISHOP
BRIAN ROBERT BLALOCK
JAMES BRETT BLANTON
JAMEY JOHN BLOCK
JOY MARGUERITE BLOOM
DAMIAN SENNEN BLOSSEY
MATTHEW ROY BLUNT
SCOTT ALLEN BOEDEKER
JAMES BRITTON BOHN
ANTHONY CHE BOLDEN
JOHN DANIEL BOONE
MICHAEL JAMES BOONE
JAMES PATRICK MARSH BORGHARDT
JEFFREY SCOTT BOROS
DAVID WILLIAM BORUSHKO
JAMES RICHARD BOSS
TIMOTHY ERIC BOURDON
COLIN ANDREW BOWSER
KEVIN PAGE BOYKIN
JOSEPH PHILIP BOZZELLI
BRADY ADAMS BRADY
HEATHER DAVIS BRAND
MICHAEL TIMOTHY BRASWELL, JR
JONATHAN WILLIAM BRAUN
ROBERT JAMES BRAUN
ERIC JASON BRENDEN
MICHELE MARIE BRETT
DAVID ALLEN BRETZ
DAMIAN HOLLAND BRIDGES
WALTER ELMER BRIDGMAN, III
STEPHANIE MICHELLE BRILL
ROBERT DONALD BRODIE
CHRISTOPHER TERENCE BROWN
JAMES EDWARD BROWN
KARY NIKOLAI BROWNLEE
BRET RYAN BRUCHOK
ERIC THOMAS BRUNS
JERRY MICHAEL BRYL
BRYAN JOSEPH BULJAT
KRISTIN MICHELLE BURBAGE
MICHAEL LOUIS BURD
COLVERT PEGOLLO BURGOS
THEODORE MICHAEL BURK
BRIAN JOHN BURKE
RICHARD ALAN BUTLER
TODD ANDREW BUTLER
JAMES HARRISON BYRD, JR
KEVIN PATRICK BYRNE
MARCELLO DOMINIC CACERES
SCOTT NELSON CALLAHAM
GREGORY CAMERON
JOHN ROBERT CAMPBELL
KYLE RICHARD CAMPBELL
RANSEN JULES CAOLA, JR
KEVIN NOEL CARADONA
MARC GEORGE CARLSON
ARON SHEA CARMAN
ALBERTA CAMACHO CARPENTER
JEFFREY LEONARD CARPENTER
MARK GLENN CARTER
ROBERT ALFRED CASPER, JR
CHRISTOPHER JOHN CASSIDY
ANGELO NICHOLAS CATALANO
CHRISTOPHER GEORGE CATLIN
DAVID MATTHEW CATTLER
CHRISTOPHER JAMES CAVANAUGH
JACOB ANDREW CHACKO
JONATHAN LYONS CHADWICK
DANIEL KIWHAN CHANG
GREGORY FREDERICK CHAPMAN
COLEY CLINTON CHAPPELL
FELIPE ROBERTO CHARON GUZMAN
DENISE LEIGH CHATFIELD
ROBERT LAWRENCE CHESSER
CHRISTOPHER JOSEPH CHILBERT
MICHAEL CASEY CHOATE
RYAN GUST CHRISTOPHERSON
CHRISTOPHER JAMES CIZEK
JOSEPH MICHAEL CLARK, JR
MICHAEL JAMES CLOYD
RELMOND BENNETT COBB
BRYAN MICHAEL COCHRAN
JAMES DOUGLAS COLLIER
JEFFREY SCOTT CONKLIN
NORA CATHLEEN CONNELLY
SALVADOR CONTRERAS, III
CHARLES LEANDER CONVERSE
ERIC LAURENCE CONZEN
GEORGE HUBERT COOPER
PETER ANTHONY CORRAO, JR
BERNARD ANTHONY CORREIA, III
SHOGO JOHN COTTRELL
JOSEPH LLOYD COX, IV
MARK ALBERT CRAWFORD
TIMOTHY MARTIN CRAWFORD
FREDERICK EARL CRECELIUS
DENNIS QUIGLEY CRONYN
DEVAN JOHN NAPOLEON CROSS
ANNA CIELITO CRUZ
KRISTEN WILLIAMS CULLER
CORY LYNN CULVER
JAMES COLIN CUMMINGS
WILLIAM GENE CUSHMAN
SARAH ANN DACHOS
CHRISTOPHER MATTHEW DAGUE
RUTH ANNETTE DALTON
WILLIAM ROCKWELL DALY
ERIC ROBIN DANIELS
ANDREW DANIEL DANKO
BRAD BEHRING DAVIDSON
HEATHER LYNN DAVIES
JEFFREY SCOTT DAVIS
RICHARD STUART DAVIS
SCOTT ALBERT DAVITT
DANIEL MICHAEL DEGNER
KENNETH DONALD DEHAN
STEPHEN JOHN DELANTY
JAMES ALDRICH DELARODERIE
ALEXANDER JOHN DELCASTILLO
STEVEN HARLOW DEMOSS
LARRY GENE DENTON, JR
ROBERT DENTON, III
RALPH FREDERICK DEWALT, II
BRENDON THOMAS DIBELLA
BRIEN WAYNE DICKSON
TED ERIC DINKLOCKER
PHILLIP STEPHAN DOBBS
STEPHEN FRANCIS DOLING
TRAVIS BARRY DONE
BRAD PATRICK DONNELLY
ELLIOTT TODD DORHAM

