The House met at 10:30 a.m. and was called to order by the Speaker.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The SPEAKER pro tempore (Mr. Foley). The Chair recognizes the gentleman from Georgia [Mr. Gingrich] for 5 minutes.

TRIBUTE TO CONGRESSMAN BILL EMERSON

Mr. GINGRICH. Mr. Speaker, I thank the Chair for recognizing me. I just want to take this moment to share with my colleagues briefly the sense of sadness that I think that we all feel at the passing away of Congressman Bill Emerson of Missouri.

Congressman Emerson was a tremendous human being who worked extraordinarily hard on the issue of hunger, reach out in a bipartisan way, and was recognized around the world as some- body who cared deeply about everyone on the planet having a chance to have a decent meal and to live a life which has good nutrition.

Congressman Emerson was an expert on nutrition programs here and abroad. He was also a man who cared deeply. He cared deeply about his family, about his district, about representing the people of Missouri, and about serving in the U.S. Congress. I think that as all of us watched him struggle with cancer and we watched as he came to the floor in a wheelchair, but he was absolutely, totally dedicated to serving. He loved this House. He loved the process of dealing with issues and problems and helping people, and he loved the interaction between human beings.

I think all of us are a little poorer and all of us in the House I think on both sides of the aisle are certainly a little sadder at the loss of this fine, wonderful gentleman who passed away over the weekend. I simply wanted to share with the House those thoughts on behalf I think of all the Members of the House.

TIME TO PASS HEALTH INSURANCE REFORM

The SPEAKER pro tempore. Under the Speaker’s announced policy of May 12, 1995, the gentleman from New Jersey [Mr. Pallone] is recognized during morning business for 5 minutes.

Mr. PALLONE. Mr. Speaker, I have taken to the floor many times in the last few months to talk about the need to pass health insurance reform, the bill that was originally sponsored by Senators Kennedy and Kasasebaum on a bipartisan basis that would try to achieve significant reform in the areas of portability and preexisting conditions.

I have also been very critical of the Republican leadership in the House which continues to press an amend- ment or an addition, if you will, to the Kennedy-Kassebaum bill that would include medical savings accounts.

I have referred to the medical savings accounts as the poison pill that basically will bring down health insurance reform this year and could very well make it impossible to pass any health insurance reform that would address the issues of portability and preexisting conditions.

I mention this today on the floor, Mr. Speaker, because there was an excellent editorial in the Star Ledger, which is New Jersey’s largest circulation daily, which essentially addressed the issue of health insurance reform as well, and medical savings accounts and pointed out how significant this legislation is in terms of providing additional health insurance for many Americans who lose their health insurance when they lose a job or because of aid for medical condition.

The editorial also details to some extent, I would say, why we should not include medical savings accounts if we ever want to see health insurance reform and to see more Americans covered by health insurance. So Mr. Speaker, I just wanted to read, if I could, some relevant sections of this editorial that was in the New Jersey Star Ledger today, because I think it really says it all in terms of where we are going or should be going with this health reform issue.

It starts out and it says:

The latest census bureau study says that 66.6 million people, one of every five Americans, will lose their medical coverage for a month or more during any 28-month period. That means a huge part of the population is always vulnerable to a major health care problem. It also makes it clear why Congress must stop playing games and pass a bill that would help protect people who get caught between jobs and lose their health coverage.

In the same time it takes for you to lose your coverage and get it back, your new insurance company can and, most likely will, stamp "prior and existing illness" on any condition you have, on anything that turns up within the first few months of the new coverage, whether it’s pregnancy, cancer, heart disease, or your child’s asthma—and the company will refuse to pay.

So, to the list of the chronically uninsured, you can add those who have insurance that does a fat lot of good for the health problems they face. This addresses the problem of preexisting conditions.

The most vulnerable are people who are laid off or switch jobs, including those who switch to better jobs where the health benefits may be improved but come with a waiting period before the coverage kicks in. It’s the kind of thing that can make a bigger
paycheck smaller faster than you can say, "Why doesn't someone do something about this?"

Mr. Speaker, the Star Ledger says that, "Somebody is trying." They point out that, "the Kennedy-Kassebaum approach, which one Democrat and one Republican, would restrict the insurance companies' ability to impose waiting periods or deny coverage for existing health problems. The bill would give people who are caught between the change on to health coverage that means something. It is a conservative and useful beginning to health care reform."

However, "the bill is bogged down because some of the people who have been telling us we do not need to tinker with the health care system could not resist tinker with this bill and they've added all sorts of amendments, including one that would allow medical savings accounts."

"Medical savings accounts are offered as a way for everyone to self-insure by putting money in tax-sheltered accounts as an alternative to buying coverage."

"Of course, since most people cannot afford health insurance premiums, it's not likely most can sock away as much cash as it would take to cover the family's medical needs. That is why medical savings accounts are nothing but a tax break that would cost the Government and benefit only the wealthy as well as a heavy Republican contributor pushing this approach."

What the Star Ledger is saying in this editorial, Mr. Speaker, is that it is time for us in the House of Representatives, as well as in the Senate, to push forward with health insurance reform that will help those who change jobs, the issue of portability, or help those who lose their job, or help those who have preexisting conditions."

"Too many companies, anywhere from 40 to 60 million Americans, could benefit from this legislation, and it is simply being held up because the Republican leadership insists on including these medical savings accounts simply because of special interests. They received something like $1.2 million in contributions, including one that would allow preexisting conditions."

Mr. Speaker, I hope the gentleman from New Jersey [Mr. Pallone] will stay around for just a minute more than that.

In 1994, all but one Democrat on the House Committee on Ways and Means voted in favor of medical savings accounts in the Clinton health care reform bill, according to a survey conducted by the American Health Council. Mr. Pallone, and others on the Democrat side who complain about medical savings accounts should realize that their leadership, not only in the House but in the Senate, even Tom Daschle, was there sponsoring it. So, Mr. Speaker, I think it is appropriate that I talk about medical savings accounts this morning.

We have heard a great deal from that side of the aisle, talk about how they are tax breaks for the rich, which is absolutely false, and I think we have all these Democrat leaders who have supported the bottom line is, it is good for America. They were based upon the premise that the consumer, in this case the purchaser of health care, should have control over their health care dollars. This is important, because those of us on the Republican side of the aisle believe that by empowering people to have more control over their health care spending, they will become more cost conscious and in all likelihood would seek information to shop around, look at the marketplace."

Mr. Speaker, what is the basic question: What are medical savings accounts? During debate on the Clinton health care bill, we learned that Americans want health care reform that will provide consumers with the ability to choose the type of health care plans that best suit their needs. Medical savings accounts would provide consumers with just such an opportunity.

Under current tax law, third-party insurance is subsidized and self-insured health plans are not. An employer pays for third-party insurance is excluded from employee income. When employees try to save that money, it is taxed. Medical savings accounts should be given the same tax incentive as currently given to third-party health insurance premiums.

Mr. Speaker, if we are to provide true health care reform, we must provide individuals with the options of being allowed to create medical savings accounts. On that side of the aisle, they have talked about giving retirement accounts for women who are at home and working people. We had that in our American dream account. Medical savings accounts are under the same concept. They would enable consumers to use tax-free savings accounts to self-insure for routine, out-of-pocket medical expenses. The inclusion of a medical savings account would provide people with the opportunity to choose higher deductibles in the place of premium savings, in individual medical savings accounts.

Mr. Speaker, our health care bill, which the gentleman from New Jersey [Mr. Pallone] was talking about, provides that taxpayers would be permitted to have one account to make an annual deposit of no more than $2,000 if single, $4,000 if married. Under this bill, in order to make these contributions deductible, and those contributions must be covered by a high deductible health care plan. By empowering consumers with choice and individual responsibility, healthy competition among insurance companies is created and it is better for all of us.

In 1994, in the issue of the Journal of American Health Policy article entitled, "Why Medical Savings Accounts Deserve a Closer Look," it said: "Research has shown that these accounts give lower health care expenditures markedly without any negative health effects on individuals with such coverage."

What are some of the advantages? They are portable, total freedom of choice, allows spending on long-term care or on medical bills, and will increase the number of insured Americans and, of course. Mr. Speaker, they create wealth through all of us increasing our savings rate.

Critics claim that health care has become too complicated and that consumers are no longer capable of making cost-conscious decisions. Several studies show that health care consumers do make cost-conscious decisions provided they are given the financial incentive to do so.

Critics also claim that consumers will not seek preventive care in order to save money for these accounts, but studies show that they do not deter preventive care. What we find is that savings result from a more discriminating use of optional services, and consumers select less expensive health care benefits.

Perhaps the criticism we hear the most is that these accounts would allow healthy lives to hold on to conventional insurance. In that case, the adverse selection or what is called cherry-picking, would cause an increase in the cost of traditional insurance. But this has not been shown to be true. Companies using this type of account have not experienced this problem. Several different groups and organizations have already established these accounts for their employees, and I believe the success they have met in preventing what was a surprise for some of the critics.

What do the polls tell us about the public's reaction to medical savings accounts? Well, of the 1,000 workers responding to a survey conducted by the Marketing Research Institute, 87 percent said they would like to have medical savings accounts. Of course, when I mentioned earlier about the critics, we have the gentleman from Missouri [Mr. Gephardt], we have the gentleman from South Dakota [Mr. Daschle], we have all the Democrats on the Committee on Ways and Means voting for medical savings accounts, so it is clear it is bipartisan.
Mr. Speaker, let me close by also pointing out that 18 State legislatures have passed medical savings accounts legislation with overwhelming bipartisan support. Mr. Speaker, 68 million Americans already have access. We need to bring the rest of them in.

DO NOT KILL THE DEPARTMENT OF COMMERCE

The SPEAKER pro tempore (Mr. Foley). Under the Speaker's announced policy of May 12, 1996, the gentleman from West Virginia [Mr. Wise] is recognized for morning business for 5 minutes.

Mr. WISE. Mr. Speaker, I am not here to speak about medical savings accounts, but I do have to respond to the gentleman from Florida.

