Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1541, supra; as follows:

At the appropriate place insert the following:

SECTION 1. SUBJECTION OF IMPORTED TOMATOES TO PACKING REQUIREMENTS.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in the first sentence—

(A) by striking ''or maturity'' and inserting '', maturity, or (with respect to tomatoes) packing''; and

(B) by striking ''and maturity'' and inserting ''maturity, and (with respect to tomatoes) packing''; and

(2) in the second sentence by striking ''and maturity'' and inserting ''maturity, and (with respect to tomatoes) packing''.

CONGRESSIONAL GOLD MEDAL LEGISLATION

FAIRCLOTH AMENDMENT NO. 3315

Mr. DOLE (for Mr. FAIRCLOTH) proposed an amendment to the bill (H.R. 2657) to award a congressional gold medal to Ruth and Billy Graham; as follows:

On page 4, following the period on line 7, strike all that follows:

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10:30 a.m. on Thursday, February 1, 1996, to consider the nomination of Gen. Henry H. Shelton, USA for appointment to the grade of general and to be commander in chief, U.S. Special Operations Command and Lt. Gen. Eugene E. Habiger, USAF for appointment to the grade of general and to be commander in chief, U.S. Strategic Command.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 1, 1996, beginning at 9 a.m. until business is completed, to hold a hearing on campaign finance reform.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 1, 1996, at 2 p.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

LIMITING STATE TAXATION OF CERTAIN PENSION INCOME—H.R. 394

● Mr. D'AMATO. Mr. President, I am pleased to support this bill and would like to clarify that the language contained in the proposed legislation adds to the types of retirement income eligible for exemption. This language clearly intends to exempt from tax nonqualified deferred compensation that constitutes legitimate retirement income. Because it affects retirement income, only income form qualified retirement plans and nonqualified retirement plans that are paid out over at least 10 years, or from a mirror-type nonqualified plan after termination of employment, is exempt from State taxation.

The language does not prohibit states from imposing an income tax on nonresidents' regular wages or compensation. Cash bonuses or other compensation arrangements that defer the receipt of salary, bonuses, and other types of wage-related compensation that are not paid out over at least 10 years or from a mirror-type nonqualified retirement plan are not exempt from State taxation. One example would be if a salary is earned in a State by an individual, whether a resident or nonresident, but is voluntarily deferred for a few years until the individual exits the State, and then is paid over in a lump-sum, even while the individual is still employed by the company, that kind of payment should not qualify for exemption from nonresident taxation of pensions. It is the intent of this bill to permit the States to continue to tax this income, while protecting from taxation those deferred payments that are for retirement income, paid from plans designed for that purpose.●

CAMPAIGN FINANCE REFORM

●Mrs. MURRAY. Mr. President, I rise today to speak once again on the need to address an issue that continues to haunt the inner core of our political system: campaign financing laws.

Mr. President, we debate many issues in the U.S. Senate. We debate everything from national security to local roads and bridges. We spent a lot of time the past 12 months debating the need to balance the Federal budget and maintain access to health care services.

During these times, it always strikes me as I sit in the Senate Chamber that we do not debate these issues by ourselves. In fact, far more than just 100 Senators participate in these debates. We are joined by the thoughts and opinions of people representing special interests—some good, some not so good, in my opinion—who far too often today make large financial contributions in hopes of tilting the scales of Senate deliberations in their favor.

Mr. President, this is big a problem, and I'll tell you why. I urge my colleagues to look around their States and listen to the people. Voters in this country are angry, frustrated, and in general less than confident about the future. A series of articles has run in the Washington Post the past few days documenting this angst. But we don't need to read about it in the Post; we can see it and hear it in every town meeting, editorial board, and public event we attend.

I believe a lack of faith in Government lays at the root of peoples' concerns about the future. If people don't trust the politicians, how can they have faith in congressional decisions? When the agencies are forced to shut down, with absolutely no meaningful result, how can people have any other reaction than greater disaffection?