HUGH JOSEPH DORRIAN, II
PETER MICHAEL DOUGHTY
JEFFREY JAMES DRAEGER
DEBRA ANN DRAHEIM
KIMBERLYN MICHELE DRAYTON
MARC EDWARD DROBNY
JAY EDWARD DRYER
TERRENCE LLOYD DUDLEY
TODD CHRISTOPHER DUDLEY
PETER RAYMOND DUFOUR
MATTHEW CHARLES DUNAWAY
DAVID FIELD DUNCAN
MICHAEL GEORGE EARL
DANIEL GEOFFREY ECKERT
ROBERT VINCENT EGAN
JEFFREY WILLIAM EGGERS
JAMES JOSEPH ELIAS
CARLTON THOMAS ELLIOTT
THOMAS SCOTCHMER ELLISON II
HAROLD ALAN ELLSWORTH
PHILIP LEE ENGLE, JR
JOSHUA GARY ENGLISH
GEOFFREY ALAN ENNS
ERIK JAMES ESLICH
DANILO ALFORQUE ESPIRITU, JR
KELLY ANN EUBANKS
DOUGLAS AARON FACTOR
GREGORY MICHAEL FALLON
MARIA DENISE FALZONE
JUAN ANDRES FANJUL
ERIC CLAYTON FARRAR
MICHAEL GERARD FARREN
MICHAEL DAVID FAVETTI
JOHN ANDREW FAXIO
ROBERT KEEGAN FEDERAL, III
MATTHEW ROBERT FEENEY
MICHAEL EDWIN FENTON
JOHN HARLAN FERGUSON
KENNETH LEE FERGUSON
MARK JOSEPH FERNANDEZ
BRYAN JAMES FETTER
LESLEY JOHN FIERST
NACIM ROBERT FIGGE
MATTHEW DAVID FINNEY
NICHOLAS JAMES FIORE
BENJAMIN THOMAS FITCHETT
MICHAEL WILLIAM FIVAS
MICHAEL SEAN FLATLEY
JORGE RICARDO FLORES
KEVIN ANDREW FLYNN
JEFFREY JOSEPH FOGARTY
ERIC NEIL FONTAINE
JOSEPH CARL FORAKER, III
MICHAEL AARON FOX
SUSANNE MARIE FRANKLIN
RICK JOHN FRATUS
KURT ENGELBERT FRICKER
JAMES EDWARD FRITSCH, JR
WARDELL CONRAD FULLER
BRETT THOMAS FULLERTON
GEORGE GREGORY FUTCH
TODD ALAN GAGNON
MICHAEL PATRICK GALLAGHER
TIMOTHY JAMES GALLAGHER
GREGORY FRANCIS GALLMANN
DAVID PAUL GALLUS
FERNANDO GARCIA
JOANNA LEE GARCIA
KARL GARCIA
LINDA MARIE GARNER
CASEY CHARLES GARWOOD
GRACE SUNGYUN GEE
MARC ANTHONY GENUALDI
MELISSA JOAN GERACE
ANDREW SHAWN GIBBONS
ANTHONY FRANCIS GILLESS
LYNN ANDREW GISH
J. SEARGEANT GLENN
ANTHONY SCOTT GLOVER
DAVID BURTON GLOVER
DAL HO GO
FREDERIC CARL GOLDHAMMER
ISSAC NMN GONZALEZ
SCOTT BRIAN GOOCH
ROBERT FRANKLIN GOODSON, II
JOHN JOSEPH GORDON
KYLE PACE GORDY
WAYNE GERALD GRASDOCK
MARIA LOUISE GRAUERHOLZ
MICHAEL JAMES GRAVITT
CHAD ROBERTS GRAY
JEREMY LEE GRAY
AARON TIMBERLAKE GREENE
DANIEL EUGENE GREENE
MARCUS CHRISTOPHER GREENSPAN
JOHN DAVID GREMILLION
BRADLEY MAURICE GRESHAM
KENNETH JOSEPH GRIESER
NOEL MICHAEL GRIFFITH, JR
CHRISTOPHER KIM CHON GRILLONE
JOHN REYNOLDS GROH, III
EDWIN JOHN GROHE, JR
ADAM BRETT GROSSMAN
TIMOTHY SHAWN GUDUKAS
RICHARD CORRY GUERIN
WAYNE DOUGLAS GUNTHER
JOHN DIETRICH HAASE
STEPHEN CHARLES HABERMAS
LARS RAYMOND HAGENDORF ORLOFF
STEPHANIE ANNE HAHN
DENNIS RAY HALL, JR
DANIEL JOSEPH HALLER
JASON GRAY HAMMOND
TERRANCE EUGENE HAND
WILLIAM JESSE HANGER
TIMOTHY JOHN HANLEY
PHILLIP EDWARD HANSEN
HEATH LAMAR HANSHAW
CHRISTOPHER JOHN HANSON
KEVIN KARL HANSON
CHRISTOPHER GAVIN HARDING
BRIAN JAMES HARRIS
GLENN RUSSELL HARSHMAN
MONTY LANE HASENBANK
ANTHONY JOHN HATOK, JR
ERIC JAMES HAWN
JOHN WILLIAM HAWVER
ERNEST EDWARD HAYNES, III
ALBON ONEAL HEAD, III
JOHN ANDREW HELLMANN
JAMES ALAN HENDERSON
RAY MARVIN HENDRIX, JR
ALAN MICHAEL HERN
WINSTON ANTHONY HERON, JR
PATRICK LEE HERRERA
GERALD TODD HEYNE
TURHAN ISMAEL HIDALGO
JEFFREY BRIAN HILL
KARL EDWARD HILL
PATRICK RUSSELL HITTLE
ALLEN LEE HOBBS
KELLY JEANNE HOEFT
TODD ALDEN HOFSTEDT
JOHN JOSEPH HOGAN, JR
STEPHEN BRUCE HOLLAND
MARK FREDRICK HOLZRICHTER
BRANDON ALAN HONEYCUTT
WADE HAMILTON HOOPER
JOHN WAYNE HOPKINS, JR
JULIE ANN HOUSE
ROBERT THOMAS HOWARD
MONROE MARTIN HOWELL, II
CORY RICHARD HOWES
MICHAEL MING HUA HSU
GREGORY WRIGHT HUBBARD
DOUGLAS CHARLES HUNTINGTON
BRYAN ERIC HURD
JOHN FREEMAN HUSSEY, III
MATTHEW PALMER HYDE
MARK AARON IMBLUM
DARRELL BRIAN INGRAM
JOSEPH PATRICK IRETON, JR
DAVID KERINGER ISMAY
MICHAEL KAZUO ITAKURA
JASON HILLARY JACK
STEPHEN JOSHUA JACKSON
JASON ERIC JAKUBOWSKI
OMAR ELIAS JANA
WILLIAM WORTHINGTON JEFFRIES
BYRON WADE JENKINS
GENTRY WADE JENSEN
JON LIAN JENSEN
WILLIAM HENRY JEWETT, III
CHARLES ADLER JOHNSON, JR
DAVID ROBERT JOHNSON
NOEL PATRICK JOHNSON
TIMOTHY ALVIN JOHNSON
VINCENT RICHARD JOHNSON
WILLIAM SPENCER JOHNSON, V.
CORINNE RILEY JONES
DAVID STEWART JONES
JOHN FRANCIS JONES
MICHAEL PROCTOR JOYNER
JEFFREY ALLEN JURGEMEYER
BRIAN RICHARD JURUTKA
THOMAS CHARLES KAIT, JR
WILLIAM RICHARD KANE
RONALD JAMES KARUN, JR
PATRICK MICAEL KEANE
DANIEL JOHN KECK
MICHAEL PATRICK KEITH
GREGORY BRIAN KELLER
SEAN GLEN KELLIHER
RICHARD MCCULLOUGH KELLY
KENNETH MATTHEW KEMBALL COOK
WILLIAM ANDREW KENDRICK
JOHN DAVID KENNARD
W. PAUL KENNEY, III
KARI ANN KENNY
LUCAS WAYNE KERLEY
CALEB ALAN KERR
KENDRA LEE KEWAK
DAVID MICHAEL KIICK
JOHN PATRICK KILLACKY
ROY SUNG JOON KIM
ANDREW JAMES KIMSEY
RICHARD WILLIAM KINCAID
TYPHANIE ANNE KINDER
JEFFERY THOMAS KING
STEVEN MORRIS KING
BRADLEY LEE KINKEAD
KELLY SUZANNE KINSELLA
DEAN RICHARD KINSMAN
KEITH RUSSELL KINTZLEY
CHRISTOPHER JON KIPP
ANDREW ALEXANDER KISS
KEVIN JOHN KLEIN
DAVID WILLIAM KLIEMANN
JAMES ANDREW KNOLL
WILLIAM KARL KNOX
GEORGE MARTIN KOLLAR
STEVEN THOMAS KONKOLY
TAKU KOPP
GEORGE LEO KOROL, JR
SETH KOVENSKY
MICHAEL DAVID KOZUB
SCOTT HUDSON KRAFT
JEFFREY KEITH KRAUSE, JR
KIRSTEN MICHELE KRAWCZYK
JEFFREY EISEN KRISTICK
KAREN SUE KROEGER
MICHAEL SALVATORE KROT
KENNETH ALFRED KRUEGER
ROBERT KENNETH KUBERSKI, JR
RYAN JAMES KUCHLER
MICHAEL ALAN KUHN
MATTHEW ALYN LABONTE
ANDREW DENIS LAMORIE
JOHN WATSON LAND
JAMES ELLSWORTH LANDIS
BRIAN CHRISTOPHER LANTIER
SCOTT EDWARD LANTZY
CHAD MICHEAL LARGES
DAVID ARNOLD LARSEN
ANDREA SHEFFIELD LARSON
CRAIG ROBERT LARSON
DEVIN TODD LASALLE
MATTHEW RICHARD LEAR
SCOTT HAROLD LEDIG
RICHARD SHANNON LEE
STEVEN SOOUP LEE
PATRICK ROBERT LEHMAN
JAMES ALAN LENART
JOHN ROBERT LESKOVICH
ANDREA LAURIE LEWIS
CHRIS WALTER LEWIS
ANDREA LOUISE LINDENBERG
ERIC CARTER LINDFORS
HOWARD BRIAN LINK, JR
SHAWN GARRETT LINTON
MATTHEW KNEELAND LOBNER
KIRK JAMES LOFTUS
ROBERT MAX LOHMAN, JR
JULIA MARGARET LOPEZ
TIFFANY LYNN LORD
DANIEL WILLIAM LOUGHMAN
JAMES PAUL LOWELL
JOHN LEE LOWERY
LANCE JOEL LUKSIK
FRANK JOSEPH LUONGO
BRADLEY FRAZER MAAS
JONATHAN DAVID MACDONALD
GERALD JOHN MACENAS, II
JON TILESTON MACHARG
VICTOR RUBEN MACIAS
JASON ROBERT MADDOCKS
JOSEPH THOMAS MADRID
STEVEN ROBERT MAIER
CHRISTOPHER NOEL MANG
MARK MATTHEW MANNO
RAYMOND MARCIANO, II
STACY ANN MARCOTT
CHRISTOPHER DAVID MARSH
JAMES JOHN MARSH, V.
RUSSELL EUGENE MARSH
MEI LING AMOY MARSHALL
CHRISTY ANNE MARTIN
MICHAEL ANTHONY MARTINEZ
JEFFREY WARREN MASCUNANA
JAMES WOODROW MASON
RICHARD NEIL MASSIE
STEVEN JOHN MATHEWS
JAY ALAN MATZKO
JOSEPH EDWARD MAYBACH
TANYA GOODEN MAYER
ARTHUR GITAU MBUTHIA
SHAUN COLLEEN MCANDREW
ERIN ANDREA MCAVOY
JAMES ARTHUR MCCALL, III
SCOTT DAVID MCCLELLAN
KEVIN JOSEPH MCCLOSKEY
WAYNE WILLIAM MCCOOL
MICHAEL AARON MCCORD
ROBERT ALLEN MCCORMICK, JR
MELANIE CLAIRE MCGEE
WILLIAM MCGILL, JR
PATRICK JOSEPH MCGOVERN, II
ERIC JAMES MCGOWAN
JAMES ARTHUR MCGRADY
JOHN MAURICE MCKEON, JR
CHERYL DEANN MCKINNEY
BRADLEY KENNETH MCMILLIN
ROBERT LORIMER MCWILLIAM
NICHOLAS JOSEPH MELFI, III
CHARLES SUMNER MERRILL, IV
ROBERT ELWOOD METZ
WAYNE WILLIAM MIHAILOV
RO THOMAS MILANETTE
AARON JON MILES
JOHN ROBERT MILES
DAVID ARTHUR MILLER
JOHN FRANCOIS MILLER
MATTHEW PATRICK MILLER
RAYMOND TROY MILLER
JOHN PAUL MILLMAN
JAMES MURAL MILLS, III
THOMAS JOSEPH MILLS
PETER ALAN MILNES
KENNETH MILVID, JR
MICHAEL VINCENT MINEO
GEORGE ARTHUR MINICK
EFREN C. MOJICA, JR
LUIS EMILIO MOLINA
ROBERTO LEONARDO MOLINA
GREGG JOSEPH MONTALTO
MARIO MANUEL MONTALVO
ANEL ANGEL MONTES
DAVID JAMES MONTGOMERY, II
RICHARD STIVERS MONTGOMERY
MICHAEL DAVID MOODY
JAMES EDWARD MOONIER, III
KENT WAYNE MOORE
SHIMON MOR
CHARLES DAVID MORGAN, JR
WILLIAM MAURICE MORIARTY, JR
RICHARD GRIFFEN MORRISON
MATTHEW ALEXANDER MORSE
JOEL EVAN MOSS
KWAME NKOSI MOULTRIE
CURTIS ALLEN MUELLER
THOMAS HAYWARD MULDROW, JR
JEFFREY DAN MULKEY
KURT WILLIAM MULLER
MICHAEL DENNIS MULLOY
JEFFREY LAWRENCE MUNOZ
JAY ALBERT MURPHY
WILLIAM THOMAS MURRAY
VAL DONALD NAFTALI
GEORGE TERUHISA NAGATSUKA
WILLIAM ONEAL NASH, JR
ANTHONY JOHN NAVE
BERNADETTE MARY NEGLIA
CHANDLER STEPHEN NELMS
DOUGLAS CODET NELSON
MARK BALDWIN NELSON
GREGORY DAVID NEWKIRK
EUGENE THAISON NGUYEN
DEREK JUDE NISCO
ADAM HOWARD NOBLE
FRANCIS PETER NOTZ
CHRISTOPHER EDWARD NOVAK
KATHARINE JOANNA NOVAK
THOMAS DAVID NOVITSKE
DANIEL LEE NYENHUIS
JOSEPH ROBERT OBRIEN
MICHAEL GARRICK OBRYAN, JR
MAUREEN ERIN ODELL
SCOTT ANDREW ODMAN
JEFFREY ROBERT OETTLE
JOHN WILLIAM OLIVER, JR
PETER MICHAEL OLSEN
KRISTI RENEE OLSON
KERRYN LYNN ONEILL
ALAN EDWARD ORR, JR
ERIK WILLIAM OSTROM
PAUL CHRISTOPHER OSTROWSKI
ROGER JAMES OUIMET
SCOTT JOSEPH OVERBECK
RICHARD THOMAS OVERKAMP, JR
BERNARD KENNEDY OWENS
ALFRED JOHN OWINGS, II
CARTER WILLIAM PAGE
JUNG YUL PAK
ANDREW FREDRICK PALM
JAMES BLAINE PARKERSON
TIMOTHY PAUL PARKS
STEPHEN ARON PARRA
PHILLIP ROMMEL PASCHEL
ERIK RUSSELL PATTON
JASON ROBERT PAWLEY
MATTHEW JOHN PAWLIKOWSKI
DONALD EUGENE PEACOCK, II
LEE DAVID PEARCE
GREGORY PAUL PEDERSON
LORI LYN PERKINS
JOHN EDWARD PERRONE
BRIAN ROLAND PERRY
JON CROSBY PERRYMAN
JAMES HAROLD PERSHING
CHRISTIAN JURGEN PETERSON
ROBERT ALLEN PETRICK
JOHN BRIAN PETROFF
JAMES BOHLING PFEIFFER
BO MINH QUANG KH PHAM
DOUGLAS MICHAEL PHELAN
KRISTIN MARIE PHELPS
DOUGLAS CHARLES PHILLIPS
WENDY KAY PHILLIPS
SEAN TIMOTHY PHINNEY
COLIN CRAIG PHIPPS
DANIELLE ANDREA PICCO
MICHAEL ANDREW PIERCE
MICHAEL DAVID PIERCE
JASON LANDON PIKE
BRIAN LEE PILGER
TIMOTHY STEEL PIONE
FREDERICK WILLIAM PIQUETTE
RONALD JASON PIRET
DARRELL WILLIAM ALFRE PLATZ
DAVID ALAN PLISKE
THOMAS EDWARD PLOTT, II
ADAM MICHAEL PLUMPTON
PATRICK RONALD POLESHINSKI
JAMES THOMAS POLICKOSKI
JOHN VERNON POOLE
STEVEN NIKOLAI POTOCHNIAK
REZA POURAGHABAGHER
MICHAEL EDWARD PRALL
TONY ALEXANDER PRETE
JOSHUA DAVID PRICE
THOMAS JAMES PRIEUR
KARL FREDERICK PRIGGE
BRIAN CHARLES PROCTOR
MATTHEW THOMAS PROVENCHER
MICHAEL ANDREW PURCELL
JOHN THOMAS QUARLES
SARAH RUTH QUIMBY
RICK MARSHALL RADONICH
GERALD JAYSON RAINES
JAMES ROY RAMIREZ
KARIN Y. RAO
WERNER JOHANN RAUCHENSTEIN, JR
JAMES FRANKLIN RAUSCHER
ELIZABETH BELDEN RAVNDAL
MICHAEL JON REAGAN
TOBY ERIC REAM
CHAD BYRON REED
JEFFREY RAYMOND REGISTER
JOHN KENNETH REILLEY
MARK CHRISTOPHER REYES
THOMAS STEVEN REYNOLDS
JOHN MARK RHODES
ALBERT EVERETT RICE
JASON ALEXANDER RICH
JEREMY CHRISTOPHER RICH
JUSTIN BLAIR RICHARDS
BENJAMIN PAUL RICHMOND
BRIAN EDWARD RIES
GREGORY SCOTT RIVERA
STEVEN CARMINE ROBERTO, JR
BRUCE FRAZIER ROBINSON, II
JOHN PHILIPSE ROBINSON, III
MICHAEL PAUL ROBLES
BRAD WILLIAM ROCKWELL
BRADLEY MICHEAL RODI
ERICH PAUL ROETZ
STEVEN EDWARD ROODZANT
ROBERT JOSEPH ROSALES
REY RAIL ROSS
GEOFFREY STERLING ROYAL
MICHAEL JON RUBEL, JR
JOHN CHARLES RUDELLA
JOHN PAUL HARRIS RUE
ANDREW MICHAEL RUIZ
SAMUEL CONRAD RUMPH, III
JOHN JOSEPH RUSNAK
JONATHAN CARL RUSSELL
GLEN EDWARD SABIN
JOHN PATRICK SAHLIN
GREGORY ALAN SAKRYD
MICHAEL SCOTT SALING
COLLEEN CHRIS SALONGA
DAVID MICHAEL SANFIELD
JOSEPH MICHAEL SANTOMAURO, JR
CATHERINE MENDOZA SANTOS
DOUGLAS WILLIAM SASSE, III
AKANE SAUNDERS
SAMANTHA JULIA SAXTON
ANNE LORRAINE SAY
KIMBERLEY ELLEN SCANGO
TIMOTHY ANDREW SCHARCK
RICHARD ALAN SCHILKE
DAVID JOSEPH SCHLESINGER
ANDREW DAVID SCHMIDT
KEVIN JAMES SCHMIDT
THOMAS DAVID SCHMIDT
MICHAEL ERIC SCHNEIDER
CYNTHIA ANN SCHOWE
JOHN PAUL SCHULTZ
KARL ULRICH SCHULTZ
SUSAN SCHWARTZ
JEFFREY MICHAEL SCOTT
RICHARD IRVIN SCRITCHFIELD, JR
MICHAEL SHEEHAN SEEBERGER
DANIEL FRANKLIN SEIDENSTICKER
MATTHEW KARL WILLIAMS SEIPT
DOUGLAS LEO SELF
GREGORY EUGENE SELFRIDGE
STEVEN MICHAEL SEOANE
SCOTT ROBERT SEYFARTH
DAVID KIMBER SHAFFER
JOHN FORREST SHARPE
JONATHAN JAMES SHIELDS
DANIEL MINSOK SHIN
KENNETH WAYNE SHROPSHIRE, JR
MAXWELL JENKINS SHUMAN
ERIC WILLIAM SIEBERT
KEITH RICHARD SILINSKY
JUAN ALEJANDRO SILVA
TYREL TROY SIMPSON
MARY BETH SINES
THOMAS WADE SINGLETON
CHARLES WILLIAM SITES
BRIAN LYNN SITTLOW
VINCENT PATRICK SIVILLO
SATISH SKARIAH
JOHN JAMES SKELLY
QUINN DAVID SKINNER
JAMES CARROLL SLAIGHT
RICHARD JAY SLAKES