Saying that Democrats who voted 2 or 3 years ago for medical savings accounts, in effect, support the medical savings account proposal today is like saying NEWT GINGRICH supports the Democratic agenda because he voted for obForest Clearcutting.

I supported the Democratic health care plan 3 years ago, in which medical savings accounts were a very small piece of a very big puzzle, in which also there was guaranteed health care for all citizens as opposed to the present proposal, which is incremental, deals only with small numbers of the population, and medical savings accounts are the one piece that will sink the package that people do agree on. So there is a total difference.

Let us talk about something else that I have great concern about what the Gingrich leadership is doing because, Mr. Speaker, I ask you this: We just saw the basketball finals, the NBA finals. If you are heading into the play-offs, you have a tough schedule ahead of you, you are 2 to 2 in the series, would you pull Michael Jordan at that point? Of course, you would not.

Then why is it if we have an agency, a department, that has generated 80 billion dollars' worth of export contracts for the United States and created jobs, why would we then try to bench the Department of Commerce? And yet that is exactly what the Republican leadership intends to do in reform week that is coming up in the next week.

That is right, they want to take apart the U.S. Department of Commerce, which, under Secretary Ron Brown and now Secretary Mickey Kantor, for the first time is really performing a valuable mission. What is the mission? To create jobs. To create jobs in America.

That is why I am coming to the floor today, to urge my colleagues now to rise up and to say, no we do not want to kill the Department of Commerce; we do not think we ought to. In the interest of saying we broke up an agency or a department, that we should move all these different departments around and shift boxes on the flow chart and thus take away the central element, the ability to coordinate our economic recovery efforts.

Because I think it is important to look at what the Department of Commerce does. First of all, the Department of Commerce works in partnership with local businesses and governments to provide much-needed infrastructure. I think everyone here has seen the economic development administration enterprise, whether a grant for water and sewer or for a feasibility study.

I know in my own State of West Virginia, for instance, we have seen millions of dollars come from EDA grants that has generated millions and millions of dollars worth of jobs in industrial parks and businesses. Because remember what EDA does, EDA only funds, in most cases, where it is a job-creating venture, with cases, you can create jobs as a result of it. We have seen $15 billion of EDA investment over 30 years, not only create infrastructure but to create jobs.

There is more that the Department of Commerce does. The National Weather Service. I think everybody has seen that firsthand and the need for that. That is economic development, too, because the farmer knows to protect the businessperson knows to get their equipment up on pallets because there is going to be flooding. The more advanced notice they get, the better they can plan their deliveries, plan their shipments. That is the National Weather Service.

There is more that the Department of Commerce does. The National Telecommunications and Information Administration, which provides grants for educational, public safety, and social service agencies. All crucial activities. How about the International Trade Administration that many of our small businesses use? That is the one way they get into the right market segment. And the Export Administration. The ITA in West Virginia as well as across the country is creating those jobs.

I talked to one small businessperson in my home just this last week who said that 40 percent of their business now comes through ITA-generated export opportunities. What do they want to do? They want to break this up and move it around. It makes no sense.

The Foreign Commercial Service, those are the diplomats out in every embassy. We do not have enough of them, but they want to move them someplace else. Makes no sense. The Department of Commerce has generated since 1992 more than $80 billion in foreign contracts for America. That is Secretary Ron Brown going out with CEO's of major Fortune 500 companies and others as well nailing down those contracts and Secretary Mickey Kantor now doing the same thing.

We have the Advanced Technology Program, 220 public-private partnerships, joining more than $1.5 billion of Federal and private funds.

Mr. Speaker, I am urging businesses across the country now to let their Members of Congress know this is not a good idea. You do not pull Michael Jordan in the middle of the game, and you do not pull the Department of Commerce. We are facing increased, not decreased, increased international competition.

I hope the CEO's of those Fortune 500 companies will stand up and say, yes, we do happen to think the Department of Commerce is important, and I hope all those who understand the importance of the Department of Commerce realize the next few weeks are crucial to saving this agency.

THE FBI FILE SCANDAL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1996, the gentleman from Illinois [Mr. Ewing] is recognized for morning business for 5 minutes.

Mr. EWING. Mr. Speaker, I come here today to talk about a topic which is not new in the press, but I think I would like to talk about it in a little different way. I want to talk about how we are looking at the file scandal that affects our Government.

Many in the press and in this Congress have focused their attention on the actions of the White House staff with regard to the FBI files. They are correct to ask why the White House was rooting through most of this confidential and secretive information about hundreds of private citizens and whether the President's staff was digging for dirt on political opponents.

However, I believe that the media and the Congress are failing to adequately question the role for the Federal Bureau of Investigation in this matter. The FBI has been given tremendous responsibility by this Congress to investigate criminals and guarantee the security of our country. There is no excuse for the FBI to allow a member of the White House staff to maintain confidential files without even asking the Congress.

Mr. Speaker, I am urging businesses across the country now to let their Members of Congress know this is not a good idea. You do not pull Michael Jordan in the middle of the game, and you do not pull the Department of Commerce. We are facing increased, not decreased, increased international competition.

I hope the CEO's of those Fortune 500 companies will stand up and say, yes, we do happen to think the Department of Commerce is important, and I hope all those who understand the importance of the Department of Commerce realize the next few weeks are crucial to saving this agency.
In addition, we are now learning that these files may contain IRS information about the individuals, and if we go back to the post-Watergate era, we know that this Congress passed laws to protect that from happening again. Therefore, it is the responsibility of members of this Congress from the post-Watergate era and certainly to them the actions which they took to try to protect the rights of the American people from having their very sensitive and secret tax files made available for political reasons needs to be investigated.

The chairman of the Committee on Ways and Means has suggested that felonies may have occurred in the handling of these files at the White House, and I think we have every right to look into that. We know that there is no good reason that anyone at the White House has any need to be involved and looking through the files, the IRS files, of people who may need entrance or clearance to visit the White House. No one, I would suggest, no one, is authorized to look at taxpayers' files and they should not at the White House think they have that right.

Now, I believe that Attorney General Reno, and I commend her for seeking someone outside of her department to investigate themselves in this matter, but that is a pretty shrewd move politically also, because Ms. Reno knows that once Mr. Starr is authorized to look into this matter, that that will probably prevent this Congress from holding hearings this Congress from calling Mr. Livingstone up here and answering to us what his actions were about.

Initially, I think that Ms. Reno's efforts to broaden the inquiry were well received, but I am not sure that the American people or that any of us ought to sleep very comfortably knowing that we are going to be frozen out of the process of looking into this matter.

We must find a way to reduce the polarization and racial conflict in our society.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this House was so shocked by church burnings in recent weeks that it last week passed a bill to add to Federal law enforcement authority, and I want to commend the gentleman from Illinois, Chairman Hyde, and the gentleman from Michigan, ranking member Conyers, of the Committee on the Judiciary, for the leadership they took and also Chairman Conyers for the Congressional Black Caucus hearing that shed additional light on this matter, including the need for prevention.

I was a member of the civil rights movement, I never saw this kind of systematic racist church burning. This House's response does it honor. A few high-profile prosecutions are now in order, but, Mr. Speaker, I have come to the floor because I want something more.

Martin Luther King would have wanted us to use his life amidst the polarization and radicalism that has contributed to these burnings. I come to the floor to call the House's attention to two events and to two people, both youngsters, who deserve the notice of this House. One is Billy Shawn Baxley, a 17-year-old white youngster who has confessed to burning a church; and the other is Keshia Thomas, an 18-year-old black girl who saved a pro-Klan white man at an anti-Klan rally a few days ago. Both are reported in the papers, and I know nothing more than what the papers tell me, but the Nation ought to know more.

In the small rural community of East Howellsville, NC, Billy Shawn Baxley, 17 years old, burned the church across the road from him, and he confessed on television inside the community, said, well, he did not know what he was doing, he is only a kid. The State's attorney said he was not willing to concede that race was not involved. The youngster could have burned a McDonough's; he burned a McDonald's. The response of the two churches involved is what deserves special notice, and I want to tell it unvarnished by reading from the New York Times.

He confessed to it in a televised interview. On Thursday night, just after 12 members of his white church, Zion Tabernacle Baptist Church, joined about eight members of the Pleasant Hill congregation for bible study at the church that Mr. Baxley is accused of setting ablaze. After an hour of singing and scripture, the group stood in front of the pews, held hands and prayed. Mr. Baxley wiped a tear from his eye after praying, and several members of both congregations hugged him and said they forgive him.

This is a story out of these tragic racial burnings that deserves the mention and the notice of Americans throughout this country, it is in the tradition of Martin Luther King. It reminds us that after the prosecutions are over, we are still one people, and we have to find a way to reduce the polarization and the racial conflict in our society.

STEAL AMERICAN TECHNOLOGIES ACT

The SPEAKER pro tempore (Mr. FOLEY). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized during morning business for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I would like to associate myself with the remarks that we just heard from my colleague from Washington, DC. I thought they were articulate. I thought they were heartfelt. I think they speak to every American that we should be standing together for those principles of decency and honor and love that should be the basis of the relationship between free people. Let us hope that there will not be racists that need to be protected and that we do not have to protect ourselves from church burnings and crowds because that will be exorcised from the hearts of every American. That should not be there in the first place. I thought those remarks were something to touch the hearts of all of us and help that process and make for all of us a better country.

Today we need to stand together as never before as Americans because whatever it is black or white or yellow or whatever race or ethnic background, because America is under attack as never before. We went through the cold war and we stood together. Now we are facing a world of economic competition. Our national well-being and the rights of the American people are under attack in a more insidious way.

There will be a bill that will reach this floor shortly after the 4th of July called H.R. 3460, the Steal American Technologies-Shroeder Act. I like to call it the Steal American Technologies Act because it will, if passed, result in the greatest rip-off of American technology in the history of this country and it will undermine our technological superiority over our economic adversaries and, yes, over our military adversaries is being changed to the detriment of the United States.