I firmly believe the Senate is filled with honorable, dedicated public servants. This Senate has been as passionate and principled as any in memory. But we could have 100 Jimmy Stewarts here in 1996, and the public would still question their character. Until we do something dramatic to address public confidence, we can expect the gap between the people and their government to widen.

There is nothing I can think of that would be worse for this country; for alienation breeds apathy, and apathy erodes accountability. America is the greatest democracy the world has ever known, and it was built on the principle of accountability: government of the people, by the people, for the people. We simply must restore peoples' faith in their government.

At the core of the problem is money in politics. Right now the system is designed to favor the rich, at the expense of the middle class. It benefits the incumbents, at the expense of challengers. And most of all, it fuels Washington, DC, Inc., at the expense of the average person on Main Street, U.S.A.

The average person feels like they can no longer make a difference in this system. Just the other day my campaign received a $15 donation from a woman in Washington State. She included a note to me that said, ''Senator MURRAY, please make sure my $15 has as much impact as people who give thousands.'' She knows what she is up against, but she is still willing to make the effort. Unfortunately people like her are fewer and farther between, and less able than ever to make that difference.

We see her problem when people like Malcolm Forbes, Jr., are able to use inherited personal wealth to buy their way into the national spotlight. Ninety-nine percent of the people in America could never even imagine making that kind of splash in politics. Are we to rely solely on the benevolence of the wealthy to ensure strong democracy in this country? I don't think that is what the Founding Fathers had in mind.

All of this occurs against the backdrop of a campaign finance system that hasn't been reformed since Watergate, over 20 years ago. I would even say

public faith in Government today has sunk below what it was in 1974. I should know; this lack of faith is what inspired me to seek this office in 1992. If I've learned anything in my brief career, it's this: If you give any good set of political lawyers 20 years, they will find a way to exploit even the best system to maximum personal advantage. We have to reform the campaign financing laws, and we have to do it soon.

Given the voters' unambiguous message in the 1992 election, we tried to enact significant reform in the 103d Congress. The Senate overwhelmingly passed a bipartisan bill in 1993, and the House followed suit later. As a newly elected Senator at the time, I was proud to support that bill. Unfortunately, this effort fell prey to partisan rancor in 1994, and ultimately died in a Republican filibuster in the Senate.

So here we are again, considering various reform proposals in the 104th Congress. There are two bills currently pending in the Senate that reflect my concerns about campaign reform: S. 1219, introduced by Senators MCCAIN and FEINGOLD, and S. 1389, introduced by Senator FEINSTEIN.

The McCain-Feingold bill is very broad, and treats nearly every aspect of the system. It restricts Political Action Committee contributions; it imposes voluntary spending limits; it provides discounted access to broadcast media for advertising; it provides reduced rates for postage; it prohibits taxpayer-financed mass mailings on behalf of incumbents during an election year; it discourages negative advertising; it requires full disclosure of independent expenditures; and it reforms the process of soft money contributions made through political parties.

Mr. President, these are very strong, positive steps. If enacted as a package, they would make our system of electing Federal officials more open, competitive, and fair. I feel strongly that we must take such steps to reinvigorate peoples' interest in the electoral process, and in turn to restore their confidence in the system.

There are some provisions in S. 1219 that could be problematic, however. For example, the bill would require a candidate to raise 60 percent of his or her funds within the State. This might work fine for someone from New York or California. However, it could put small State candidates at a real disadvantage, particularly if their opponent is independently wealthy. The fact remains that modern Federal elections are very expensive. Therefore, I think we should review this provision of S. 1219 very carefully before making a final decision.

Mr. President, the Feinstein bill, S. 1389 is slightly different. It proposes some similar reforms, such as voluntary spending limits, free broadcast access under specified conditions, discounted media in general, and reduced postage rates. The bill also discourages the use of personal wealth for election campaigns, and takes a hard line against negative advertising. Like the McCain-Feingold bill, these are positive steps which, as a package, could significantly improve the quality of our elections.