KEVIN MICHAEL SMART
SCOTT DAVID SMART
DAVID MICHAEL SMITH
JACK GERARD SMITH
JOSEPH PATRICK SMITH
NATASHA LEIGH SMITH
OTIS BENTON SMITH, III
QUWAN ANTHONY SMITH
WALTER VINCENT SMITH
DAVID RENE SMULLEN
TIMOTHY BERNARD SNEERINGER
CHESLEY DAVID SNIDER
CHAD CHRISTOPHER SNYDER
CRAIG MATTHEW SNYDER
ROBERT MICHAEL SOHOVICH
TROY ALLEN SOLBERG
DAVID MICHAEL SOUZA
MICHAEL TIPTON SPENCER
TIMOTHY CURTISS SPICER
BROCK ANDREW SPRADLING
STEPHEN OWEN SPRAGUE
JAMES ROBERT SPRUNGLE, III
KAREN LYNNE SRAY
BRUCE RICHARD STANLEY, JR
JOSEPH MICHAEL STAUD
DAVID JOSEPH STAVISH
CHRISTOPHER JAMES STERBIS
JOHN DAVENPORT STEVENS
JONATHAN LYLE STILL
CHRISTOPHER TOBIAS STILLEY
JULIE ANN STOPHA
THOMAS DANIEL STOREY
KEVIN JAY STROUD
JOHN MITCHELL STUBBLEFIELD
MICHAEL DAVID STULL
WILLIAM ERIC SUBER
FARRELL JOSEPH SULLIVAN
MICHAEL THUOC SULLIVAN
RICHARD JAMES SULLIVAN
MICHAEL PHILLIP SUMMERS
CHRISTOPHER ANTHONY SUMNER
SHAWN PATRICK SWEENEY
BRETT CAMERON SWEET
DOUGLAS LEE SWISHER
KEVIN CHRISTOPHER TALBOT
BRIAN SALAMAT TALICURAN
SHANE PATRICK TALLANT
JOHN TORIBIO TAN
PATRICK JOHN TANGNEY
MARK WARNER TANKERSLEY
ANDREA ELIZABETH TAPLIN
SCOTT THOMAS TAYLOR
KEVIN GERHARD TEHAN
AARON THOMAS TELLIER
CRAIG RONALD TESSIN
MATTHEW ALLEN TESTERMAN
MATTHEW KIM THAYER
MICHAEL JOSEPH THIEL
ROBERT SCOTT THOMAS
ROBERT SAMUEL THOMPSON
JONATHAN MACGREGOR THORP
JOHN ANTHONY TIERNEY
SHANNON JAMES TILLMAN
LUAN KIM TO
JEFFREY SCOTT TODD
JOHN DAVID TOLG
JAMES HUGH TOOLE
JOEL CLAY TRANTHAM
ERNEST JOSEPH TRICHE, IV
SCOTT STEPHEN TROYER
JEFFREY JAMES TRUITT
GEORGE NICHOLAS TSANGARIS
CHRISTIAN MATTHEW TULODIESKI
KYLE TRAVIS TURCO
CHRISTOPHER ANDREW TURKOVICH
MEGHAN ISINGARD TUTTLE
VOLODJA AKIRA TYMOSCHENKO
KENNETH ARDONA UBIAL
ANDREW FRANK ULAK
STACIA AGNES ULISSEY
TIMOTHY MARK ULMER
LOURDES PATRICIA VALLAZZA
CHRISTOPHER LAWRENCE VALLHONRAT
EDWARD MORRIS VAN BUREN, IV
JACK RONALD VAN NATTA
COURTNEY LEE VAN SCHOONEVELD
TODD DOUGLAS VANDEGRIFT
MARK ALEXANDER VANNOY
FRANK MICHAEL VERDUCCI, JR
JOHN REVI RAMOS VIDENA
CYNTHIA DOMINGO VIERNES
OLIVER RANDOLPH VIETOR
LILLIAN LYNN VILLEMEZ
FREDRICK SALVATORE VINCENZO
MEGAN JEAN WAGGONER
WILLIAM ROBERT WAGGONER
MATTHEW LYNN WAGLE
DENNIS JAMES WAGNER
CHAD GORDON WAHLIN
JAMES ROY WAIS, JR
JASON ERIC WALDRON
GARY ALAN WALKER
ARTHER WILLIAM WALLACE, JR
TANYA LYNN WALLACE
BRYAN EDWARD WALTHALL
CHARLES FREDERICK WALZ, IV
KJELL ANDREW WANDER
JASON DAVID WARTELL
TODD ANDREW WASHBURN
JASON THOMAS WATHEN
MATTHEW IAN WEBER
ROBERT WILLIAM WEDERTZ
TODD SINCLAIR WEEKS
GLENN ALAN WEIDNER, II
ROBERT AARON WEIS
MARK CHRISTOPHER WELCH, SR
MATTHEW HUNTER WELSH
CURTIS LEONUS WESLEY, JR
THOMAS WAYNE WESLEY
DEREK SCOTT WESSMAN
SCOTT RICHARD WHALEN
BEAUREGARD MOSELEY WHITE
BENJAMIN WOODRIFFE WHITE
DAVID GLENN WHITEHEAD
RICHARD STEFAN WHITELEY
JEFFREY JENNINGS WHITEWAY
JOSEPH ARTHUR WIENDL, IV
CLIFFORD TODD WIESE
ANDREW GREGORY WILLIAMS
CLAY GARRETT WILLIAMS
ERNIE S. WILLIAMS
JEROMY BOONE WILLIAMS
EDWARD JOSEPH WILLS
CHEYENNE DANIEL WILSON
GREGORY JAMES WILSON
ERIC STEVEN WINTER
CRAIG CAMERON WIRTH
JONATHAN REDDING WISE
MICHAEL TRENT WOLFERSBERGER
DENISE ELLEN WOLFF
EUGENE MATTHEW WOODRUFF
GEOFFREY AUSTIN WRIGHT
WALTER CLARK WRYE, IV
THOMAS PETER WYPYSKI
JEFFREY BOYD YATES
LUIS ENRIQUE YEPEZ, JR
CHRISTOPHER PAUL YORK
LAURENCE MARTIN YOUNG
PATRICK EARL YOUNG
JOSEPH JOOHO YUN
KURT JACOB ZAHNEN
TIFFANY MARIE ZALLNICK
MATTHEW DAVID ZERPHY
MICHAEL FREDERICK ZINK

CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 1993:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROBERTA ACHTENBERG, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF LABOR

GERI D. PALAST, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

THOMAS P. GLYNN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AVIS LAVELLE, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

JERRY D. KLEPNER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

HARRIET S. RABB, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

KENNETH S. APFEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

WALTER D. BROADNAX, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES.

BRUCE C. VLADECK, OF NEW YORK, TO BE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION.

DEPARTMENT OF STATE

MARSHALL FLETCHER MCCALLIE, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

MARK JOHNSON, OF MONTANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL.

DOUGLAS JOSEPH BENNET, JR., OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE.

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF THE TREASURY

JEAN E. HANSON, OF NEW YORK, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

DEPARTMENT OF LABOR

THOMAS S. WILLIAMSON, JR., OF CALIFORNIA, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR.

DEPARTMENT OF THE INTERIOR

DANIEL P. BEARD, OF WASHINGTON, TO BE COMMISSIONER OF RECLAMATION.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

RUTH R. HARKIN, OF IOWA, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

U.S. INFORMATION AGENCY

JOSEPH D. DUFFEY, OF WEST VIRGINIA, TO BE DIRECTOR OF THE U.S. INFORMATION AGENCY.

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.

EXTENSIONS OF REMARKS

LEGISLATION TO STRENGTHEN AND REVITALIZE THE ARMS CONTROL AND DISARMAMENT AGENCY

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. LANTOS. Mr. Speaker, yesterday, with my distinguished colleague from California, Mr. BERMAN, the chairman of the Foreign Affairs Subcommittee on International Operations, I introduced H.R. 2155 to strengthen and revitalize the Arms Control and Disarmament Agency [ACDA]. It is my intention, Mr. Speaker, that this legislation will be fully considered and marked up by the Subcommittee on International Security, International Organizations and Human Rights, which I chair, and then it is my intention to include this bill as a separate title to the State Department authorization bill, which will be considered by the full Foreign Affairs Committee within the next few weeks.

Mr. Speaker, a debate is now taking place within the executive branch of regarding our Government's best organizational structure for arms control. This is a serious issue and the timing for the consideration of this issue could not be more appropriate as we face grave uncertainties and critical problems in the post-cold war era. Clearly the arms control agenda has changed. During the cold war era we had massive nuclear arsenals locked in a relatively stable equilibrium. We are now facing anarchy, chaos, and disintegration, but at a far lower level of destructive power. Instead of mutually assured destruction between the two superpowers, we are now faced with multiple and unforeseen threats from third powers. No danger to our national security is greater than the continuing spread of nuclear weapons to undeclared nuclear states, coupled with the widespread proliferation of medium range delivery systems and the growing availability of biological and chemical weapons agents and production equipment.

Pakistan, India, and other nations are all believed to possess clandestine nuclear arsenals. Former Secretary of State Lawrence Eagleburger told my subcommittee only last month that he was convinced that North Korea had the bomb. Most experts agree that Iran is actively working to develop nuclear weapons capability and is trying to purchase warheads from republics of the former Soviet Union. Iraq could well have gone nuclear by now if it had not been for the Israeli destruction of the Osirak reactor in 1981, and more recently, Operation Desert Storm, both of which actions I strongly supported. South Africa just recently revealed that it was abandoning its bomb, developed in secret during the 1970's and 1980's, and the list goes on.

Despite the end of the cold war, we continue to face threats to our national security, although these threats are more diffused, less predictable, and much less controllable than in the past. As undemocratic regimes—such as Iraq, Iran, Libya, and North Korea—strive to go nuclear, arms control and nonproliferation regimes are more critical than ever.

Mr. Speaker, I find it surprising that at this time when there is an even greater need for an independent advocate within the executive branch for arms control and nonproliferation, there is serious discussion of abolishing ACDA altogether. In fact, Mr. Speaker, I find the arguments in favor of revitalizing ACDA and maintaining a separate, independent arms control agency to be much stronger.

RECOMMENDATIONS OF SHERMAN FUNK, INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND OF ACDA, AT A HEARING ON THE FUTURE OF ACDA

Just a few weeks ago, Mr. Speaker, the International Security, International Organizations and Human Rights Subcommittee held a hearing to consider the future of ACDA in light of these striking changes in the international scene. Mr. Sherman Funk, the Inspector General of the Department of State and of ACDA, appeared before our Subcommittee to discuss with us at some length a thorough study of ACDA which he prepared at the direction of the Congress—"New Purposes and Priorities for Arms Control." The Congress directed the Inspector General to review ACDA's performance in carrying out its major functions and to recommend any changes in executive branch organization and direction that were considered appropriate.

Under Mr. Funk's direction a panel of distinguished former diplomats, arms control experts from the Departments of State, Defense, and Energy and from the CIA and ACDA considered the challenges currently facing U.S. foreign policy and the best organizational way of achieving our international objectives. The panel interviewed past Secretaries of State, Defense, and Energy as well as several hundred senior present and former experts and key officials throughout the Government.

On the basis of this thorough and extensive evaluation, the panel considered 11 organizational concepts for arms control which were evaluated in the published report. In his testimony before our subcommittee, Mr. Funk said,

> The panel rejected each of these concepts as either inherently impractical or as being inadequate to address the challenges facing us today. Only two alternatives survived the panel review: Fold ACDA into State, or retain ACDA as a separate agency but only if it is reshaped and rejuvenated.

Mr. Funk explained to our subcommittee the panel's preferred option: "Upon completing its work, the panel concluded—and I agreed—that U.S. interests relating to arms control, including nonproliferation, would be served best by the continuation of an independent arms control advocate."

He continued:

> It remains important to have a specialized, technically competent arms control institution. We felt that a separate agency is the better solution to retaining continuity, enhancing technical expertise, fostering innovation and providing a needed independent perspective on arms control issues.

Mr. Speaker, Inspector General Funk expressed in clear and concise terms the fundamental and powerful argument in favor of maintaining an independent Arms Control and Disarmament Agency:

> Against this background of increased regional tensions, the conflict between arms control goals and bilateral relationships is intensified. Our fundamental concern for the future of arms control is grounded in the lessons of our past: When there is a policy conflict between U.S. nonproliferation goals and bilateral relations, the tendency of diplomacy, of the State Department, is to protect bilateral relations with U.S. friends and allies, or potential allies.

> Recognizing this, the long-term interest of the United States would therefore be better served by an independent advocate—an independent watchdog, if you will—for nonproliferation. ACDA's independent status, in fact, has enabled it to force discussion of issues on which other agencies held opposing views. Significant examples include, perhaps most importantly, the tracking of Pakistan's nuclear program, interpretation of the ABM Treaty, and the Chemical Weapons Convention.

Furthermore, Mr. Speaker, Inspector General Funk made the argument—very convincingly in my view—against simply merging ACDA into the Department of State. He told our subcommittee:

> My very real fear is that if ACDA is folded into State, the kind of high caliber scientific and technical talent which is an essential component in any agency devoted to nonproliferation concerns will either not accept that fold or leave soon after. This fear would be alleviated, or perhaps even obviated, if there were any indication that State's personnel system and long-entrenched attitudes showed any sign of becoming flexible enough to accept significant change. In my six years at State, I have yet to see such a sign.

THE NEED FOR A STRENGTHENED, REVITALIZED AGENCY TO DEAL WITH ARMS CONTROL AND NONPROLIFERATION

Mr. Speaker, on the basis of Inspector General Funk's informative and thoughtful presentation, as well as serious reflection and discussion on this matter, I have concluded that we must maintain a separate, independent agency focusing on arms control and nonproliferation issues. A separate and independent agency would provide a continuing resource for technical analysis and support in the arms control arena. A separate and independent agency would be a better advocate for arms control solutions, foster innovation and technological advancement, and would better serve as a watchdog on issues of arms control implementation and nonproliferation. These critical national objectives can be achieved more efficiently and more effectively by having a separate, independent ACDA.