Again, most Americans will not understand what hit them. Even today it
American patent applications, are only overseas patent applications, unlike soon be giving the Small Business Ad-

tion, every creative idea will be made

ten, whether or not the patent has been is-

tion what his patent application is

to enact into law a hushed agreement

countries of the world, embraces nu-

effects substantial modification to the

A. The standards for judgement on non-ob-

B. Unclear patentability judgement on

C. The lack of limits on the number of

D. The lack of ceiling on patent term from the

E. On top of above C. addition of a new manner which was not disclosed in the original specification is allowed with con-

F. Patent practice

1. Patent practice

2. Submarine patents

A. Standard for judgement on non-ob-

B. The standards for judgement on non-ob-

C. The standards for judgement on non-ob-

is hard to understand this piece of leg-


ts and the changes pro-

posed in H.R. 3460, the Steal American

Technologies Act, are part of an effort to

to the Japana Patent Office and the head

to hereby and harmonize our law with

their, bringing down the rights of the

American people in the name of harmo-

nizing Japana-American law.

I will also submit a copy of a 1993 Japana patent association rec-

ommendation list for the United States

Patent Office. Here it is. I submit that

for the RECORD as well.

Guess what? Everything included in

these recommendations are the things, we are proposing, which body this

will be voting on in the name of improving

our patent law, making it exactly like

Japana’s. We are being told that these

changes that are being proposed in our

law to prevent submarine patenting.

They say that is the driving force be-

hind H.R. 3460. How come then, that

is the driving force, it is the Japana

that are demanding that we make

those changes in our law? These

changes will put a stranglehold on

American innovation and help bring

down the American leadership in tech-

ology that has protected the well-

being of our own people. What does it
do?

What are these recommendations?

How is our law going to be changed? An

American inventor who applies for a

patent from this moment on after this

law passes, up until now it has been se-

cret what his patent application is

until that patent is granted to that in-

ventor. Now because of the Japana

request, we are going to publish every
detail of every American patent, whether or not the patent has been is-

sued to the inventor. That means every

inventor, the details of every inven-

tion, every creative idea will be made

every day. At the filing date of invention, the foreign party is

later than the date of filing in the country

of the foreign party which is the basis of prior-

ity for the foreign party, the foreign parties

in many cases invent in their own country

and claim priority to their original filing,

disrupts effective employment of capi-

tal investments.

A. 35 U.S.C. § 104—Establishment of inven-
tion date of independent invention in an
\[1\]

2. Submarine patents

1. The point at issue and general com-

ments—Because there is no provision of pub-

disclosure of applications, it is im-

possible that those patents emerging from

the oblivion of twenty or thirty years ago

can exist for seventeen years from the date

of filing, and prevent Japan from appropriating

of patents, serious damages to the industry

as well as to the public interest because of

the characteristics of patents which can ex-

clude uses of the invention by a third party.

Industrialized countries in the world all

have the systems for public disclosure of pat-

tent applications and ceiling for patent term

from the filing date. The U.S. is urged to

adopt these systems as soon as possible.

2. Specific problems—

A. The standards for judgement on non-ob-

viousness vary widely. This creates a sit-

uation where it is never predictable when or

what kind of patent should suddenly come up to the

surface. This is a problem because, in the absence of patent protection, there is
c.

B. The standards for judgement on non-ob-

viousness vary widely. This is a problem

because, in the absence of patent protection, there is
requirement is unclear, causing financial and administrative burdens to the applicant.

D. Unclear stipulation for duty of prior art disclosure—To try to construe on the safe side results in heavy administrative burden. It is especially true financially, when examination of corresponding foreign application, for instance, prior art applications, take approximately the same time for the U.S. patent grant, forcing the applicant to apply for continuation or to request for reexamination.

4. Review of patent validity—

(a) The issue and general comments—Because there is variation in the quality of examination, many patents are granted with questionable patentability. It is difficult to confirm patentability or non-patentability of these patents without recourse to litigation. Although reexamination system has been introduced as a means of reviewing patentability of patents after grant, the system is not structured to function sufficiently. An improvement is promptly needed off reexamination system. Although it is possible to review validity of patents in court, there are various practical problems as described in item 5. litigation and patent infringement, mention below.

(b) Specific problems—

A. Imperfection in the system of request for reexamination—Under the current legislation, reexamination requests such as prior patents or publications can trigger a request for reexamination, the requesting person can only be partially involved in the reexamination request for reexamination was allowed in case of an unfavorable decision. Under these circumstances, an action with the objective of invalidating certain patents may end up in consuming the patents in question, if the request for reexamination is rejected, if any the patentability is confirmed.

B. Litigation and patent infringement

The pressure for reconciliation, instead of going all the way seeking a just decision, is so strong that legal proceedings such as court action, post-issuance fee payment terms of post-issuance fees is too complicated. For example they become due by 3.5 years, 7.5 years, and 11.5 years after the original grant. If post-issuance fee becomes payable yearly as in the case of other countries, management on the patent holder’s side will become much easier and, besides, reduction in the sum payable should become feasible.

C. Prior use not recognized—Prior use should be recognized as a means of refutation in infringement disputes.

D. Complicated payments of post-issuance fee—Payment terms of post-issuance fees is too complicated. For example they become due by 3.5 years, 7.5 years, and 11.5 years after the original grant. If post-issuance fee becomes payable yearly as in the case of other countries, management on the patent holder’s side will become much easier and, besides, reduction in the sum payable should become feasible.

Mutual Understanding Between the Japan Patent Office and the United States Patent and Trademark Office

Actions to be Taken by Japan

1. By July 1, 1995, the Japan Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese for the first complete application after the date of the application filed in the United States.

2. Various other arrangements will be made including the following:

A. Upon request, the JPO will perform the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

B. The provision of an official translation by the JPO will be charged after the grant of a patent.

C. Applications claiming priority from a foreign application will be accompanied by an English abstract of the application.

D. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce the practice of not canceling a patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisions), filed six months after enactment of the above legislation shall be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

Wataru Asou, Commissioner, Japan Patent Office.

Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, United States Patent and Trademark Office.

REPUBLICAN STUMBLING BLOCK ON WOMEN—THEIR RECORD

The SPEAKER pro tempore (Mr. ROHRABACHER). Under the Speaker’s announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning equities for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, first, let me say to the gentleman who was just speaking, if that bill were as he casts it, my name would not be on it. The bill is about the patent office uniform with both the one in Europe and the one in Japan so our patents will be recognized all over the world. It will do a tremendous amount to increase the protection. But that is not why I came here today. I came here today to talk about what I tried to do when I heard that the Republican women today were getting ready to launch their get out the vote drive for women. I was very frustrated by this so I decided it was time to talk to Eleanor Roosevelt who is my home office, Eleanor Roosevelt. And I went over and I said to her, what are we going to do about this? They are getting ready to try and bridge the gender gap with all sorts of slick press kits, with all sorts of warm fuzzy rhetoric. Eleanor said, Do you know what, Pat, do not worry; they have got a big stumbling block. It is called their record, their record. So as they go around desperately seeking female votes, they were very apt to trip over their record if the American people know it.

So today at 1, the Congresswomen, the Democratic Congresswomen are releasing a report on the Republican war against women. That is what we call it. It has been a war, and let us be very clear about it. We have seen more backsliding on progress than I have seen in my entire 24 years here. When we look at this, it is truly an unmatched record. The other side says they have an unmatched record for women. They have not an unmatched record all right, but it is not for women. It is undoing things we had done for women.
First of all, I think the arrogance of power on that side has been very difficult to deal with. The arrogance of power when they said, We will shut down Government rather than talk to people or deal with people or compromise. I do not think women like that kind of arrogance of power and they are not going to forget the constant Government shutdowns and all the waste of money that went on during that period.

But on the other things this report is going to show. It is talking about family planning. Family planning survived in this Congress by one vote. That is about as close as you can get. Increasing the minimum wage. The majority of the people on the minimum wage happen to be women, many of them single women trying to support a family. We have been for raising it and they have not.

Domestic violence: The prior Congress we had a unanimous vote to start trying to do something about domestic violence and violence against women in this country. One of the first things that they attempted to do this year was cut the funding, cut it very severely. We got some of it back, we did not get all of it back. But it tells you where they really want to go, if they could.

Let us talk about the extreme cuts in Medicare and Medicaid that were attempted that would really gut those programs and leave an awful lot of people hanging out there. And then there was the launch on the school lunch program. I could not believe anybody would launch on school lunches. Everybody knows that children do much better if they are fed and if they have strong nutrition.

And then Head Start. My city of Denver got forced with Head Start cuts and they had to make a decision, did they throw kids out that were in the Head Start or did they leave an awful lot of people hanging out there. And then there was the launch on the school lunch program. I could not believe anybody would launch on school lunches. Everybody knows that children do much better if they are fed and if they have strong nutrition.

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comes when we open our hearts to Your love. This is our earnest prayer. Amen.

THE JOURNAL
The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Missouri [Mr. HANCOCK] come forward and lead the House in the Pledge of Allegiance.

Mr. HANCOCK 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.

TRIBUTE TO THE LATE HONORABLE BILL EMERSON
(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, over the weekend we were saddened to learn of the death of one of our colleagues, B ILL EMERSON, from the great State of Missouri. Many of the Members know that Bill had been fighting a battle with cancer over the last 10 months. Bill lost that battle over the weekend.

Bill served here in Congress for almost 16 years, having first started in 1954 as a page here in the House, then going on to work for various Members as a staffer here on Capitol Hill. He served on the Committee on Agriculture, he served on the Committee on Transportation and Infrastructure, and he had a career-long interest in the issue of hunger, serving as the ranking minority member on the Select Committee on Hunger, and then going on to be the cochairman of the Hunger Task Force here in the Congress. His interest in hunger was certainly for those in a domestic purpose here in our country and also around the world.

I share with all of our Members our grief in losing our dear friend Bill. We send our condolences to Jo Ann and Bill’s four children, and ask them to remember that Bill EMERSON was our friend, our colleague, and someone we dearly loved.

TRIBUTE TO THE LATE U.S. REPRESENTATIVE, BILL EMERSON
(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to my friend Bill EMERSON, who died Saturday night at the Bethesda Naval Hospital.

Bill was a truly outstanding legislator who was a great credit to Missouri and to our Nation. He made public service his life. He reflected all that is good in the political arena. Although he was of one political party and I of another, this fact never interfered with our friendship.