S. 1239 differs from S. 1219 in one respect: It does not restrict Political Action Committees. In taking this approach, the bill suggests that PAC's have a legitimate role in the process, and I am inclined to agree for two reasons. First, PAC's are fully disclosed, and subject to strict contribution limits. That means we have a very detailed paper trail from donor to candidate for everyone to see. Second, they give a voice to individual citizens like women and workers and teacher who, if not organized as a group, might not be able to make a difference in the process.

A serious question about PAC's remains, however: Do they unfairly benefit incumbents at the expense of challengers? This is a legitimate question, and one I think we should address in any final reform legislation.

Mr. President, these are not the only two bills on campaign reform pending in the Senate, but they are the two that most closely reflect my thinking. We need to reduce, or at a minimum control, the amount of campaign spending. We need to make campaigns more civil. Most of all, we need to make campaigns more fair, more competitive, and more inclusive of all citizens. I think these two bills would move us substantially in that direction.

Therefore, I am happy to announce today that I have become a cosponsor of both S. 1219 and S. 1389. S. 1219 in particular is the product of the strongest bipartisan reform effort in many years, and I commend senators MCCAIN and FEINGOLD for moving the issue forward. I also commend Senator FEINSTEIN for bringing her personal experience and ideas to this issue. After two California campaigns in 2 years, she knows the flaws in the current system as well as anyone.

Mr. President, I hope real reform is enacted in 1996. The President of the United States made it very clear in his State of the Union Address the other night: This is a high personal priority for him, and he will sign a bill if we send him one. It may not be exactly these two bills, and I know there are several others on this issue currently pending. For example, the Democratic leader, Senator DASCHLE, has a bill that is very similar to the one filibustered in 1994. It will be our responsibility as legislators to find the best elements among these bills and refine them into a workable reform package.

The people in this country want to feel ownership over their elections; they want to feel like they, as individuals, have a role to play that can make a positive difference. Right now, for better or worse, not many people feel that way, and the trend is in the wrong direction. Campaign reform isn't the silver bullet; but it is very important. I believe real campaign reform efforts by Congress would be one of the strongest, easiest steps we could take to begin restoring peoples' faith in the process.●

FEDERAL ENERGY REGULATORY COMMISSION

● Mr. MURKOWSKI. Mr. President, as part of its strategic realignment and downsizing proposal, the Department of Energy has transmitted proposed legislation to transfer the Federal Energy Regulatory Commission outside of the Department of Energy. Presently, although FERC is part of DOE, it functions as a hybrid agency, neither truly independent, nor quite a part of the executive branch.

In 1977, President Carter, in response to continuing repercussions from the 1973–74 Arab oil embargo and wintertime shortages of natural gas, proposed a reorganization of the disjointed Federal energy establishment. The purpose of the reorganization was the creation of a single agency that would possess the responsibility for coordinating all national energy matters and policy. To this end, the Carter administration proposed legislation that was to assign all of the Government's energy regulatory and policy functions to one cabinet-level Department of Energy.

Although the Carter administration's goal of creating a unitary energy agency was, to a certain extent, shared by Congress, Congress also wished to preclude executive branch control of various regulatory functions formerly performed by the Federal Power Commission, including the establishment of rates for the transportation and sale of wholesale natural gas and electricity. These two conflicting objectives resulted in the anomaly of an independent agency being established within an executive department.

Thus, although FERC is part of the Department of Energy, the power of the Secretary of Energy to influence the policies of the FERC is circumscribed. Specifically, the Department of Energy Organization Act gives the Secretary the authority to propose rules, regulations, and statements of policy of general applicability with respect to any function under the jurisdiction of the Commission. The Secretary may set reasonable time limits for action by the Commission, but the Commission has exclusive jurisdiction over, and takes final action, if any, upon, such proposals. Although limited, this authority has proven to be valuable to past administrations as they attempt to implement a coherent energy policy.

Thus, although DOE claims that its proposed legislation would make the FERC a fully independent agency, the proposed legislation retains the special authority given to the President by existing law. As a result, the proposed legislation has no practical effect. By taking the FERC off of DOE's books,