At the same time, Mr. Speaker, it is obvious that in order to play this critically important role in the post-cold-war world, the Arms Control and Disarmament Agency needs to be revitalized and strengthened if it is to achieve its promise and accomplish its important tasks. During our hearing with Inspector General Funk, he identified this as a critical issue:

Since its formation in the early 1960s, ACDA has had its ups and downs. The last 12 years have not been one of their great ups. But in point of fact there has been a loss by ACDA of some of its best people, some of its most qualified scientists have pulled out. I suspect this had to do with the reflection of what they regarded as the lack of clout of the agency. If ACDA is to continue serving those functions that I mentioned, it presupposes that ACDA is going to have some of the best qualified people in town to represent it in negotiations, in discussions and in backstopping on negotiations.

Mr. Funk told our Subcommittee that the effectiveness of any agency in participating in policy determination is dependent upon the clout of the head of that agency and the quality and technical qualifications of the people who represent that agency. In order to achieve this goal, action must be taken to strengthen and revitalize ACDA.

SUMMARY OF THE PROVISIONS OF H.R. 2155

Mr. Speaker, the legislation that Mr. Berman and I have introduced will deal directly with the problems and organizational shortcomings that were identified by Inspector General Funk and by various other studies of U.S. arms control and nonproliferation organization and policy. I would like to review with my colleagues the specific changes that our legislation would make in the structure of ACDA. I also would like to emphasize areas where our legislation affirms and restates our support for the guiding role of the Secretary of State in the formulation and execution of our Nation's foreign policy. Furthermore, I want to emphasize that our legislation is in no way intended to weaken or undermine the current National Security Council process for defining our Nation's international priorities and policies.

Our legislation is intended to provide impetus to improving the ability of our government to manage the complex process of negotiating and implementing arms control treaties and to assure that there is central leadership and control of U.S. nonproliferation policy.

The new legislation—H.R. 2155—strengthens the position of the Director of ACDA. Section 2 of the bill specifies that he or she shall serve as principal advisor to the President and other executive branch officials on arms control, disarmament, and nonproliferation issues. Previous legislation stated only that the director serves as advisor to the Secretary of State and the National Security Council. At the same time, the new legislation clearly provides that the Director of ACDA acts under the guidance of the Secretary of State to assure coordination and coherence to our Nation's foreign policy.

The most important provision of our bill relating to the position of the Director of ACDA makes him or her a full member of the National Security Council. Current legislation provides only that the Director shall attend National Security Council meetings involving weapons procurement, arms sales, consideration of the defense budget, and arms control and disarmament matters. Making the director a full member of the National Security Council assures that arms control, disarmament and nonproliferation issues will be fully considered at the highest level of our foreign policy-making.

Section 3 of our bill provides for the appointment of Special Representatives for Arms Control and Nonproliferation by the President with the rank of ambassador to participate in international forums dealing with arms control, disarmament and proliferation, with one such Special Representative serving as the U.S. Governor on the Board of the International Atomic Energy Agency. Current legislation permits the appointment of only two such Special Representatives, but with the increased number of international arms control forums, it is important that the President have the authority to designate additional representatives, and it is important that the United States be represented at such conferences by officials of this rank. These officials shall be supported by ACDA.

Section 4 of the bill provides that ACDA shall have the primary responsibility for the preparation, formulation of policy, support, and transmission of instructions and guidance for all such arms control and nonproliferation negotiations and forums. Clearly that process will involve interagency coordination with the Department of State, with overall policy guidance coming from the Secretary of State. Other agencies—the Departments of Defense and Energy as well as the CIA—clearly will be key participants in that process, but it is important that ACDA play the role of coordinating arms control and nonproliferation participation.

Section.5 of the bill provides statutory authority for ACDA to participate in deliberations regarding the issuing of export licenses under the Arms Export Control Act, the Atomic Energy Act, and the Nuclear Non-Proliferation Act. While, in practice, ACDA presently does participate in the review of decisions for issuing of licenses for exports of military equipment and nuclear materials, at present, participation is informal and not necessarily required by law. It is essential that ACDA's involvement be established unequivocally in legislation.

Mr. Speaker, this legislation is an important step in strengthening and revitalizing the Arms Control and Disarmament Agency. It continues the philosophy of President John F. Kennedy, under whose administration it was established in 1961. Over the past three decades, the international environment has changed substantially, but the dangers of failing to control the spread of conventional military equipment and weapons of mass destruction has increased. In this climate it is essential that we have the benefit of a strong independent voice at the policy table speaking for arms control and nonproliferation. This is the purpose of the legislation that I have introduced. I urge my colleagues to join me in supporting its adoption by the Congress.

Mr. Speaker, I include the full text of H.R. 2155 in the RECORD at this point.

H.R. 2155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. PURPOSES.

The purposes of this Act are—

(1) to provide renewed impetus in improving the United States Government's ability to manage the complex process of negotiating and implementing arms control treaties;

(2) to provide central leadership and coordination to United States nonproliferation policy; and

(3) to improve congressional oversight of the operating budget of the United States Arms Control and Disarmament Agency.

SEC. 2. ACDA DIRECTOR.

(a) DIRECTOR.—Section 22 of the Arms Control and Disarmament Act (22 U.S.C. 2562) is amended to read as follows:

"SEC. 22. DIRECTOR.

"(a) APPOINTMENT.—The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

"(b) DUTIES.—The Director shall serve as the principal adviser to the President and other executive branch officials on matters relating to arms control, disarmament, and nonproliferation. In carrying out his or her duties under this Act, the Director, under the guidance of the Secretary of State, shall have primary responsibility for matters relating to arms control, disarmament, and nonproliferation, as defined by this Act.".

(b) PERMANENT MEMBERSHIP ON NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) the Director of the United States Arms Control and Disarmament Agency;".

SEC. 3. SPECIAL REPRESENTATIVES.

(a) IN GENERAL.—Section 27 of the Arms Control and Disarmament Act (22 U.S.C. 2567) is amended to read as follows:

"SEC. 27. SPECIAL REPRESENTATIVES.

"(a) APPOINTMENT.—The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for Arms Control and Nonproliferation. Each Presidential Special Representative shall hold the personal rank of ambassador.

"(b) DUTIES.—Presidential Special Representatives shall perform their duties and exercise their powers under direction of the President, acting through the Director. One such Special Representative shall serve as the United States Governor to the Board of Governors of the International Atomic Energy Agency.

"(c) ADMINISTRATIVE SUPPORT.—The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives appointed under this section.".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "Special Representatives for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency (2)." and inserting "Special Representatives of the President for Arms Control and Nonproliferation.".

SEC. 4. NEGOTIATION MANAGEMENT.

Section 34 of the Arms Control and Disarmament Act (22 U.S.C. 2574) is amended to read as follows:

"SEC. 34. NEGOTIATIONS AND RELATED FUNCTIONS.

"The Director shall have primary responsibility for the preparation and management of United States participation in all international negotiations and implementation forums in the fields of arms control, disarmament, and nonproliferation. To this end—

"(1) the Director shall have primary responsibility for the preparation, formulation, support, and transmission of instructions and guidance for all such negotiations

and forums, and shall manage interagency groups established within the executive branch to support such negotiations and forums; and

"(2) all United States Government representatives conducting negotiations or acting pursuant to agreements in the fields of arms control, disarmament, or nonproliferation shall perform their duties and exercise their powers, under the direction of the President, acting through the Director.".

SEC. 5. PARTICIPATION OF ACDA DIRECTOR IN CERTAIN DELIBERATIONS.

(a) ARMS EXPORT CONTROL ACT.—Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Decisions on issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to whether the export of an article will contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other bilateral arrangements.".

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended by striking out all that follows "(3)" in the last sentence and inserting the following: "the assessment of the Director of the United States Arms Control and Disarmament Agency as to the extent to which such sale might contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements. No decision shall be made over the objection of the Director unless the Director has been informed in writing of the reasons why the Director's opinion was not deemed sufficient to deny the proposed sale, and afforded a reasonable opportunity to appeal the proposed decision.".

(3) Section 71 of such Act (22 U.S.C. 2797) is amended—

(A) in subsection (a) by inserting ", the Director of the United States Arms Control and Disarmament Agency," after "Secretary of Defense";

(B) in subsection 7(b)(1) inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of Defense"; and

(C) in subsection (b)(2)—

(i) by striking out "and the Secretary of Commerce" and inserting in lieu thereof, "the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency"; and

(ii) by striking the comma after "applicant" and all that follows through "documents".

(b) ATOMIC ENERGY ACT.—Section 131 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2160(b)) is amended—

(A) in paragraph (2) by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of State"; and

(B) in paragraph (3) by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of State".

(2) Section 142 of such Act (42 U.S.C. 2162) is amended by adding at the end thereof the following new subsection:

"f. All determinations under this section to remove data from the Restricted Data category shall be made only after consultation with the Director of the United States Arms Control and Disarmament Agency. If the Commission, the Department of Defense, and the Director do not agree, the determination shall be made by the President.".

(c) NUCLEAR NON-PROLIFERATION ACT.—Section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a) is amended to read as follows:

"(c)(1) The Department of Commerce shall maintain controls over all export items, other than those licensed by the Commission, which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes.

"(2) The Commission shall not grant any individual, distribution, or project license for the export of items controlled pursuant to paragraph (1) without prior consultation with the Department of State, the United States Arms Control and Disarmament Agency, the Commission, the Department of Energy, and the Department of Defense.

"(3)(A) The Secretary of Commerce shall, within 90 days after the date of enactment of this paragraph, establish orderly and expeditious procedures which are mutually agreeable to the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Director of the United States Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission. These procedures shall include provision for establishing the list of export items required by paragraph (1), for permitting automated access to all license applications for such items to all agencies listed in paragraph (2), and for formal interagency referral of license applications for the export of items on the list.

"(B) The procedures in effect under this subsection on the date of enactment of this paragraph shall cease to apply 90 days after the date of enactment of this paragraph or upon the effective date of the new procedures required by this paragraph, whichever occurs first.".

TRIBUTE TO AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to an organization and its members in my 17th Congressional District. The American Hellenic Educational Progressive Association promotes the preservation of cultural heritage and champions the cause of higher education. Founded in 1922, AHEPA chapters base their meetings upon the principles of American Government and encourage their members to actively participate in the civic life of their American community. Although AHEPA is composed primarily of individuals of Hellenic descent, membership is open to anyone who believes in the objectives of the organization.

AHEPA will soon honor its own members at its governors's ball. They will be praised for their personal contributions and leadership abilities.

Mr. Speaker, Paul G. Pappas will be honored for his membership, since 1983, serving in the Lincoln Chapter 89, Youngstown, OH, as vice president and as president, until his rise to governor of the district 11 Order of AHEPA. Together with his wife, the former Maria Cougras, an active member and past district governor of the Daughters of Penelope, the family is totally dedicated to the fulfillment of the objectives of the Order of AHEPA. A true steward, Mr. Pappas has continuously devoted efforts to support the family, the community of Campbell, OH, and society in general. He serves, or has served, in areas such as church choir, church cantor, acolyte, Greek Orthodox Youth Association counselor, member of the Kalymian Prodromos Society Men's Society, member of the Cooley's Anemia Society, and member of St. Alban's Lodge 677 F. & A.M. A product of Youngstown State University, Paul Pappas currently is owner and operator of a jewelry business and maintains an affiliation with North Star Painting Co.

Mr. Speaker, Mrs. Maria Pappas Theofilos will be honored for her governorship of the Daughters of Penelope Senior Women's Auxiliary of the fraternal Order of AHEPA, Buckeye District No. 11. Mrs. Theofilos is a graduate of Youngstown State University and is employed as a physical education instructor, for the Howland school system. She is also an instructor of aerobics in the Step Up to Fitness program. She was initiated into Daughters of Penelope in May of 1976, and has been a member of the Methone chapter in Youngstown and the Hera chapter in Warren ever since. She has received the Outstanding District President in 1986, followed by the Chapter Penelope of the Year in 1987. She is a member of the Archangel Michael Greek Orthodox Church, Campbell, OH in its Philoptochos. Maria is married to Dino Theofilos and the mother of two sons.

Mr. Speaker, Theodoros A. Konstantinopoulos will be honored for his governorship of the Sons of Pericles, the young men's auxiliary of the fraternal order of AHEPA, Buckeye District 11. He is a graduate of the University of Akron. Theodoros is a member of the Delian chapter, Sons of Pericles, and has been since 1984. He is a recent president of the Delian chapter. Currently, he serves in an advisory capacity, assisting young men at the district and also national levels. He is a student of law at the University of Akron, OH.

Mr. Speaker, each of these individuals has shown their desire to help other people and to give of their time and effort selflessly. I want to commend them for this provision of themselves because each of them, in their own way, is making our community better.

A MEMORIAL FROM THE NEW MEXICO STATE SENATE CONCERNING VETERAN PAY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues a memorial which was passed during the last session of the New Mexico State Legislature. This memorial expresses the sense of the

Senate of the State of New Mexico on veterans compensation. They ask the Congress of the United States to amend chapter 71, title 10 of the United States Code to permit full concurrent receipt of military longevity retirement pay and service-connected disability compensation benefits.