He stood by his principles and fought hard, but politics and differences never became personal with him. He was a person filled with honor, one whose word was good. He reflected the people in his district. He was so proud of Missouri. He was also so very proud of his alma mater, Westminster College in Fultondale, MO.

The country lost an excellent Congressman, Missouri lost an excellent Representative, and I lost a warm friend.

I know that all of my colleagues join in extending condolences to his wife, Jo Ann, and to his daughters Elizabeth, Abigail, Victoria, and Katharine.

IN MEMORY OF THE LATE BILL EMERSON
(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, one minute to express my personal feelings concerning the passing of our colleague, the Honorable Bill Emerson from Missouri, is very difficult.

Bill Emerson was a good friend, a trusted confidant, and a great American. He was dedicated to his maker, his family, and to the institution of the U.S. Congress where he served for almost 6 years.

Bill exemplified the qualities of honor and integrity that some would say is now lacking in public elected officials. Bill accepted people as they are and overlooked the frailties of human nature. This is why he will be sorely missed as a voice of reasonable accommodation.

All of us who had the privilege of knowing and working with Bill Emerson will remember his positive attitude.

My sincerest regrets and sympathy to Jo Ann Emerson and all his family. They will be remembered in our prayers.

TRIBUTE TO THE LATE HONORABLE BILL EMERSON
(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, I have known Bill Emerson for nearly 20 years. I worked with Bill closely for the past 12 years. He was one of the most solid people that I know. He was common sense, he was decency.

He exemplified the principle of integrity in this body and in his life as much as anyone I have ever known.

Some years ago, Bill and I shared a problem between our districts. We needed to keep an old bridge open to Chester, IL, over the troubled waters of the Mississippi River. We worked together. The bridge is still open today, still serving the basic needs of the people of our districts.

The old bridge symbolizes for me in many ways the life of Bill Emerson. Bill was always reaching out, always trying to help, always building bridges over troubled waters somewhere in his life. I do not know that Bill ever really demanded a political solution. He was too interested in practical solutions to help his people and to help this country. I will forever be grateful for his true sense of bipartisanship.

I offer my condolences to his family on this day. We will miss Bill a great deal in this body.

TRIBUTE TO THE LATE HONORABLE BILL EMERSON
(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute.)

Mr. CHAMBLISS. Mr. Speaker, I rise today to salute my dear friend, Bill Emerson. Bill Emerson represented honesty, decency and integrity in this body in a very bipartisan way. Through many conversations with Bill Emerson, I learned to understand that Bill had his priorities in order. Bill loved this institution and he loved his country. But above all else, Bill loved his God, and he loved his family. I thank God for the opportunity to have served with Bill Emerson in this body for the past 18 months. Because of the opportunity to serve with Bill Emerson, those of us who knew Bill will be better Members of this body. But above all else, we will be better citizens.

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

Mr. POMEROY. Mr. Speaker, I came down here with a text on one of the many issues before this country. I am putting that text away, because I too want to reflect upon Bill Emerson and publicly express my deep sympathy to his family.

I served on the Agriculture Committee with Bill Emerson for the last two sessions. He was without question a tough Republican and we banged heads. Sometimes we banged heads hard. But Bill Emerson was a man with a very big heart. He has left me with three impressions that I will particularly remember:

The first, he was a man of strong faith. I remember vividly when he presided over the National Prayer Breakfast in 1993, my first year in Congress. Second, he was a man that approached the duties of a legislator with professionalism. When we would bang heads, we would walk out of committee, and that would be the end of it. We were each trying to do the best we could, we understood that about each other, and our policy differences never
came between our friendship. We have too little of that in this Chamber. I hope we remember the example of Bill Emerson and do a better job, each of us, going forward in the tough debates that are ahead.

This other was a man of incredible courage. We all watched as he maintained his perfect voting record this year in a state of obviously disintegrating health. It was terrible to watch someone we love like Bill grow sick and obviously failing right in front of us. But he hung in there and there was never any talk of retreat or surrender from Bill Emerson. He was going to beat this cancer and he was going to be reelected. He was not done serving the people of Missouri. That courage and never, ever stopping, looking forward, and doing his best is something that I will never forget from my friend Bill.

Rest in peace, old buddy.

MOURNING THE PASSING OF BILL EMERSON

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

Mr. HAYWORTH. Mr. Speaker, I, too, rise to mourn the passing of our friend and colleague, Bill Emerson. Being a newcomer to the Congress, I reflected on the words of our colleague from Missouri, Mr. Skelton, on bipartisanship and elections. I quoted out louder than words. So it has been on many occasions when I would see both Mr. Skelton and Mr. Emerson sharing a ride across the river to work. In our Cloakroom, there is a picture of a younger Mr. Emerson and our colleague from Pennsylvania, Mr. Kanjorski, when they served as pages in this institution, helping to bear the stretcher of a wounded Member in a terrible episode in our Nation's history. So, yes, this is a time of remembrance. It is also a time for true bipartisanship.

Mr. Speaker, I recall that in the midst of some troubled times, one political adversary gave his partisan foes some very good advice. It was Hubert Humphrey who told President Richard Nixon to lay out all the facts, and to come clean on certain issues. I daresay, had Mr. Nixon followed Mr. Humphrey's advice, a lot of the problems we faced in this country would have been eased.

In that spirit, Mr. Speaker, without venom or vitriol, in the spirit of true bipartisanship, I would call on this President to release the pertinent documents needed to bring the investigations to a resolute and clear conclusion, so that we may move forward in a bipartisan fashion to clear up questions and to work in a constructive manner in this body.

IN MEMORY OF BILL EMERSON

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

Mr. HALL of Ohio. Mr. Speaker, my friend died on Saturday. Bill Emerson and I knew each other for many years, traveled together, supported one another in our endeavors in Congress—especially in humanitarian work.

We served the Congressional Hunger Center as cochairmen, and Bill's support during my fast—and during the startup of this nonprofit organization—made a very real, very personal difference to me.

We got to know each other's families, and my family already feel the loss of our good friend. And we all extend our deepest sympathy to his family: to Bill's mother, Marie Hahn; to Bill's wife, Jo Ann; and to their daughters—Elizabeth, Abigail, Victoria, and Katherine.

In the Washington Post this weekend, David Broder wrote that "the companionship that once crossed party lines in Congress has been replaced by a tone of unremitting enmity." That was never true with Bill Emerson. He nurtured his relationships with both Democrats and Republicans alike.

Mr. Broder was right in lamenting a political climate that too often is hostile. "It is the personal relationships that determine how much the group will get done," he said—and he is right. But people like Bill Emerson showed us all that we can work together to make a difference for the people who send us to Washington—and especially for children.

My friend was a decent, wonderful man. He will be missed by many of us, and I will never forget him.

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WE DO NOT REALIZE THE TRUE WORTH OF A GREAT MAN UNTIL HE'S GONE

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

Mr. TALENT. Mr. Speaker, we do not realize the true worth of a great man until he is gone. The networks of which we are a part are far too focused on the immediate. What we do not realize is that the people who send us to Washington are there for a reason. We spent time together. He was there for many years, traveled together, supplied fellow pages. We did not stop there. We spent time together. He visited my home and I visited his, and our families became the closest of friends from my childhood days. We went to colleges; we shared the hopes of young men and the witnesses of the great sacraments in marriage. And as we went on through life, we gave advice and thoughts to one another and always remained friends.

We even shared the history of the 90th anniversary of our time together. We drove through the battlefield yesterday. That is 43 years ago that we stood up there, and I remember Bill well, telling me about his understanding of this great Civil War, this great battle that preserved democracy for America and individual rights for every American then and unborn into the future. He had such a fundamental understanding of it that truly I thought that he could be the next Lincoln coming along.

Well, Bill and I went through life together and shared all those years between then and 1980. He and I ran in 1980 for the House. He was a better politician than I. He got elected, I did not. But we remained close friends and in 1982 I had the good fortune of winning my seat, and we joined each other again after a period of 40 years of having known each other as very close friends.

In this House we tried with other Members, Mickey Leland being one, to form an organization uniting Members across the aisle. We tried to put Republicans and Democrats together as
TRIBUTE TO CONGRESSMAN BILL EMERSON

(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, I also stand here in the well to remember our dear colleague, BILL EMERSON from Missouri. I can still see him in the back row, all the way in the back in the last aisle, standing there talking. And many of us used to go back to talk to him and ask him, BILL, what are the nuances of this vote and would he explain it. He was very knowledgeable about different bills on the House floor. But he would also give you a sense of humor, a point about the bill that would make you chuckle and laugh, knowing that sometimes Members were forced to vote on things they did not like, because within the whole bill there would be a small something you did like. But BILL EMERSON had that way.

And I also want to tell you, Mr. Speaker, that many times I spoke to him during his illness and encouraged him and gave him several articles, articles which talked about other Americans suffering from cancer and how they met this disease and the type of mind frame they put themselves in and tried to encourage it. But he did not need to be encouraged in terms of a positive attitude because his entire relationship that I had with him and saw on the House floor was one of optimism, one of being a positive American and showing other Americans, through his leadership and through his personality, the purpose of all of us is that we are to be caring and helpful for our fellow man.

So I tell you, Mr. Speaker, when I come here to the well, I can almost still see BILL in the back there, laughing, encouraging all of us, and giving that light chuckle he has, together with his eyes, that bill adieu and wish him and his family well and with deepest sympathy remind my colleagues of the great Congressman BILL EMERSON.

TRIBUTE TO CONGRESSMAN BILL EMERSON

(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, I rise to associate myself with the remarks of those who have spoken here. I have sat here and I wanted to listen to all of the things about the life of BILL EMERSON, because I never was to his house. I did not know his family. But I knew BILL EMERSON, the man, and I knew him as the Congressman, and like each and every one of you, I liked him very much.

We served together on a couple of key issues, one of them the issue of smoking. BILL EMERSON was never one to involve himself in denial. He always was straightforward. He was legitimate. He told you what he felt on an issue. He back ed it up and corroborated it with sound fact, data, and analysis.