New Mexico Senate Memorial 48 reads as follows:

SENATE MEMORIAL 48

Whereas, the recent conflict in the Persian gulf has highlighted once again the contribution of this nation's soldiers and returned veterans; and

Whereas, integral to the success of our military forces are those servicemen and servicewomen who have made a career of defending their country; in peacetime, they may be called away to places remote from their families and loved ones; in war, they face the prospect of death or of serious disabling wounds; and

Whereas, legislation has been introduced in the United States Congress to remedy an inequity to military careerists; and

Whereas, military retirees who have served at least 20 years accrue retirement pay based on longevity and disabled veterans receive compensation proportionate to the severity of their injuries; and

Whereas, the inequity concerns those veterans who are both retired and disabled; under an antiquated law that dates to the nineteenth century, they are denied concurrent receipt of full retirement pay and disability compensation benefits; rather they may receive one or the other or must waive an amount of retirement pay equal to the amount of disability compensation benefits; and

Whereas, this deduction unfairly denies disabled military retirees the longevity pay they have earned by their years of devoted patriotism; it effectively requires them to pay for their own disability compensation benefits; and

Whereas, no such deduction applies to the federal civil service; a disabled veteran who has held a non-military federal job for the requisite duration receives full longevity retirement pay undiminished by the subtraction of disability compensation benefits; and

Whereas, a statutory change is necessary to correct the injustice; America's occasional pursuit of national and international goals must be matched by an allegiance to those who sacrifice in behalf of those goals;

Now, Therefore, be it resolved by the Senate of the State of New Mexico that the United States Congress be asked to amend Chapter 71, Title 10 of the United States Code to permit full concurrent receipt of military longevity retirement pay and service-connected disability compensation benefits; and

Be it further resolved, that official copies of this resolution be forwarded to the president of the United States, to the speaker of the House of Representatives and President of the Senate of the United States Congress, and to all members of the New Mexico delegation to the Congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

TRIBUTE TO AL OWYOUNG

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. MATSUI. Mr. Speaker, I rise today to salute Al Owyoung, who is retiring from 36 years of successful public service to the State of California.

Mr. Owyoung was the first American of Asian descent to be appointed to a number of positions, including personnel officer, division chief, and deputy director in the Department of Youth Authority; deputy director and interim director in the Department of Forestry; and executive officer on the Youthful Offender Parole Board.

Mr. Owyoung has also been an active community leader, serving on the board of directors for the Kennedy High School marching band; a charter member of the Asian/Pacific State Employees Association; a charter member of the Chinese American Citizens Alliance, a civil rights organization; and a number of charitable organizations.

Furthermore, Mr. Owyoung participated in a movement to increase the involvement of Asians in the political process, which resulted in the establishment of a first-ever Asian/Pacific political club in Sacramento, in which Mr. Owyoung was a charter member.

Mr. Speaker, it is with great pleasure that I rise to recognize Al Owyoung for his commitment to Sacramento. I ask my colleagues to join me in congratulating him and wishing him success and happiness in the future.

A TRIBUTE TO CYRIL AND DOROTHY STORER

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Cyril and Dorothy Storer as they celebrate their 50th wedding anniversary. The bond they share is truly a source of pride and inspiration for all who know them.

Cyril Storer, of Ramsey, NJ, and Dorothy Warner of Glen Ridge, NJ, were married at the Little Church Around the Corner in New York City on June 12, 1943. Having recently graduated in the top of his class from Kings Point, Cyril went on to serve as a naval officer during World War II. He ended his active service at the rank of captain, but he continued to serve his country as a member of the Naval Reserve for many years following the war.

In 1948 the Storers moved to Clifton, NJ. Moving twice in the next 32 years, but always remaining in Clifton, they have led a happy life. Cyril was employed by the Port Authority of New York and New Jersey. His latter years with the Port Authority were spent as the general manager of the Marine Operations Division. Dorothy was a loyal employee of the Clifton public school system. She worked as a secretary for 18 years, serving in Public Schools No. 5 and No. 3. In their free time the Storers were active members of the Advent Church in Bloomfield, NJ.

In 1980, the Storers retired to a shorefront community in New Jersey. During the winters, they are off to Florida. Cyril remains active by singing in a church choir and with the Pine Barsons. Dorothy is also active in the church and she is an avid golfer. Together, they participate in a shuffleboard group.

After 50 full years of marriage, the Storers have three grown children: Jeanne, Cheryl, and Frederick; and seven wonderful grandchildren: Steven, Douglas, Adam, Stacey, James, John, and Leigh.

It is a tremendous privilege to honor such a couple. Marriage is a sacred institution; having upheld that institution for 50 years is a most remarkable achievement. It is my pleasure to pay tribute to Cyril and Dorothy Storer and wish them sincere congratulations and good fortune on their 50th wedding anniversary.

DAYTON AREA CHAPTER OF AMERICAN EX-PRISONERS OF WAR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to the Dayton area chapter of American Ex-Prisoners of War, Inc., who will celebrate their 10th anniversary on May 25, 1993. This is a dedicated group of men and women who have served their country with great honor and dignity both in times of war and peace.

The group held their first meeting at one of the local Veterans of Foreign Wars posts in Dayton, OH. These ex-prisoners of war, who all share a unifying common bond, were brought together through newspaper notices and community messages on local radio stations. During the years, the membership has expanded and they have dedicated considerable time and resources to the needs of veterans in our area, as well as to the Dayton community.

While the Dayton area chapter of American Ex-Prisoners of War provide important programs and services for their fellow servicemen, they are also very active within the Dayton community. The group has their own color guard and marching unit, which are involved in many local parades and civic projects. Many members also volunteer at the Department of Veterans Affairs Medical Center in Dayton, as well as organize group activities. More importantly, this group functions as a close family.

I offer my congratulations to the Dayton area chapter of American Ex-Prisoners of War and my thanks for their 10 years of service to our veterans and to the Dayton community.

IN RECOGNITION OF THE JAPANESE AMERICAN NATIONAL MUSEUM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mrs. MINK. Mr. Speaker, the immigrant experience is richly woven in the tapestry of

America, reflecting our multicultural and multifaceted society. As the Statue of Liberty beckoned European immigrants to our shores bordering the Atlantic, tales of gold mountains beckoned Asian immigrants to our shores bordering the Pacific.

My grandparents left their homeland to work on the sugar plantation in Hawaii. As is common for all immigrants, my grandparents were lured by the faith and promise of a better life in a new land. As a third-generation Japanese-American or sansei, I recognize the power and the intensity of their immigrant experience.

The immigrant experience has defined our cultural identity and linked us to our collective past. This unique experience, filled with hope, renewal, expectation, and a willingness to venture into the unknown, must be preserved for future generations, to appreciate the struggle, the burden and the joy that is the experience of the Japanese-Americans.

As we celebrate Asian-Pacific American Heritage Month, I am honored to take this moment to recognize and applaud the efforts of the Japanese-American National Museum. The museum endeavors to preserve for future generations, the experience of our immigrant forefathers, to teach us the lessons of their labors, and to make us feel what it truly means to be Japanese-Americans.

In 1985, the Japanese-American National Museum, a private, nonprofit institution, was founded in the city of Los Angeles. A permanent museum site in the heart of Little Tokyo was obtained through the city of Los Angeles. In May 1992, the museum opened its doors to the public.

The Japanese-American National museum is the first museum in the United States expressly dedicated to sharing the experience of the Americans of Japanese ancestry by preserving the experiences of the "Issei" or first-generation Japanese Americans and the "Nisei" or second-generation Japanese Americans. The museum captures a vital part of our cultural heritage and preserves the link to our collective, immigrant past.

The mission of the museum is to: "Make known the Japanese-American experience as an integral part of our Nation's heritage, to improve understanding and appreciation for America's ethnic and cultural diversity."

The historic building that serves as the founding site of the Japanese-American National Museum received the 1993 Cultural Affairs Award from the city of Los Angeles and the 1993 Preservation Design Award for Adaptive Re-Use from the California Preservation Foundation.

The museum will be devoting much of its energy in 1993 to the development of phase II of the facility. Mr. Gyo Obata, chairman of Hellmuth, Obata & Kassenbaum, is the architect responsible for the design of the phase II pavilion. Mr. Obata's designs include the Smithsonian Air and Space Museum, the Moscone Convention Center of San Francisco, and the Dallas/Ft. Worth International Airport.

The National Endowment for the Humanities has awarded the museum a prestigious $500,000 challenge grant which will provide matching funds for phase II contributions. The museum was the only institution in California to receive this award. In addition, a $40,000 planning grant was awarded to the museum for its future exhibition on the "Nisei Years", covering the internment years, which is scheduled to be the opening exhibit for the phase II facility.

By building a comprehensive collection of material on the Japanese-American experience, by providing exhibitions, educational programs, and films and publications for public viewing, the museum conveys not only the life of Japanese-Americans but also expresses the emotions, in all their complexity, that color the Japanese-American experience today.

The Japanese-American National Museum is our offering to future generations of Japanese-Americans, and to all Americans of other races, creed and color, of a quiet moment of remembrance, a glimpse of personal history, and a warm, reflective embrace secure in the knowledge of our shared past.

TRIBUTE TO DENNIS HOWELLS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a young man in my 17th Congressional District of Ohio who recently won first place in the Catholic War Veterans 1993 National Easter Poster Contest. By taking first place, Dennis Howells, received a check for $100 and a Gold Medal.

Mr. Speaker, Dennis is a very active 10-year-old son of Anna and the late Dennis Howells. He lives in Boardman and is a fourth grader at the St. Charles School where he excells in art and science. Dennis is also active in the band where he plays the trumpet. Dennis is a starter on the school soccer team, one of the best in the region. He also enjoys basketball, football card collecting, and video games. Someday, Dennis would like to become a veterinarian.

Mr. Speaker, I would just like to congratulate Dennis for his prize-winning poster. I know that I join his mother, and his sister, Danielle, and all of his friends and teachers in congratulating him in a job well done.

LT. GEN. JAMES M. GAVIN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a World War II hero from my district in Pennsylvania, who will be honored posthumously during "All Airborne Days" in Harrisburg in July. The commrades of Lt. Gen. James M. Gavin will reunite to pay tribute to this legendary man and his long and distinguished military career.

The son of Irish immigrants, James Gavin was orphaned at a young age and raised by poor, devout foster parents Martin and Mary Gavin. They came, as so many others did, to work in the coal mines in Mount Carmel, PA. General Gavin remembered his childhood as a hard, but good life. Educated only through the eighth grade, as was often the custom in those days, James left for New York as soon as he turned 17. Swearing that he was old enough to enlist, James was sworn in as Private Gavin on April 1, 1924.

Successful in his early assignments in the infantry, he was promoted to captain and assigned as an instructor in the Department of Tactics at West Point in 1939. In August 1941, General Gavin volunteered for paratrooper school. He became a company commander in the 603d Parachute Infantry. By July 1942, Gavin was a colonel and assigned as the first CO of the 505th PIR which was assigned to the newly reorganized 82d Airborne Division.

During World War II, Gavin participated in drops on Sicily, Naples and the Volturnor River Campaign until the division found itself in the fight for Normandy. That August, Gavin was promoted to CO of the 82d Airborne division and the war raged on in Europe. Again and again the 82d led the fight and cleared the way, and it was General Gavin who led the 82d into its legendary place in history.

General Gavin saw the end of the war in Berlin, when the 82d occupied that city. It was there that "Slim Jim's" Division was entitled "America's Guard of Honor." In 1946 General Gavin proudly led the victory parade down Fifth Avenue in New York. The All Americans were home.

Mr. Speaker, this proud American served his country with distinguished valor during WWII and in the years to follow until his retirement in 1958. His retirement years were anything but restful as he served on several boards of corporations, and was Ambassador to France in 1961. He authored several books, notably, "On To Berlin," which is the official story of his command of the 82d Airborne. I am pleased to join with the proud veterans of the 82d Airborne Division who served under this great American in honoring his memory and distinguished service to this country. As the airborne units convene in Harrisburg, we remember and thank Lt. Gen. "Slim Jim" Gavin.

CICERO ON ECONOMICS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. JACOBS. Mr. Speaker, Sid Taylor has come through again:

About 2,056 years ago, the greatest Roman orator of that era, Cicero said:

> The budget should be balanced, the Treasury should be refilled, public debt should be reduced, the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed lest Rome become bankrupt. Cicero, c. 63 B.C.

Cicero would make a superb economic adviser for today's White House and Congress. I wonder what he would say about our $4.2 trillion national debt plus $290 billion annual budget deficits?

Deficit spending is bankruptcy pending?

RECOGNIZING THE DEDICATION OF THE GOODLETTSVILLE WAR MEMORIAL

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. CLEMENT. Mr. Speaker, the citizens of Goodlettsville, TN, will soon gather to dedicate a memorial honoring those brave individuals who answered the call to arms and unselfishly served this great Nation.

As Americans, we are indebted to them all. I join the citizens of Goodlettsville in paying tribute to these American heroes, especially recognizing those who paid the ultimate price for our freedom and whose names appear on the memorial as follows:

World War I: William H. Booth, PVT, USA; George R. Dismukes, PVT, USA; Adron L. Thoughber PVT USA.

World War II: Julius R. Bagsby, PFC, USA; Marshall W. Carr, PVT, USA; Cecil Evans, Jr., TSGT, USA; Morris G. Grayson, AVC, USA; Curtis L. Huffines, PVT, USA; Paul J. Jones, SN1c, USN; Horace H. Leeman, HA2c, USN; Charles A. Peay, SSGT, USA; Eldon C. Ray, SK3c, USN; Marshall W. Ray, SSGT, USA; James L. Schleicher, CAPT, USA; Samuel A. Templeton, GM1c, USN; Newton A. Willis, PVT, USA.

Korea: Robert O. Allen, CPL, USMC; James E. Ellis, CPL, USA; Robert D. Hunter, MSGT, USMC; Elvis M. Kemper, CPL, USA; William F. Lyell, CPL, USA; Frank M. Redding, Jr., CPL, USA.

Vietnam: John E. Fuqua, 2LT, USA; Michael A. Jones, SGT, USA; Carl Ratcliffe, Jr., SP4, USA; John J. Sesler, PFC, USMC.

Persian Gulf: Billy P. Wilkerson II, MAJ, USA.

As the inscription on the memorial states, it is a monument, "Dedicated to the memory of those who died in our nation's wars and in honor of all who served in the armed forces of the United States of America." Mr. Speaker, may we never forget them.

TRIBUTE TO REVEREND DR. JOSEPH B. FELKER, JR.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. RUSH. Mr. Speaker, I rise today to honor the achievements of the Reverend Dr. Joseph B. Felker, Jr. who is retiring as the moderator of the Greater New Era District Association of Chicago.

Dr. Felker has served as moderator of the Greater New Era District for the past 24 years. Under his leadership, the association became a vital and productive organization, with a current membership of over 50 churches. He is the distinguished pastor of the Mt. Carmel Baptist Church, where he has proudly served since February, 1957.

A native of Chicago, Dr. Felker received his religious training at the Chicago Baptist Institute and the Northern Baptist Theological Seminary. Dr. Felker is the recipient of two honorary doctorate degrees. In 1975, he was conferred the doctor of divinity from Jackson Theological Seminary and in 1984, he was conferred the doctor of humane letters from Monrovia College and the Industrial Institute of the African Methodist Episcopal Church of Monrovia, Liberia, West Africa.

Dr. Felker served his country with distinction as a petty officer in the U.S. Navy and was president and CEO of the Illinois Barber College for 29 years, during which time it was the oldest Afro-American Barber College in Illinois.

Additionally, he has served as vice president of the Baptist State General Convention of Illinois, trustee of the Chicago Baptist Institute, member of the Operation PUSH Ministerial Department and many other civic and social organizations.

Dr. Felker is married to the former Mrs. Shirley Williams, is the father of two daughters, Jacquilyn Louise and Evelyn Cordilia, five grandchildren and seven great-grandchildren.

Mr. Speaker, the Reverend Dr. Joseph B. Felker, Jr. is truly an outstanding citizen and servant of God. I am privileged to be his friend and proud to enter these words of congratulations into the RECORD.

DEMOCRACY AND HUMAN RIGHTS IN CHILE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. RICHARDSON. Mr. Speaker, I would like to draw your attention to some remarks on human rights and democracy in Chile made by a senior State Department official. George Lister, Senior Policy Advisor for the Bureau of Human Rights and Humanitarian Affairs for the U.S. State Department, was invited to Chile in recognition of his efforts on behalf of human rights and democracy in Chile. Mr. Lister's November 1992 visit included numerous opportunities for him to comment on Chile's great progress in building democratic institutions and a vastly improved human rights record. Mr. Lister's comments during these events were recorded and I think my colleagues will find them most interesting. The progress Chile has made economically is reflected in the great social progress of this vibrant nation. Chile has come far over the years, bridging the gap between dictatorship and a nation based on the principles of democracy and free markets. I fully support the Chilean Government, and its experience should be a standard against which all other struggling nations are judged. I urge my colleagues to read George Lister's comments, his contributions to the current political order in Chile are great and deserve recognition.

NOTES FROM NOVEMBER 17 CONGRESSIONAL LUNCHEON COMMENTS IN VALPARAISO

I appreciate more than you realize your words of support and friendship. So often in human rights work there is tragedy, pain, disappointment, and frustration. But here today we can celebrate a very happy occasion—the victory of democracy in Chile. And, even more, a victory which was achieved peacefully, without violence, through the political will and maturity of the Chilean people. Of course there was much tragedy before, during the dark days of dictatorship. But the transition to the Chile of today was peaceful and, by world standards, absolutely remarkable. The Chilean path to democracy can serve as an excellent model for the rest of the world. The people of Chile and their elected representatives are to be congratulated.

What I would like to emphasize to you very briefly this afternoon, in some personal, informal comments, is the key role which is played by our human rights policy in our overall foreign policy. Back in 1973 I cooperated with Congressman Don Fraser of Minnesota, and his staff, in getting our human rights policy started. I was with the State Department's Latin American Bureau at that time. Looking back at where we began, 19 years ago, I cannot believe how far we have come, how much progress we have made since then. In the early days we were handicapped by bureaucratic resistance, indifference, and inexperience. But over the years our human rights policy has become institutionalized and accepted as a basic part of our overall foreign policy. And I am sure you know that human rights played a key role in our relations with Chile.

Let me say a few words about our human rights policy, what it is and what it is not. First, my Government does not pretend to be the original defender of human rights. There were articulate supporters of human rights long before Columbus came to this hemisphere. The United States claims no monopoly in the defense of human rights. Second, our human rights policy does not reflect any assumption of U.S. moral superiority. We all have human rights problems. In my country, for example, we still have not been able to eliminate race discrimination and sex discrimination, although we have made much progress. Third, our human rights policy does not seek to impose our moral standards on other countries. The rights we are discussing here were included in the Universal Declaration of Human Rights, which was adopted by the General Assembly of the United Nations on December 10, 1948. Personally, I feel the two key human rights are freedom of expression and women's rights. I think freedom of expression is more revolutionary than Marxism-Leninism. And as for women's rights, we cannot say we are for human rights if we do not defend the rights of 51% of the human race.

Now I am not suggesting for a moment that the implementation of our human rights policy is perfect. That would be absurd. There are close to 190 countries in the world, there are only 24 hours in a day, and this is not work which can be done with computers. Human error and shortcomings are inevitable. But I do emphasize that our policy is basically honest, applied to governments of both the right and the left. So when you see how and where we can do better, please do not hesitate to let us know. We need all the help we can get. There is nothing wrong with criticizing the United States. I do it frequently. I only urge that you try to make your criticism reasonably accurate.

On that subject I think I should point out that there are two main aspects of our human rights activity. The first is our world wide coverage of the status of human rights—our annual Human Rights Reports. Our reports have become better year by year. Compare our latest Report with that of ten years ago and the improvement is amazing. But, once again, the Reports are not perfect. And they are relatively easy to critique and evaluate. So when our Reports are inaccurate, or otherwise inadequate, please tell

us. However, it is considerably more difficult to evaluate our specific actions in response to human rights violations. That can involve very complicated questions. For just one example, should the U.S. stop economic assistance to a government with a bad human rights record if the only immediate result of such a decision will be to reduce the living standard of the poorest sector of the population? Monitoring human rights violations is much easier than taking effective action to reduce them.

Finally, I feel I should not conclude my remarks without a special word of appreciation for the Catholic Church of Chile. As a life time agnostic who has been actively involved with some of the problems of your country, I must say that I have been greatly impressed by our Church, and I have developed close and valuable friendships with many of its representatives. The Catholic Church supported the Chilean people every step of the way in their long and painful march to democracy.

Now, in conclusion, I suggest to you that human rights has become the authentic world revolution—peaceful, democratic, world revolution. And personally I believe it will succeed so long as we keep it honest. Not perfect—that is impossible, but honest. Human rights for everyone, regardless of race, religion, nationality, etc. Let's all work together, and we will win. Thank you again for this wonderful opportunity to meet with you once more. And Long Live Democratic Chile.

NOTES FROM NOVEMBER 18 MINISTRY OF FOREIGN RELATIONS LUNCHEON COMMENTS

It is wonderful to be back in Chile once again, and especially to be reunited here with so many good friends. This is one of the most pleasant things that have happened to me in this long and unusual year.

Yesterday I spoke to a Congressional luncheon group in Valparaiso. I expressed my entirely personal views as to the importance of the human rights cause, and how I believe human rights has become the authentic world revolution—peaceful, democratic and effective, so long as we keep it honest. Here with you this afternoon I would like to emphasize, very briefly, two factors which I personally feel are very important in relations between our two governments. The first is dialogue. The second is the democratic left.

First, dialogue. Back in the years following the overthrow of Allende I was impressed and depressed by the inadequate dialogue between Chile's democratic opposition and the State Department. I had many democratic Chilean friends, of course, most of them refugees. And we were talking day and night. But few of them came to the Department, and that was a bad mistake. So I began to urge my Chilean friends to come to the Human Rights Bureau, to discuss the situation in Chile, to seek U.S. help for Chilean democracy and human rights, to make specific recommendations for U.S. action, etc. One of the first Chileans I pushed in this direction was Sergio Bitar, who was at the Woodrow Wilson Center in Washington for a year. Sergio was skeptical, but he agreed to come to our Bureau. The conversation went well and I kept urging others to come. Elliott Abrams was the Assistant Secretary for Human Rights at that time, and after several months he became quite receptive to these visits and conversations. Indeed, the dialogue developed very quickly, to our mutual benefit. As a matter of fact the dialogue began to dominate our Bureau's schedule. I recall one occasion when I went into Abrams' office to remind him that four more Chileans were coming to see him the following morning. Elliott groaned and responded, that he just wouldn't have time. I remarked that I appreciated the fact that he was spending more time on Chile than on any other country in the world. Whereupon Elliott put both hands to his head and cried: "For God's sake, George, I'm sending more time on Chile than on all the rest of the world combined". And when Dick Schifter replaced Abrams in our Bureau, in 1985, he was equally supportive of these meetings, and very effective in behalf of human rights in Chile. So much for dialogue.

Now for the democratic left. For many people "leftist" is a pejorative term. There is often a failure to distinguish between, on the one hand, the democratic left, those who call for profound political, social and economic change, but with full protection of human rights and, on the other hand, the anti-democratic left, those who see Leninist dictatorship as the solution to all the problems of the human race. In the case of Chile I was convinced that there would be no transition to democracy without the cooperation of the democratic wing of the Socialist Party. And I pushed my Socialist friends hard, urging them to reject Leninism and to take an honest and consistent position in favor of democracy and human rights in their visits to the State Department. When they did that it had a very favorable impact, not only in Chile but also in the U.S. It was around that time I arranged for our friend here, Carlos Portales, to speak at the State Department's Open Forum, and, of course, Carlos made good use of that opportunity.

Now before we leave the democratic left let me tell you another true story. As some of you know, I am an old Eastern European hand, having served in both Moscow and Warsaw. And so I was present when Dick Schifter chaired our first Washington meeting with the Soviet human rights delegation, led by Yuri Reshetov. As we sat down with the Russians Schifter leaned forward to Reshetov and said: "Yuri, before we begin, I think I should introduce George Lister. He is the State Department Menshevik". Reshetov stared at me incredulously for a moment and then extended his hand, remarking: "Well, well, we have Mensheviks with us too, now".

Now we are coming to a new stage in Chilean-U.S. relations, and we will soon have a new Administration in Washington. Both of our countries are democratic, but with many shortcomings. To cite just one example in each case, we are confronted with serious and urgent economic problems, and you have a large number of people who are living in abject poverty with deep feelings of class alienation. Both of our countries have come a long way, but we both have a long way to go. Dialogue will continue to be a key in our relations. Please let me know whenever you feel I can be of help in developing your contacts with the State Department and Congress. And as for the democratic left, I would say to our Socialist friends that just as they may want my government to oppose dictatorships of the right as well as the left, it is equally important that they oppose dictatorships of the left as well as the right. The same human rights standard should be applied to all of us. If we do that I am convinced that we will win. Thank you for listening. And Long Live Democratic Chile.

NOTES FROM NOVEMBER 18 U.S. EMBASSY SUPPER COMMENTS

This visit to Chile has been one of the best experiences of my life. So much human rights work involves pain, tragedy, frustration, disappointment, etc. When you are needed urgently on the phone it is almost always bad news, and frequently it is too late to do anything about it. Sometimes I am shaken when I think how many friends of mine have been murdered, by the right and the left.

But tonight it is very different. Chilean and U.S. friends of democracy are here together to celebrate the advance of human rights. We have come a long way. Sometimes I cannot believe how far we have come since Congressman Don Fraser started his human rights hearings in Washington, in 1973. And now there are opportunities for human rights work which would have been unbelievable a few years ago. The world has opened up very rapidly. Now I receive fax messages from Moscow, telephone calls from Warsaw, and human rights visitors from China. Incredible.

In that connection let me mention that I have been invited to speak on human rights in Moscow and St. Petersburg, and I hope that I will be able to go there next year. I am an old Soviet hand but my Russian has deteriorated over the years. Nevertheless I have prepared a draft speech in Russian which I hope will be of value and interest to Russian audiences. At least my Russian friends in Washington assure me it will be. And when I was working on that draft I recalled another speech I had delivered back in 1981, to a meeting of human rights advocates in New York. At that time no Assistant Secretary had been appointed to our Human Rights Bureau, and there was much gloom and pessimism about the future of the human rights cause. So I urged that we not despair, that we carry on with the struggle, and I quoted a 19th century Russian slogan which has long been a favorite of mine: To our Hopeless Cause! by that Russians meant that they would never give up no matter how tough things got. Back there, in New York in 1981 I recommended that we adopt that slogan as the battle cry for human rights activists around the world. And as I have said, we certainly have come a long way since then. Now this year, working on my speech for Moscow and St. Petersburg, where the Russian people are faced with so many painful trials and tribulations, I thought it would be appropriate to close my remarks with the same slogan.

Well, some weeks ago, I met with Vladimir Lukin, the Russian Ambassador in Washington, and I tried out that ending on him. He thought it over a minute or two and then said: "Lister, I recommend you change that to 'To the success of our hopeless cause'". I thanked the Ambassador for his suggestion and have changed my speech draft accordingly. And I believe that would be an appropriate toast for all of us here this evening, and for human rights activists around the world: To the success of our hopeless cause. Thank you for listening.

TRIBUTE TO PATRICK HAYS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. MATSUI. Mr. Speaker, I rise today to salute Patrick Hays, president and chief executive officer of Sutter Health in northern California. On June 7, 1993, many of Mr. Hays' associates and friends will gather at the Salva-

tion Army's annual community luncheon to honor Mr. Hays and pay tribute to the many outstanding contributions he has made to his community.