I just simply want to rise today to say to Missouri, to the family of this fine man, that you elected a great Congressman. He paid attention to detail, he never forgot the constituent matters that are most important. Ladies and gentlemen, we are representatives of the people. Representation is what we shall do, and a prime example of that was BILL EMERSON.

My condolences to the family. I would hope that after all of this, we would reflect on the life of BILL EMERSON, and all of us may be a little better in our service as representatives of the American people.

MY FRIEND AND COLLEAGUE BILL EMERSON

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

Mr. MICA. Mr. Speaker, there is an empty seat in the House of Representatives today, and there is a great void that will never be filled, and that is the void created by the death of my friend and colleague, BILL EMERSON. We will miss him. We send our condolences to his family.

Some of the previous speakers have reflected on BILL and his many contributions. I am not sure if the pages and Members all know about BILL'S great legacy, but BILL came here as a page and served in the Congress. I remember seeing back in the Cloakroom, there is a photo of BILL as a young man helping when the shooting occurred in the House of Representatives.

When nationalists fired into the House Chamber, BILL was one of the young pages helping Members back then who were wounded. That picture still hangs in the Cloakroom.

Mr. Speaker, I came here as a freshman just several years ago, and BILL was doing the same thing, helping Members along the way, new Members like myself, to learn more about the House of Representatives and its procedures and how to go forward. He never changed his role.

BILL EMERSON was a tough bird, too. I remember talking to him as he was undergoing his treatment and giving him encouragement. He asked about some of my own dealings here. Should I move forward? Should I proceed? Sometimes I am pretty aggressive in my service. BILL, whether he was in the wheelchair taking chemotherapy or whether he was advising me as a new Member, he would say, MICA, give 'em hell. I always admired his counsel and his advice and his determination that we should serve this body with every ounce of vigor that we can muster, and he did that right to almost his last days. Now he has been taken from us.

I remember him coming into this Chamber in his wheelchair and his concern was, and he expressed it to me, was not about his treatment but he said, 'Oh, damn it.' He did not use those exact terms. His concern was that he did not want to miss his obligations to this body, his service to the House of Representatives. That was his concern right to the end, that he could not do his service. We have an example by a life of an individual who served first his family, and then his State, Missouri, and this is a great loss also for our Nation to not having his service here. This Congress has a great void with the BILL EMERSON who had a tough veneer but had a heart and a great record of service to this body that will never be matched.

BILL, we miss you. But I want to tell you that I will be out here, BILL, and I will continue to 'give 'em hell,' as you directed, and do the best I can to serve the constituents of my State like you served your State and our Nation. So long, BILL.

REMEMBERING OUR GREAT COLLEAGUE, BILL EMERSON

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

Mr. DREIER. Mr. Speaker, I rise to join with my colleagues in remembering our great colleague, BILL EMERSON. I was downstairs listening to a number of the remarks made about BILL'S great contribution to the process of representative government, and I would like to take a brief period of time to talk about a very special relationship that I had with BILL.

Back in 1993, following some of the scandals that surrounded this place, in a bipartisan way, we saw the Democratic leadership put together the Joint Committee on the Organization of Congress. It was the first time in a half a century that a bipartisan, bicameral effort to look at institutional reform was assembled. I will tell Members that of the large number of Senators and House Members who were part of this organization, no one was...
more active and participated at a higher level than Bill Emerson.

There is a very important reason for that, Mr. Speaker. Bill Emerson, as I am sure was stated by my colleagues earlier, loved and revered this institution. He understood the fact that it was the greatest deliberative body known to man. He is one who spent a great deal of time trying to see the view held by the American people shift from what is tragically a corrosive cynicism back to what Will Rogers had, which is really a healthy skepticism. Thomas Jefferson wanted the American people to have a healthy and reverent view of us, he thought that to be very healthy, and Will Rogers, again, said that time and time again.

Bill Emerson, as one who loved and revered this institution, wanted us very much to get back to that, and that is the reason that Bill Emerson spent so much time working with us on trying to make this institution more accountable to the American people and trying to make this institution as deliberative as it should be.

So, Mr. Speaker, I would simply like to say that I, of course, had a long and very warm personal relationship with him. I am a native of the "Show Me" State and in fact was just there yesterday. And on several occasions I had the opportunity to visit Bill in his southeastern Missouri district, and I spent time with him here in the Capitol because we were elected together back in 1960, the 97th Congress, a large group of 54 new Republicans to come, and Bill and I were among the two who defeated Democrat incumbent Members of the House of Representatives. So he will be sorely missed.

I have had great opportunities to spend personal time with Bill and his wife Jo Ann and other members of their family. And it is very sad to see him go, as we note his passing, and I wish all of his relatives and other friends Godspeed.

TRIBUTE TO BILL EMERSON

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

Mr. Cox of California. Mr. Speaker, there is a hanging in the Republican cloakroom a photograph of Bill Emerson taken on March 1, 1954, when he was a page here. As all of us know, he served as a page on that fateful day when the House of Representatives was attacked by terrorists, and the photograph shows Bill Emerson carrying on his shoulders the prone body of Alben Barkley, a Representative here, who was in fact shot during that attack. That was very early on in Bill's congressional career.

When the first Republican House of Representatives, the first Republican majority in 40 years, was sworn in and the gavel was banged in 1995, in January, it was Bill Emerson who was in the chair. He was the only current Member of the House of Representatives who had been here during the last Republican majority because he had been here as a page. Probably, as a result, no one had more knowledge of this institution, and as so many speakers have pointed out this morning, more care for it, more understanding, and more love for the Congress of the United States.

It is natural for each of us to express ourselves at a time like this by giving a speech on the floor of the House. That is what we do. Bill himself gave many speeches. He was a fine speaker, but, more important than the Congressional Record, a history of what Bill Emerson did here, was what those of us who worked with him saw and watched. His example is a powerful one. I am sure Bill would want us all, on the occasion of his death, to do more than to remember him; to do this, to follow his example, to be like him.

Perhaps he would not have thought so highly of himself, as we do, that he would have held himself up as an example for all of us in that way, but Bill had a special quality being able to disagree, which we do here on the floor every day when we engage one another. And on several occasions I had the privilege of visiting Bill in his Missouri district, and I spent time with him here in the Capitol because we were elected together back in 1960, the 97th Congress, a large group of 54 new Republicans to come, and Bill and I were among the two who defeated Democrat incumbent Members of the House of Representatives. So he will be sorely missed.

I have had great opportunities to spend personal time with Bill and his wife Jo Ann and other members of their family. And it is very sad to see him go, as we note his passing, and I wish all of his relatives and other friends Godspeed.

PERMISSION FOR SUNDAY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Government Reform and Oversight; Committee on International Relations; Committee on National Security; Committee on Resources; Committee on Science; Committee on Science; Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests. The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Florida? There was no objection.

BUCK DOES NOT STOP WITH CRAIG LIVINGSTONE ON FILEGATE

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

Mr. CHABOT. Mr. Speaker, the buck does not stop with Mr. Livingstone, not by a long shot.

SAFE DRINKING WATER ACT AMENDMENTS OF 1996

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3604) to amend title XIV of the Public Health Service Act—the "Safe Drinking Water Act"—and for other purposes, as amended. The Clerk read as follows:

H.R. 3604

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title—This Act may be cited as the "Safe Drinking Water Act Amendments of 1996".

(b) Table of Contents.—

Sec. 1. Short title and table of contents.
Sec. 2. References; effective date; disclaimer.

TITLE I—PUBLIC WATER SYSTEMS

Subtitle A—Promulgation of National Primary Drinking Water Regulations
Sec. 101. Selection of additional contaminants.
Sec. 102. Disinfectants and disinfection by-products.
Sec. 103. Limited alternative to filtration.
Sec. 104. Standard-setting.
Sec. 105. Ground water disinfection.
Sec. 106. Effective date for regulations.
Sec. 107. Risk assessment, management, and communication.
Sec. 108. Radon, arsenic, and sulfate.
Sec. 109. Urgent threats to public health.
Sec. 110. Recycling of filter backwash.
Sec. 111. Treatment technologies for small systems.

Subtitle B—State Primary Enforcement Responsibility for Public Water Systems
Sec. 121. State primary.

Subtitle C—Notification and Enforcement
Sec. 131. Public notification.
CONGRESSIONAL RECORD – HOUSE

H6726

Sec. 132. Enforcement.
Sec. 133. Judicial review

Subtitle D—Exemptions and Variances
Subsec. 141. Exemptions.
Subsec. 142. Variances.

Subtitle E—Lead Plumbing and Pipes
Subsec. 151. Lead plumbing and pipes.

Subtitle F—Children's Safety

TITLE II—AMENDMENTS TO PART C
Sec. 201. Source water quality assessment.

TITLE III—GENERAL PROVISIONS REGARDING SAFE DRINKING WATER ACT
Sec. 301. Operator certification.
Sec. 302. Technical assistance.
Sec. 303. Public water system supervision program.
Sec. 304. Monitoring and information gathering.
Sec. 305. Occurrence data base.
Sec. 306. Citizens suits.
Sec. 307. Whistle blower.
Sec. 308. State revolving funds.
Sec. 309. Water conservation plan.

TITLE IV—MISCELLANEOUS
Sec. 401. Definitions.
Sec. 402. Authorization of appropriations.
Sec. 403. New York City watershed protection program.
Sec. 404. Estrogenic substances screening program.
Sec. 405. Reports on programs administered directly by Environmental Protection Agency.
Sec. 406. Return flows.
Sec. 407. Emergency powers.
Sec. 408. Waterborne disease occurrence.
Sec. 409. Drinking water studies.
Sec. 410. Bottled drinking water standards.
Sec. 411. Clerical amendments.

TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATER-SHEDS
Sec. 501. General program.
Sec. 502. New York City watershed, New York.
Sec. 503. Rural and Native villages, Alaska.
Sec. 504. Acquisition of lands.
Sec. 505. Federal share.
Sec. 506. Condition on authorizations of appropriations.

Title VI—MISCELLANEOUS
Sec. 601. Drinking water research authorization.
Sec. 602. Scientific research review.

SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.

(a) REFERENCES TO SAFE DRINKING WATER ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, which amendment or repeal shall be considered to be made to that section or other provision of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act, 42 U.S.C. 300g-1 et seq.)

(b) EFFECTIVE DATE.—Except as otherwise specified in this Act or in the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(c) DISCLAIMER.—Nothing in this Act or in any amendments made by this Act to title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) or any other law shall be construed by the Administrator of the Environmental Protection Agency or the courts as affecting modifying, expanding, changing, or altering—

(1) the provisions of the Federal Water Pollution Control Act;
(2) the duties and responsibilities of the Administrator under that Act; or
(3) the requirements for control of point or nonpoint sources of pollution discharged into waters covered by that Act.

The Administrator shall identify in the agency's annual budget all funding and full-time equivalent administering such title XIV separately from funding and staffing for the Federal Water Pollution Control Act.

TITLE I—PUBLIC WATER SYSTEMS

Subtitle A—Promulgation of National Secondary Drinking Water Regulations

Sec. 101. SELECTION OF ADDITIONAL CONTAMINANTS.

(a) IN GENERAL.—Section 1412(b)(3) (42 U.S.C. 300g-1(b)(3))(3) is amended to read as follows:

"(3) REGULATION OF UNREGULATED CONTAMINANTS.—

(A) LISTING OF CONTAMINANTS FOR CONSIDERATION.—(i) Not later than 18 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and every 5 years thereafter, the Administrator, after consultation with appropriate community, including the Science Advisory Board, after notice and opportunity for public comment, and after considering the occurrence data established in section 1414(g), shall publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this title.

(ii) The unresolved contaminants considered under clause (i) shall include, but not be limited to, substances referred to in section 103(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

(iii) The Administrator's decision whether or not to select an unresolved contaminant for a list under this subparagraph shall not be subject to judicial review.

(B) DETERMINATION TO REGULATE.—(i) Not later than 5 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, and every 5 years thereafter, the Administrator shall, by rule, for each contaminant upon subgroups that comprise a meaningful portion of the general population, including the elderly, individuals with a history of serious illness, or other subpopulations that are identifiable as being at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

(ii) A determination to regulate a contaminant shall be based on findings that—

(A) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at a level of public health concern; and

(B) regulation of such contaminant presents a meaningful opportunity for public health risk reduction for persons served by public water systems.

Such findings shall be based on the best available public health information, including the occurrence data base established under section 1414(g).

(iii) The Administrator may make a determination to regulate a contaminant that does not appear on a list under subparagraph (A) if the determination to regulate is made pursuant to paragraph (b).

(iv) A determination under this subparagraph not to regulate a contaminant shall be considered final agency action and subject to judicial review.

(C) PRIORITIES.—In selecting unresolved contaminants for consideration under subparagraph (B), the Administrator shall select contaminants that present the greatest public health concern. The Administrator, in making such selection, shall take into consideration, among other factors of public health concern, the effect of such contaminants upon subgroups that comprise a meaningful portion of the general population such as children, infants, the elderly, individuals with a history of serious illness, or other subpopulations that are identifiable as being at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

(b) APPLICABILITY OF PRIOR REQUIREMENTS.—The requirements of subparagraphs (C) and (D) of section 1412(b)(3) of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) as in effect before the enactment of this Act, and any obligation to promulgate regulations pursuant to such subparagraphs not promulgated as of the date of enactment of this Act, are superseded by the amendments made by subsection (a) to such subparagraphs (C) and (D).

Sec. 102. DISINFECTIONS AND DISINFECTION BY-PRODUCTS.

Section 1412(b)(3) (42 U.S.C. 300g-1(b)(3)) is amended by adding at the end the following subparagraph:

"(F) DISINFECTIONS AND DISINFECTION BY-PRODUCTS.—

(i) INFORMATION COLLECTION RULE.—Not later than 120 days after the date of enactment of this Act, the Administrator shall, after notice and opportunity for public comment, promulgate an information collection rule to obtain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants.

(ii) ADDITIONAL DEADLINES.—The time intervals between promulgation of a final information collection rule, an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection Byproducts Rule shall be in accordance with the schedule published in volume 59, Federal Register, page 65772, for June 25, 1996.
SEC. 102. UTILIZATION OF INFORMATION.

Section 1412(b)(7)(C) is amended by adding the following after clause (iv):

(iv) The alternative to the regulations promulgated pursuant to clauses (i) and (ii), including the criteria for avoiding the use of filtration contained in CFR 141.7 for the State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, and after notice and opportunity for public comment, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines that the quality of the source water and the alternative treatment requirements established by the State ensure greater removal or inactivation efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine dioxide disinfection (in compliance with paragraph (8)).

SEC. 104. STANDARD-SETTING.

(a) In general.—Section 1412(b)(4) (42 U.S.C. 300g±1(b)(4)) is amended to read as follows:

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"(A) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this section, and, to the degree that an Agency action is based on science, the Administrator shall use—

(i) available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

(ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justify the use of such data)."

"(B) PUBLIC INFORMATION.—In carrying out this section, the Administrator shall ensure that the presentation of information on public health effects and studies that would assist in resolving the uncertainty; and any study, including those known to the Administrator that support, are directly relevant to, or fail to support any estimate of risk for the specific populations; and

the Administrator shall, in a document made available to the public in support of a regulation promulgated under this section, specify, to the extent practicable—

(i) each population addressed by any estimate of public health effects;

(ii) the expected risk or central estimate of risk for the specific populations;

(iii) each appropriate upper-bound or lower-bound estimate of risk;

(iv) what significant uncertainty identified in the process of the assessment of public health effects and studies that would assist in resolving the uncertainty; and

(v) what studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology used to reconcile inconsistencies in the scientific data.

"(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

(i) MAXIMUM CONTAMINANT LEVELS.—When proposing any national primary drinking water regulation that includes a maximum contaminant level, the Administrator shall—

(A) consider the level that is being considered in accordance with paragraph (4) and each alternative maximum contaminant level that is being considered pursuant to paragraph (5) or (6)(A), publish, seek public comment on, and use for the purposes of paragraphs (4), (5), and (6) an analysis of—

(i) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to consider such benefits and such benefits are likely to occur as the result of treatment to comply with each level;

(ii) the analysis of quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur as the result of compliance with the maximum contaminant level, excluding benefits resulting from compliance with other proposed or promulgated regulations.

(iii) Quantifiable and nonquantifiable costs for which there is a factual basis in the rulemaking record to consider such costs and such costs are likely to occur solely as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs and excluding costs resulting from compliance with other proposed or promulgated regulations.

(iv) The incremental costs and benefits associated with each alternative maximum contaminant level considered.

(v) The effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be adversely affected by exposure to contaminants in drinking water than the general population.

"(V) Any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants.

"(VII) Other relevant factors, including the quality and extent of the information, the uncertainties in the analysis supporting subclauses (i) through (VI), and factors with respect to this degree and nature of the risk.

(ii) TREATMENT TECHNIQUES.—When proposing a national primary drinking water regulation that includes a treatment technique and alternative treatment techniques that are being considered, taking into account, as appropriate, the factors described in clause (i).

(iii) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify valid approaches for the measurement and valuation of benefits under this subpart, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

(iv) AUTHORIZATION.—There are authorized to be appropriated to the Administrator, acting through the Office of Ground Water and Drinking Water, for the purposes of this section, as amended by the Safe Drinking Water Act Amendments of 1996—

(A) RADON. Any proposal published by the Administrator before the enactment of the Safe Drinking Water Act Amendments of 1996 to establish a primary drinking water standard for radon shall be withdrawn by the Administrator. Notwithstanding any provision of any law enacted prior to the enactment of the Safe Drinking Water Act Amendments of 1996, within 3 years of such date of enactment, the Administrator shall propose and promulgate a national primary drinking water standard for radon. The publication of such standard, the Administrator before the enactment of this paragraph, the Administrator shall promulgate a regulation, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

(B) ARSENIC. Prior to promulgating a national primary drinking water regulation for arsenic, the Administrator may enter into cooperative agreements with interested States, as determined by the Director of the Centers for Disease Control and Prevention, to conduct studies, as directed by the Administrator, as described in subsection (14)(B) subject to an interim regulation under this subparagraph shall be issued, and a completed analysis meeting the requirements of paragraph (12)(C) shall be published, not later than 3 years after the date on which the regulation is promulgated and the regulation shall be reconsidered if appropriate, not later than 5 years after that date.

SEC. 108. RADON, ARSENIC, AND SULFATE.

Section 1412(b) is amended by inserting after paragraph (12) the following:

"(13) CERTIFICATION.—(A) RADON.—Any proposal published by the Administrator before the enactment of the Safe Drinking Water Act Amendments of 1996 to establish a national primary drinking water standard for radon shall be withdrawn by the Administrator. Notwithstanding any provision of any law enacted prior to the enactment of the Safe Drinking Water Act Amendments of 1996, within 3 years of such date of enactment, the Administrator shall propose and promulgate a national primary drinking water standard for radon. The publication of such standard, the Administrator before the enactment of this paragraph, the Administrator shall promulgate a regulation, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

(B) ARSENIC.—(i) Notwithstanding the deadlines set forth in paragraph (1), the Administrator may, pursuant to the Secretary of the Budget, and Drinking Water, to conduct studies, as directed by the Administrator, as described in subsection (14)(B) subject to an interim regulation under this subparagraph shall be issued, and a completed analysis meeting the requirements of paragraph (12)(C) shall be published, not later than 3 years after the date on which the regulation is promulgated and the regulation shall be reconsidered if appropriate, not later than 5 years after that date.

SEC. 109. URGENT THREATS TO PUBLIC HEALTH.

Section 1412(b) is amended by inserting the following after paragraph (13):

"(14) URGENT THREATS TO PUBLIC HEALTH.—The Administrator shall promulgate a national primary drinking water regulation for a contaminant without making a determination for the contaminant under paragraph (4)(C) or completing the analysis under paragraph (12)(C) to address an urgent threat to public health as determined by the Administrator after consultation with and written response to any comments provided by the States, the National Academy of Sciences, acting through the Director of the Centers for Disease Control and Prevention or the director of the National Institutes of Health, the Environmental Protection Agency, the Director of the National Institutes of Health, and other Federal agencies, and interested public and private entities.