Mr. Hays is only the third Sacramentan to be honored with the Salvation Army's The Others Award, which is granted by a regional board and is considered the highest award given to a member of the community by the army. His implementation of a partnership between Sutter Health and the Salvation Army has yielded health education programs, food service supervision, summer camp health examinations, clinic services for a planned day care center, and a first aid station at the army's annual Christmas distribution. Besides enriching the lives of numerous Sacramentans, this partnership has enriched the Salvation Army's mission to serve the disadvantaged.

In 1980, Patrick Hays began to reshape health care in northern California with the then current Sutter Health system. Under Mr. Hayes' leadership, Sutter Health has grown from 2 community hospitals in 1980 to its present 13 hospitals and has developed into an integrated health care organization recognized throughout the United States as one of the country's preeminent health systems.

Lauded by his peers and the White House as a cutting-edge thinker in the health care arena, Mr. Hays was recently asked to testify before the President's Health Care Task Force to provide insight into integrated health care systems. The vision Mr. Hays holds for health care in the United States is of an integrated system that promotes health and wellness, expands access, improves quality and helps control costs through total care management across a broad spectrum of services throughut a wide region.

A component of this vision is Sutter community hospitals' community partnership initiative which is working to improve the health status of Sacramento. Examples of this effort include the Oak Park Clinic, project TEACH which provides health screening for schoolchildren as well as immunizations for homeless children, project LEED which works to link students with business to promote internships and training in the health care arena, and the human services projects which have stemmed from Sutter Health's partnership with the Salvation Army.

Mr. Speaker, it is with great pleasure that I rise to recognize Patrick Hays for his commitment to Sacramento. He is an example that all community leaders, both business and civic, would do well to emulate. I ask my colleagues to join me in congratulating him and wishing him continued success.

A TRIBUTE TO JOSEPHINE "JOSIE" ALAGNA

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Josephine "Josie" Alagna. It is an honor to have such a hard-working, dedicated woman serving the community of Essex County. On Saturday May 22, 1993, Josephine was recognized by the League of Family and Children's Services of North Essex as the 1993 "Mother of the Year."

We live in a day where a strong commitment to family is becoming more of a rarity than common place. Josie has dedicated her life to making sure that her daughters and grandchildren realize the American dream. Josie is the proud mother of four daughters: Marion Fortunato, wife of former assemblyman Buddy Fortunato; Camille Daunno, wife of attorney Theodore Alagna; Joan Alagna, managing editor of the Italian Tribune News; and Barbara Alagna, a basic skills teacher with the Newark school system. As Josie would tell you, this day would not have been possible without the love and support of her husband Ace. They will celebrate 48 years of marriage on June 3.

Josie has not only been an inspiration for her family but a true leader in northern New Jersey and in particular in the Italian-American community. She is a graduate of Central High School, where she received honors in the Italian language and was awarded a scholarship to study in Italy. When she came back to the States, she began a life devoted toward the betterment of society throughout the world. Josie has been honored numerous times for her many charitable works. Her lists of awards and acknowledgements include: Woman of the Year Award from the North Ward First Aid Squad Citizens Committee; the Pope John Paul II citation for sending medical supplies to Poland; the Humanitarian Award from the Sisters of St. John the Baptist for providing funds for a bus for their mission in Africa and the Silver Medallion Humanitarian Award from Msgr. John Patrick Carroll-Abbing for contributions to the Boys' and Girls' Towns of Italy. This list of accomplishments are just a few highlights of the recognition that Josie has so duly received. To list all of her accomplishments would fill pages of this CONGRESSIONAL RECORD.

Mr. Speaker, I am honored to have such a wonderful woman dedicating so much of her life to the betterment of our community. I ask my fellow colleagues to join me in honoring Ms. Josephine Alagna as the 1993 Mother of the Year as well as for her selfless contributions to those in need in our community.

TRIBUTE TO KENNETH B. GREENBERG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Kenneth Bruce Greenberg, a conscientious, creative, and sensitive educator who is retiring from the New York City Board of Education.

Mr. Greenberg has dedicated his life to enhancing the lives of young Americans and improving the New York City school system. He spent a tremendous amount of time and energy serving as a foreign language teacher, an administrator, a computer expert, an educational trainer, and a curriculum developer.

For 6 years, from 1979 to 1985, Mr. Greenberg worked at Louis Armstrong Intermediate School 227, in Queens. While laboring tirelessly in the vineyards of educating our young citizens, Bruce Greenberg held such positions as the school programmer, an administrative assistant, and the interim assistant principal. Most notably, Mr. Greenberg's desire to improve the status of the school system led to his development of an innovative student data base and a programming matrix for the school. As a result, he implemented computer literacy programs for faculty and students.

Since 1985, Kenneth has held the highly respected position of director for the New York City Comprehensive Instructional Management System. Serving in this prestigious position, Mr. Greenberg was responsible for executing a computerized management system in more than 100 New York City schools. He also planned and coordinated staff development workshops for hundreds of teachers and staff. Mr. Greenberg thrived on this kind of responsibility and civic duty.

Mr. Greenberg is truly a community asset whose desire for improvement enabled him to make a positive difference, both in the school system with which he was associated, and in the various sports teams he proudly coached. The New York City schools will miss Mr. Greenberg's creative leadership, his superb organizational and communication skills, and his uncanny willingness to experiment with new ideas.

Mr. Speaker, I wish Mr. Kenneth Bruce Greenberg nothing but continued success in his retirement, and I sincerely thank him for his many years of heartfelt service.

INTRODUCTION OF FTC REAUTHORIZATION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. SWIFT. Mr. Speaker, as Chairman of the Transportation and Hazardous Materials Subcommittee of the Energy and Commerce Committee, I am pleased to join today with Mr. DINGELL, chairman of the Energy and Commerce Committee, in introducing legislation to reauthorize the Federal Trade Commission.

As many Members know, especially those who have been here any length of time, efforts in the past to reauthorize the FTC have proved unavailing. As with other Federal agencies, the FTC has had its share of controversies over the past decade or so. But unlike other controversies at other agencies, the issues holding up the reauthorization of the FTC remain unresolved.

Those Members who have been elected to the House more recently may wonder why this impasse has lasted so long. The FTC, under the current able leadership of Chairman Janet Steiger, has worked closely with the Congress, with the State attorneys general, with consumer groups and with industry in meeting its mandate to protect the consumer and further competition in the marketplace.

And in particular, this Subcommittee has worked closely with the FTC in the last year

in crafting legislation that will protect consumers from deceptive and fraudulent 900-number calls.

This year, on a vote of 411–3, the House passed legislation that will strengthen the ability of the FTC and the attorneys general to effectively fight interstate telemarketing fraud and abuse.

The Subcommittee has also held hearings concerned FTC regulation of environmental marketing, food and nutritional advertising and alcohol advertising. To this oversight and direction given the FTC by this Subcommittee must also be added other directives to the FTC that have been initiated by other committees of Congress. This is clearly an agency of which much is expected of it by Congress. And under the leadership of Chairman Steiger, those expectations have certainly been met.

The last unresolved issue holding up the reauthorization of the FTC is the question of what should be the proper authority of the FTC in regulating advertising. I believe that this issue can be resolved in a manner that does not harm the consumer protection mandate of the FTC. I look forward at the proper time to working constructively with all interested parties to achieve that end, to listen to their ideas, and to work with them to resolve outstanding concerns. I take very seriously this obligation to resolve outstanding issues that have held up the FTC reauthorization. Congressional direction to this Federal agency has not come—as is proper—through the authorization process, but rather as directives attached to appropriations bills. I share the concerns of others in the House that this is improper, and must end. And it is a procedure that does disservice to the FTC. In the words of the American Bar Association report of June 1991 on FTC authorization:

Policymaking through the appropriations process diverts agency evaluation and review away from the committee with subject matter expertise and places it in the hands of a committee which is concerned primarily with funding considerations. This committee is unlikely to have the same time or resources to study relevant policy issues. Moreover, because limitation riders are, by definition, stop-gap measures, they tend to delay substantive consideration of potentially necessary reforms.

I believe the opportunity is at hand to constructively end this uneasy and inappropriate status quo of the past 12 years. The public deserves to have its premier consumer-protection agency unhampered by outstanding, unresolved issues that are now—since their inception—almost two decades old. I look forward to working with Members from this body and the other body in achieving that resolution.

SRI LANKA'S UNNOTICED WAR

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. KENNEDY. Mr. Speaker, on behalf of one of my constituents, Mr. Sri Thillaiampalam, who is from Sri Lanka, I wish to include the following Boston Globe article in the CONGRESSIONAL RECORD. The editorial details Sri Lankan suffering.

SRI LANKA'S UNNOTICED WAR

While the world watches the Persian Gulf for premonitions of a war to be waged with ballistic missiles and chemical weapons, a vicious cycle of violence has recurred on the island paradise of Sri Lanka, where government troops use Iraqi helicopters and howitzers and Israeli speedboats to attack the guerrillas of a secessionist movement called the Liberation Tigers of Tamil Eelam.

For civilian suffering, intercommunal hatreds and sheer savagery, the conflict in Sri Lanka matches those in Lebanon, Azerbaijan or Northern Ireland. At present, the government of President Ranasinghe Prernadasa seeks to extirpate the separatist Tigers by an aerial bombardment and straf-ing of civilian areas in Sri Lanka's northeastern province.

The toll on the civilians has been heartrending. Thousands have been killed or injured. Nearly a million Tamils of the north have been driven from their homes, and the state minister of the Indian state of Tamil Nadu says that 90,000 Tamil refugees from Sri Lanka have fled to India. Since Premadasa cannot realistically hope to liquidate the fanatical Tigers by military means, his campaign of state terror against the Tamil population of the northeastern province amounts to little more than gratuitous cruelty.

The Tigers themselves are masters of such cruelty. They have massacred not only government forces but also innocent civilians—Sinhalese Buddhists, Tamil Moslems and Tamil Hindus who do not accept their terrorist tactics.

The solution to Sri Lanka's ethnic vendetta civil war must be political. The central government should offer a true devolution of power in a new federal constitution that would maintain the unity of Sri Lanka while permitting the persecuted Tamils a large measure of autonomy.

Only then can Tamil moderates offer their people an alternative to terrorism. As a first step, Premadasa must cease the bombing of civilians. This is the message he should hear from Washington.

THE 100TH ANNIVERSARY OF MOUNT JEWETT BOROUGH, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the good people of Mount Jewett Borough, PA in my district as they prepare to celebrate their 100th Anniversary on June 6.

Mount Jewett Borough is the gateway to Kinzua Bridge State Park, which is situated in the heart of the magnificent Allegheny Mountains. Towering 301 feet into the sky and spanning 2,053 feet across the Kinzua Valley, the Kinzua Bridge is an amazing spectacle which attracts thousands of tourists annually. One of the few steam tourist railroads remaining in the United States operates across the viaduct, offering its passengers a breathtaking view of this beautiful area. The Kinzua Bridge is included on the National Register of Historic Places, and has been designated a National Historic Civil Engineering Landmark.

I have enjoyed working closely with the people of Mount Jewett lately in the construction of an industrial park outside of the Borough limits. This industrial park, which is home to the Allegheny Particle Board and the Borden Resin Site, provided over 200 jobs to the area. The success of this project is a direct result of the dedication and hard work of the people of this very special area.

Mr. Speaker, I am honored to have this opportunity to recognize the residents of Mount Jewett Borough on this special occasion, and wish them all the best as they venture into the Borough's second century.

NATIONAL POLICE WEEK

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. SCHUMER. Mr. Speaker, the week of May 9 through 15 is once again designated "National Police Week". During this annual occasion we honor all of our brave law enforcement professionals who protect our society daily, often at great risk to their own lives.

Sadly, this week is also a time we pay tribute to those officers killed in the line of duty, a number that continues to be disturbingly high. In 1992 alone, 146 law enforcement professionals made the ultimate sacrifice, giving their lives in the line of duty. So far in 1993, 33 officers have been killed, including the 4 Federal agents from the Bureau of Alcohol, Tobacco and Firearms who died in Waco, TX.

As a befitting tribute, they now join the 13,256 other law enforcement officers killed in the line of duty whose names are inscribed in the National Law Enforcement Officer's Memorial here in the Nation's Capita .

On May 15 of each year we honor these fallen heroes on Peace Officers Memorial Day. It is a time when the Nation can give thanks to those who died protecting our freedoms, the soldiers in the continuing war on crime who represent a thin blue line between those who live as law-abiding citizens and those who threaten to make us all victims of crime.

Not only do we pay our respects to law enforcement's finest, but we extend our sympathies and our heartfelt thanks to the spouses, children, parents, relatives, and coworkers of those killed in the line of duty. It is, after all, our law enforcement family that continues to strive to make America a safer place for all of our families. It is to them that we extend our deepest admiration and appreciation.

THE FEDERAL ACQUISITION IMPROVEMENT ACT OF 1993

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. CONYERS. Mr. Speaker, it is with great pleasure that today I am introducing, along with Chairman DELLUMS of the Committee on Armed Services, the Federal Acquisition Improvement Act of 1993.

This bill is based on H.R. 3161, the Federal Property and Administrative Services Author-

ization Act of 1992, which was passed by the House late in the 102d Congress. Its provisions reflect long months of debate and compromise by the Government Operations and Armed Services Committees together with industry, the executive branch, and other participants in the procurement community. Timely enactment of this legislation would provide real and immediate improvements in the procurement process by: First, encouraging commercial product acquisition; second, enhancing competition and reducing paperwork; third, strengthening the bid protest process; fourth, streamlining and simplifying thousands of small purchases; and fifth, reserving almost $3 billion of additional Government business for small firms.