(iii) In carrying out the study plan, the Administrator shall enter into cooperative agreements with other Federal agencies, State and local governments, and other interested public and private entities.

(iv) The Administrator may promulgate a national primary drinking water regulation for arsenic not later than January 1, 2000.

"(v) Not later than January 1, 2001, after notice and opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for arsenic.

"(vi) There are authorized to be appropriated $2,000,000 for each of fiscal years 1997 through 2001 for the studies required by this paragraph.

"(C) SULFATE.—

(i) ADDITIONAL STUDY.—Prior to promulgating a national primary drinking water regulation for sulfate, the Administrator and the Director of the Centers for Disease Control and Prevention shall jointly conduct an additional study to establish a reliable dose-response relationship for a contaminant that may be attributed to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The study shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

(ii) PROPOSED AND FINAL RULE.—Notwithstanding the deadlines set forth in paragraph (1), the Administrator may, pursuant to the Secretary of the Budget, and Drinking Water, to conduct studies, as directed by the Administrator, as described in subsection (14)(B) subject to an interim regulation under this subparagraph shall be issued, and a completed analysis meeting the requirements of paragraph (12)(C) shall be published, not later than 3 years after the date on which the regulation is promulgated and the regulation shall be reconsidered if appropriate, not later than 5 years after that date.

SEC. 110. RECYCLING OF FILTER BACKWASH.

Section 1412(b) is amended by adding the following new paragraph after paragraph (34):

"(35) RECYCLING OF FILTER BACKWASH.—The Administrator shall promulgate a regulation to govern the recycling of filter backwash water in the treatment process of a public water system. The Administrator shall promulgate such regulation not later than 4 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996. The Administrator may not promulgate such regulation by the Administrator’s ‘enhanced surface water treatment rule’ prior to such date."
SEC. 111. TREATMENT TECHNOLOGIES FOR SMALL SYSTEMS.

(a) LIST OF TECHNOLOGIES FOR SMALL SYSTEMS.—Sec. 1445(d)(4)(E) (42 U.S.C. 300g±3(c)(4)(E)), is amended by adding at the end the following:

"(ii) The Administrator shall include in the list any treatment technology, treatment technique, or other means that is for small public water systems serving—

(I) a population of 10,000 or fewer but more than 3,300;

(II) a population of 3,300 or fewer but more than 500; and

(III) a population of 500 or fewer but more than 100,

and that achieves compliance with the maximum contaminant level or treatment technique, including packaged or modular systems and point-of-entry or point-of-use treatment units. Point-of-entry and point-of-use treatment units shall be owned, controlled, and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level or treatment technique and equipped with written procedures to ensure that customers are automatically notified of operational problems. If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment unit, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.

(iii) Except as provided in clause (v), not later than 2 years after the date of the enactment of this paragraph and after consultation with manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under sections 1412(b)(4)(E) and 1413(e)."

Subtitle B—State Primary Enforcement Responsibility for Public Water Systems

SEC. 121. STATE PRIMACY.

(a) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Sec. 1445(d)(3) (42 U.S.C. 300g±3(c)(3)) is amended by adding after the last sentence of the subsection the following:

"(B) The Administrator shall exercise his enforcement authority in accordance with regulations prescribed by the State under section 1414 prior to the date on which the regulations are promulgated by the Administrator under subparagraph (A)."

(b) STATE REQUIREMENTS.—

(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

(A) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

(B) with respect to the form and content of notice given under subparagraph (D).

(ii) CONTENTS.—The alternative requirements shall provide the same type and amount of information as required pursuant to this subsection and regulations issued under subparagraph (A).

(iii) RELATIONSHIP TO SECTION 1413.—Nothing in this subparagraph shall be construed as applied to modify the requirements of section 1413.

Subtitle C—Notification and Enforcement

SEC. 131. PUBLIC NOTIFICATION.

Section 1412(b)(4) (42 U.S.C. 300g±3(c)) is amended to read as follows:

"(c) NOTICE TO PERSONS SERVED.—

(I) IN GENERAL.—Each owner or operator of a public water system shall give notice of each of the following to the persons served by the system:

(A) Notice of any failure on the part of the public water system to—

(i) comply with any applicable national primary drinking water regulation in accordance with subsection (b)(1) and ending at such time as the Administrator makes a determination, under subsection (b)(2) with respect to the regulation.

(b) EMERGENCY PLANS.—Section 1433(b)(4) (42 U.S.C. 300g±4(b)(4)) is amended by inserting after "A State that has primary enforcement authority under section 1413 as soon as practicable, but not later than 1 year after the date of occurrence of the violation,

(c) INTERIM PRIMARY ENFORCEMENT AUTHORITY.—A State that has primary enforcement authority under section 1413 as soon as practicable, but not later than 2 years after the date of occurrence of the violation,

(d) ENSURE PROPER OPERATION.—The Administrator shall exercise his enforcement authority in accordance with regulations prescribed by the State under section 1414 prior to the date on which the regulations are promulgated by the Administrator under subparagraph (A).

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

(f) AUTHORITY.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable explanation of—

(I) the violation;

(ii) the potential adverse effects on human health;

(iii) the steps the public water system is taking to correct the violation; and

(iv) the necessity of seeking alternative water supplies until the violation is corrected.

(g) CONSTRUCTION.—Nothing in this Act shall be construed to authorize the Administrator to require any public water system to take any action that is not practicable, but not later than 1 year after the date of occurrence of the violation.

(h) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445(d)(4)(E) (42 U.S.C. 300g±3(c)(4)(E)), is amended by adding after the last sentence of the subsection the following:

"(i) A VAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—

(A) Availability of information on small systems and technologies in the development of regulations or guidance under sections 1412(b)(4)(E) and 1413(e)."

Subtitle D—Emergency Plans

SEC. 1413. EMERGENCY PLANS.

(a) EMERGENCY PLANS.—Section 1413(a)(5) (42 U.S.C. 300g±3(f)) is amended by inserting after "A State that has primary enforcement authority under section 1413 as soon as practicable, but not later than 1 year after the date of occurrence of the violation,

(b) ENSURE PROPER OPERATION.—The Administrator shall exercise his enforcement authority in accordance with regulations prescribed by the State under section 1414 prior to the date on which the regulations are promulgated by the Administrator under subparagraph (A).

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

(d) AUTHORITY.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable explanation of—

(I) the violation;

(ii) the potential adverse effects on human health;

(iii) the steps the public water system is taking to correct the violation; and

(iv) the necessity of seeking alternative water supplies until the violation is corrected.

(e) CONSTRUCTION.—Nothing in this Act shall be construed to authorize the Administrator to require any public water system to take any action that is not practicable, but not later than 1 year after the date of occurrence of the violation.

(f) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445(d)(4)(E) (42 U.S.C. 300g±3(c)(4)(E)), is amended by adding after the last sentence of the subsection the following:

"(i) A VAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—

(A) Availability of information on small systems and technologies in the development of regulations or guidance under sections 1412(b)(4)(E) and 1413(e)."
readily understandable explanation of the violation, any potential adverse health effects, and the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

"(E) UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the Administrator of any contamination of the drinking water in the system that may reasonably be expected to improve compliance with this title.

(a) IN GENERAL.—Not later than January 1, 1998, and thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on the violations of national primary drinking water regulations by public water systems in the State, including violations with respect to (I) maximum contaminant levels, (II) treatment requirements, (III) variances and exemptions, and (IV) monitoring requirements determined to be significant by the Administrator in consultation with the States.

(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for public inspection.

(b) ANNUAL REPORT BY ADMINISTRATOR.—Not later than January 1, 1998, and thereafter, the Administrator shall include, but not be limited to, each of the following:

(A) ANNUAL REPORT BY STATE.—

(i) IN GENERAL.—Not later than January 1, 1998, and thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on the violations of national primary drinking water regulations by public water systems in the State, including violations with respect to (I) maximum contaminant levels, (II) treatment requirements, (III) variances and exemptions, and (IV) monitoring requirements determined to be significant by the Administrator in consultation with the States.

(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for public inspection.

(c) INFORMATION TO CONSUMERS.—The Administrator may require the owner or operator of a public water system to provide consumers with a readily understandable explanation of the violation, any potential adverse health effects, and the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

"(F) NOTICE.—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, and the affected local elected official, if any, in writing.

B. Notice of Violation

(a) IN GENERAL.—(1) A public water system with 1 or more other systems; or

(b) NOTICE.—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, and the affected local elected official, if any, in writing.
Sec. 141. Exemptions.

SEC. 142. Variances.

Title V—Best Available Affordable Technology

Subtitle D—Exemptions and Variances

Sec. 141. Exemptions.

Sec. 142. Variances.
relevant factors in support of such listing, including the applicability of BAAT to surface and underground waters or both.

(8) To the greatest extent possible, with respect to the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall identify BAAT for all national primary drinking water regulations established prior to the date of enactment where no best technology or other means is listed for a category of public water systems under section 1412(b)(4)(E) and the use or alternate water supplies or management changes or restructuring by such small systems is not practical. In identifying BAAT for such national primary drinking water regulations, the Administrator shall give priority to evaluation of atrazine, asbestos, selenium, pentachlorophenol, antimony, and nickel.

(4) DEFINITIONS FOR BAAT VARIANCE.—To grant a variance under this subsection, the State must determine that—

(A) the public water system cannot install 'best technology or other means' because of the system's small size;

(B) the public water system could not comply with the maximum contaminant level goals, use alternate water supplies or through management changes or restructuring;

(C) the public water system has the capacity to operate and maintain BAAT; and

(D) the circumstances of the public water system are consistent with the public health assumptions identified by the Administrator under paragraph (3).

(5) SCHEDULES.—Any variance granted by a State under this subsection shall establish a schedule for the installation and operation of BAAT within a period not to exceed 2 years after the issuance of the variance, except that the State may grant an extension of 1 year upon application for such extension. The application shall include a showing of financial or technical need. Variances under this subsection shall be for a microbial contaminant.