Consideration of this bill is an important first step in a comprehensive procurement reform program that Chairman DELLUMS and I plan to undertake this Congress. Clearly, we will need to address issues raised by the Defense Department's section 800 panel, the administration's national performance review, and the wealth of oversight work performed by committees in both Chambers of Congress. I am confident that a thorough and balanced approach to reform will allow us to make improvements without neglecting principles which have served the taxpayers well. The challenge, in my view, is to simplify the process without abandoning provisions that ensure fairness, competition, and integrity.

The Office of Federal Procurement Policy Act is amended to alleviate barriers to commercial product acquisition by encouraging Federal Government acquisition of commercial items. The purchase of commercial items, defined as products that can be purchased off-the-shelf with little or no development, should abolish the current practice in the Federal Government of buying expensive, specially designed products when off-the-shelf, less expensive commercial products would do the job just as well. In this era of fiscal restraint, the Federal Government must stop reinventing the wheel and learn to depend on the wide array of products and services sold to the general public on a routine basis.

The Federal Property and Administrative Services Act of 1949 is amended to raise the threshold for obtaining cost or pricing data from vendors under the Truth in Negotiations Act in title 41 of the United States Code. The cost or pricing data threshold will increase from $100,000 to $500,000 through December 31, 1995, when it will revert to $100,000. In the interim, the Committee on Government Operations will study the effects of this increase and consider making the increase permanent.

The bill also includes amendments aimed at ensuring that offerers have a clear understanding of the factors used by the Government in selecting an awardee, and that price is always a factor as the Government determines which company offers the best value in meeting agency needs.

The bill amends title 31 of the United States Code by requiring agency procurement heads to report to the Comptroller General if the agency fails to implement GAO recommendations regarding protests within 60 days after the recommendation is received. This provision is designed to strengthen the GAO bid protest process by involving the Congress when GAO recommendations are ignored. The amendment also will eliminate an alleged constitutional conflict between the executive and legislative branches of the Government by making clear that GAO cost awards are only recommendations.

The legislation increases the current small purchase threshold of $25,000 to $50,000. This is a controversial change, but I believe, if implemented effectively, it will greatly simplify and streamline the procurement process for thousands of small purchases, and will substantially increase the number and dollar value of Federal procurements that are reserved for small businesses. I intend to work closely with the small business community to ensure that the final bill, in fact, accomplishes this important goal.

A further increase in the small purchase threshold to $100,000 is allowed once an agency establishes and implements a system by which solicitations can be made through the use of an electronic data interchange system [EDI]. EDI is intended to provide prospective offerors, especially small businesses and small businesses owned and controlled by socially and economically disadvantaged persons, with improved access to information regarding small purchase procurement opportunities.

The bill authorizes the Administrator of the Office of Federal Procurement Policy to conduct up to six test programs to identify alternative and innovative procurement procedures. The tests, which will be closely monitored by GAO for the Congress, must be conducted in accordance with detailed test plans which will be reviewed by Congress and published in the Federal Register for public comment. Each test must also comply with certain limitations related to, among other things, duration and contract dollar value.

Lastly, the bill authorizes functions and activities under the Federal Property and Administrative Services Act of 1949, including certain operations of the General Services Administration, through fiscal year 1996. The authorization replaces the current permanent authorization, and will put GSA on a normal, cyclical authorization cycle. A recurring authorization will provide the cognizant congressional oversight committees with the opportunity to more closely monitor the agency's efforts to address its many problems.

I believe that the time has come to simplify the Federal procurement process for the benefit of Federal agencies and businesses alike. This bill represents the first step in that process. I look forward to working with Chairman DELLUMS and others in the months ahead on more comprehensive reforms, focusing particularly on enhancing the Government's use of commercial products.

HONORING NORTH PARK MIDDLE SCHOOL BAND

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. TORRES. Mr. Speaker, I rise today to give special recognition to a group of young individuals from my congressional district, the members of Pico Rivera's North Park Middle School Marching Band.

Established in 1990, the North Park Middle School Band has quickly developed into one of the area's most acclaimed and decorated bands. Under the guidance and direction of band president, Sherry Panganiban, the students of North Park Middle School have learned how to succeed in competitive situations and prevail in times of adversity.

In the fall of 1992, the North Park Middle School Band represented the city of Pico Rivera and the El Rancho Unified School District in parades throughout southern California. During this period the band received 24 awards, including 17 first place trophies and 1 Sweepstakes award.

Additionally, the North Park Middle School Band's drum major, Francisco Rebolledo, has received 6 first place awards and the Tall Flags team under the leadership of Flor Mendez received 3 first place trophies. While the Identification Banner Team consisting of Lupe Gallegos and Enadina Lozano won 1st place at the Garden Grove Parade, defeating all high school teams involved in the competition.

The North Park Middle School Band, through pride and unyielding commitment, have also succeeded and prospered in times of despair. When faced with the reality of budget cuts, it was the North Park band and parents who bravely faced the board of education, demanding that its music program not be abolished, but that funding continue.

Mr. Speaker, I ask my colleagues to pay special tribute to Ron Wakefield, the band director. Ron has provided countless hours of support and guidance enhancing the musical aspirations of the students and parents of the North Park Middle School Marching Band.

Mr. Speaker, it is with great pride that I recognize the students, parents, and teachers involved with the North Park Middle School Band. I ask my colleagues to join me in saluting the North Park Middle School Band and in wishing them well in their future musical endeavors.

A TRIBUTE TO ARTHUR BOWNE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Arthur Bowne. Mr. Bowne will be honored on June 10, 1993, for his contribution to the youth of Wayne, NJ. This dedicated individual has unselfishly devoted 27 years to delivering quality education to Wayne Hills High School students.

The scope of Mr. Bowne's involvement is impressive. At Wayne Hills High School, he has served as chairman of the mathematics department for the last 16 years. Most recently, he has held the position of Mathematics supervisor for all of Wayne township's public schools.

Everything Mr. Bowne does, and has done, is carried out with his students first and fore-

most in his mind. During his many distinguished years of service, he has assisted numerous students in securing admittance and scholarships to some of the country's most prestigious colleges and universities by personally writing hundreds of letters of recommendation on their behalf.

Despite his work with his students and all of his personal achievements, Mr. Bowne is most proud of the 4 years he served in the U.S. Navy from 1951 to 1955. He was a radio operator aboard the U.S.S. *Robinson* DD552 during the Korean war.

Mr. Speaker, I am honored to have such a wonderful man dedicating so much time to the betterment of our community. I would like to thank Arthur Bowne for his commitment to the township of Wayne, as well as for his selfless contributions to the students of Wayne Hills High School. I hope my colleagues will join me in congratulating Arthur for his accomplishments and wishing him the best for the future.

TRIBUTE TO D.C. COUNCIL CHAIRMAN JOHN A. WILSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1993

Mr. STARK. Mr. Speaker, the death of D.C. Council Chairman John Wilson leaves a tremendous vacuum. He has the longest unbroken term of elected public service to the District of Columbia. Chairman Wilson was one of the District's most dynamic, effective, and committed leaders. He was a passionate and persuasive advocate for this city that he loved so dearly.

I have been a member of the Committee on the District of Columbia for 20 years. I had the honor of working closely with Chairman Wilson. I can personally attest to his care and concern for Washington, DC, and its people.

John Wilson was one of the chief architects of the District's Home Rule Charter. He initiated and implemented the successful grassroots campaign that led to passage of the 1973 Home Rule Act. He was elected to the District's first council under home rule, representing ward 2. John Wilson dedicated his life to the high calling of public service.

John Wilson worked tirelessly to make the District better for its residents, workers, and businesses. He sponsored some of the District's most significant and progressive legislation, including laws governing gun control, medical coverage for women and children, human rights, and antihate crimes. He also was recognized as the leading authority on the fiscal and legislative affairs of local government.

Mr. Speaker, John Wilson's contribution to the District did not end with his work on the council. He also served on the boards of many community organizations, including the Capital Children's Museum, the Metropolitan Police Boys and Girls Club, Studio Theater, and the Anchor Mental Health Association.

He was the recipient of numerous awards and commendations. John Wilson was a rare public servant. He approached the task with honesty, enthusiasm, compassion, and dedication. He leaves a great legacy and his example is one for generations of District leaders to emulate.

We tend to forget how young the District's home rule government is. The District has made some major accomplishments in its first 18 years. Much of its success can be attributed to the valiant and committed efforts of John Wilson. I am truly saddened by the death of John Wilson. He had a profoundly positive impact on the District. I hope that his brand of committee leadership and love for the District will serve as an inspiration to others who want to improve the quality of life for the people who live here. John Wilson's life was far too short, but the list of his accomplishments is long. His death is a loss, but his contributions to this city will endure.

Mr. Speaker, I extend my sympathy and sincere condolences to Mr. Wilson's wife and family.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 25, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 26

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up title IV (relating to the National Skills Standards Board) of S. 846, to improve learning and teaching by providing a national framework for educational reform.

SD–430

9:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance programs, focusing on sustainable development goals and strategies.

SD–192

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.

SD–116

Armed Services

Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994–1996 future years defense program, focusing on chemical demilitarization and chemical defense programs.

SR–222

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Governmental Affairs

To hold hearings on S. 404, to revise title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees.

SD–342

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on space, command and control issues.

S–407, Capitol

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Forest Service, Department of Agriculture.

SD–138

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.

SR–253

Foreign Relations

East Asian and Pacific Affa rs Subcommittee

To hold hearings to examine United States policy with regard to North Korea's withdrawal from the Treaty on the Nonproliferation of Nuclear Weapons.

SD–419

Labor and Human Resources

To hold hearings on improving the student loan system for students and schools.

SD–430

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the United States Army Corps of Engineers.

SD–192

Armed Services

To hold hearings on the nomination of John Dalton, of Texas, to be Secretary of the Navy.

SR–222

Commerce, Science, and Transportation

To hold hearings on S. 738, to promote the implementation of programs to improve the traffic safety performance of high risk drivers.

SR–253

2:30 p.m.

Select on Intelligence

To resume closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.

SH–219

MAY 27

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the Federal Aviation Administration's and the National Transportation Safety Board's regulatory policy.
SR-253

9:30 a.m.
Energy and Natural Resources
To hold hearings on the proposed Lower Mississippi Delta Initiative of 1993.
SD-366

Indian Affairs
To hold hearings on the proposed "Native American Grave Protection and Repatriation Act."
SR-485

9:45 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 783, to revise the Fair Credit Reporting Act.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Defense, focusing on defense conversion/industrial base.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD-106

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the United States Information Agency, and the Board for International Broadcasting.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the possible uses of advanced/high-technology materials in civil infrastructure modernization and reliability.
SD-628

Environment and Public Works
To hold hearings to examine environmental issues associated with closing military bases.
SD-406

Foreign Relations
To hold hearings on the nominations of Marilyn McAfee, of Florida, to be Ambassador to the Republic of Guatemala, William Thornton Pryce, of Pennsylvania, to be Ambassador to the Republic of Honduras, and James R. Cheek, of Arkansas, to be Ambassador to Argentina.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

2:00 p.m.
Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs, focusing on policies and programs for economic development.
SD-419

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Indian Health Service and Environmental Protection Agency.
SR-485

2:30 p.m.
Armed Services
Defense Technology, Acquisition, and Industrial Base Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the 1994-1996 future years defense program, focusing on the Advanced Research Projects Agency (ARPA) program and science and technology programs.
SD-562

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1994 for activities of the intelligence community.
SH-219

MAY 28

10:00 a.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.
SD-226

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of the Interior.
S-128, Capitol

Judiciary
Constitution Subcommittee
To resume oversight hearings to examine violence in television programming.
SD-226

JUNE 9

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the defense conversion and reinvestment program.
SH-216

Environment and Public Works
Clean Water, Fisheries and Wildlife Subcommittee
To hold hearings on S. 823, to improve the management of the National Wildlife Refuge System.
SD-406

2:00 p.m.
Armed Services
Nuclear Deterrence, Arms Control and Defense Intelligence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the Strategic Defense Initiative program.
SR-222

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH-216

JUNE 11

2:00 p.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for the Bureau of Indian Affairs.
SR-485

JUNE 15

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Energy.
S-128, Capitol

JUNE 16

9:30 a.m.
Indian Affairs
To hold hearings on the proposed "Indian Fish and Wildlife Enhancement Act."
SR-485

JUNE 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.
SD-192

JUNE 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and

Human Services, and Education, and related agencies.
SD-192

JUNE 22

9:30 a.m.
Indian Affairs
To hold hearings on S. 925, to reform the accounting and management processes of the Native American Trust Fund.
SR-485

JUNE 24

9:30 a.m.
Indian Affairs
To hold hearings on the proposed "American Indian Religious Freedom Act."
SR-485

CANCELLATIONS

MAY 25

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 273, to remove certain restrictions from a parcel of land owned by the city of North Charleston, S.C., to permit a land exchange, S. 472, to improve the administration and management of public lands, national forests, units of the National Park System, and related areas, S. 548, to provide for the appointment of the Director of the National Park Service, S. 742, to establish the Friends of Kaloko-Honokohau, S. 752, to modify the boundary of Hot Springs National Park, S.J. Res. 78, to designate a segment of beach on Hog Island in Alabama as Arkasas Beach in commemoration of the 206th Regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942, S. 851, to establish the Carl Garner Federal Lands Cleanup Day, and S. 971, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan.
SD-366

POSTPONEMENTS

MAY 25

10:00 a.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1994 for Indian programs within the Department of Education, and the Administration for Native Americans.
SR-485