(6) REVIEW.—Any variance granted by a State under this subsection shall be reviewed by the Administrator in accordance with section 1412(j). Each year, the States shall submit to the Administrator a report containing a list of community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1999, demonstrating technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to become effective, on the date of commencement of operations.

SEC. 151. LEAD PLUMBING AND PIPES.

Section 1417 (42 U.S.C. 300g±17) is amended by—

(A) by striking ``subsection (a)'' and inserting ``this section'' in subsection (a)(1)(F) and by amending the first sentence of such subsection (a)(1)(F) to read as follows: "Not later than 5 years after the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall complete a review of the variances granted under this section (and the schedules prescribed in connection with such variances)."

(B) by striking subparagraph (A) or (B) and inserting in lieu thereof "this section in subsection (a)(1)(G)(i)."

(C) by striking paragraph (2)(B), and by inserting in lieu thereof "this section in subsection (a)(1)(G)(i)."

(D) by striking "subsection (a)" and inserting "this section" in subsection (b).

(E) by striking "(c)" and inserting "(c)" in subsection (b).

(F) by adding a new subsection (d) to read as follows:

"(d) LEAD LEAK JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes."

(G) by striking paragraph (3) of subparagraph (A) of subsection (a) and inserting in lieu thereof "(A) for any person to introduce into commerce any pipe, any pipe or plumbing fixture for human ingestion, any solder, or any flux that is not lead free; or (B) for any person to dispense water for human consumption."

(H) by striking the first sentence of subsection (b) and inserting in lieu thereof "any plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.";

Subtitle E—Lead Plumbing and Pipes

SEC. 151A. LEAD PLUMBING AND PIPES.

Section 1417 (42 U.S.C. 300g±17) is amended by—

(A) by striking paragraph (1) and inserting in lieu thereof "Any person who introduces into commerce any pipe, any pipe or plumbing fixture or any solder, or any flux that is not lead free; or"

(B) by striking "the regulation of" and inserting in lieu thereof "the regulation of" after the date of enactment of this section, the Administrator shall declare compliance action to be in effect, on the date of commencement of operations.

SEC. 151B. LEAD LEAK JOINTS.

Section 1417 (42 U.S.C. 300g±17) is amended by adding a new subsection (d) to read as follows:

"(d) LEAD LEAK JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes."

SEC. 151C. LEAD PLUMBING AND PIPES.

Section 1417 (42 U.S.C. 300g±17) is amended by—

(A) by striking paragraph (1) and inserting in lieu thereof "Any person who introduces into commerce any pipe, any pipe or plumbing fixture or any solder, or any flux that is not lead free; or"

(B) by striking the first sentence of subsection (b) and inserting in lieu thereof "any plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.";
IN THE HOUSE OF REPRESENTATIVES

Passed by the Senate June 25, 1996

CONGRESSIONAL RECORD — HOUSE
H6733

``(2) CONTENT.—In preparing the capacity development strategy, the State shall consider, solicit public comment on, and include as appropriate:
``(A) Methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capacity;
``(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impede capacity development;
``(C) a description of how the State will use the authorities and resources of this title or other means to;
``(ii) assist public water systems in complying with national primary drinking water regulations;
``(iii) encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems; and
``(iii) assist public water systems in the training and certification of operators.
``(D) a description of how the State will establish a baseline and measure improvements in capacity with respect to national primary drinking water regulations and State drinking water law;
``(E) an identification of the persons that have an interest in and are involved in the development of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).
``(3) REPORT.—Not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State, the Governor (or the Governor's designee) shall submit to the Congress a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.
``(4) REVIEW.—The decisions of the State under this section regarding any particular public water systems are not subject to judicial review by the Administrator and may not serve as the basis for withholding funds under section 1422a(a)(3)(H).
``(5) FEDERAL ASSISTANCE.—
``(I) IN GENERAL.—The Administrator shall support the States in developing capacity development strategies.
``(II) INFORMAL ASSISTANCE.—
``(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall:
``(i) conduct a review of State capacity development efforts in existence on the date of enactment of this section and publish information to assist States and public water systems in the development of capacity development efforts that the Administrator determines to be adequately establishing the technical, managerial, and financial capacity of public water systems;
``(ii) initiate a partnership with States, public water systems, and the public to develop information for States on recommended operator certification requirements.
``(B) PUBLICATION OF INFORMATION.—The Administrator shall publish the information developed through the partnership under subparagraph (A)(ii) not later than 18 months after the date of enactment of this section.
``(C) DELINQUENCY OF DRINKING WATER REGULATIONS.—In promulgating a national primary drinking water regulation, the Administrator shall include an analysis of the likelihood of compliance with the regulation on the technical, financial, and managerial capacity of public water systems.
``(D) GUIDANCE FOR NEW SYSTEMS.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish guidance developed in consultation with the States, the National Association of Counties, and other means to ensure that all new community water systems and new nontransient, non-community water systems demonstrate technical, managerial, and financial capacity with respect to national primary drinking water regulations.

TITLE II—AMENDMENTS TO PART C

SEC. 201. SOURCE WATER QUALITY ASSESSMENT.

(1) PROVISIONS.—Section 1428 is amended by adding "and source water" after "WELLHEAD" in the section heading and by adding at the end thereof the following:
``(I) SOURCE WATER ASSESSMENT.—
``(1) GUIDANCE.—Within 12 months after enactment of the Safe Drinking Water Act Amendments of 1996, after notice and comment, the Administrator shall publish guidance for States exercising primary enforcement responsibility for public water systems to carry out direct or through delegation (for the protection and benefit of public water systems and for the support of monitoring flexibility) a source water assessment program and its boundaries.
``(2) PROGRAM REQUIREMENTS.—A source water assessment program under this subsection shall:
``(A) delineate the boundaries of the assessment areas in such State from which one or more public water systems in the State receive supplies of drinking water using and reasonably available hydrogeologic information on the sources of the supply of drinking water in the State and the water flow, recharge, and discharge and any reliable information as the State deems necessary to adequately determine such areas; and
``(B) identify for contaminants regulated under this title monitoring required under this title (or any unregulated contaminants selected by the State in its discretion which the State, for the purposes of this subsection, has determined may present a threat to public health), to the extent practical, the origins within each delineated area of such contaminants to determine the source water systems in the delineated area to such contaminants.
``(3) APPROVAL, IMPLEMENTATION, AND MONITORING.—
``(A) IN GENERAL.—A State source water assessment program under this subsection shall be deemed approved 9 months after the date of enactment thereof.
``(B) ADEQUATE.—A report on the sources of the supply of drinking water in the State and the water flow, recharge, and discharge and any reliable information as the State deems necessary to adequately determine such areas; and
``(B) Delineations or assessments of ground water sources under a State wellhead protection program conducted pursuant to this section.
``(C) DEMONSTRATION PROJECT.ÐThe Administrator shall establish a demonstration project, in consultation with other Federal agencies, to demonstrate the most effective and protective means of assessing and protecting source water serving large metropolitan areas and located on federal lands.
``(D) USE OF OTHER PROGRAMS.—To avoid duplication and to encourage efficiency, the program under this subsection shall, to the extent practicable, be coordinated with other existing programs and mechanisms, and may make use of any of the following:
``(A) Vulnerability assessments, sanitary surveys, and monitoring programs.
``(B) Delineations or assessments of ground water sources under a State wellhead protection program developed pursuant to this section.
``(C) Delineations or assessments of surface or ground water sources under a State pesticide management plan developed pursuant to the Pesticide Management Plan Regulation (subparts I and J of part 152 of title 40, Code of Federal Regulations), promulgated under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)).
``(D) Delineations or assessments of surface water sources under a State initiative or to satisfy the watershed criterion for determining if filtration is required under the Surface Water Treatment Rule (section 141.20 of title 40, Code of Federal Regulations).
``(E) PUBLIC AVAILABILITY.—The State shall make the results of the source water assessment conducted under this subsection available to the public.
``(b) APPROVAL AND DISAPPROVAL OF STATE PROGRAMS.—Section 1428 is amended as follows:
``(1) Amend the first sentence of subsection (c)(1) to read as follows: "If, in the judgment of the Administrator, a State program or portion thereof under subsection (a) is not adequate to protect public water systems as required by subsection (a) or a State program or portion thereof under subsection (b) does not meet the applicable requirements of subsection (1) or section 141(b) unless the Administrator determines within 9 months of the receipt of the program that such program (or portion thereof) does not meet such requirements."
``(2) In subsection (c) the following: "and source water assessment programs under subsection (1)(B)".
``(C) ANY APPROVAL OR DISAPPROVAL.—In subsection (g) insert after "under this section" the following: "and the State source water assessment program under subsection (1) that such program (or portion thereof) does not meet such requirements."
``(D) In subsection (h) insert after "under this section" the following: "and the State source water assessment program under subsection (1)(B) that such program (or portion thereof) does not meet such requirements."
``(4) PROVISIONS.—In subsection (i) insert after "under this section" the following: "and the State source water assessment programs under subsection (1)
``(5) In subsection (j) insert after "under this section" the following: "and the State source water assessment programs under subsection (1)
``(6) In subsection (k) insert after "under this section" the following: "and the State source water assessment programs under subsection (1)(B)"
``(7) In subsection (l) insert after "under this section" the following: "and the State source water assessment programs under subsection (1)(B)"

SEC. 202. FEDERAL FACILITIES.

(1) GENERAL.—In the case of wellhead protection programs, such as...

(2) In subsection (2) insert "in the case of wellhead protection programs, such as..."
SEC. 1429. FEDERAL FACILITIES.

(a) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to the requirement set forth in subsection (b) if the President shall have failed to make available from compliance with such a requirement if any fine or imprisonment from the executive, legislative, or judicial branch of the Federal Government shall be subject to in subsection (b) if the President shall have failed to make available any requested appropriation. Any exemption shall be granted by the Department of the Treasury, the Secretary of Agriculture, or the Secretary of Commerce, as the case may be.

(b) ADMINISTRATIVE PENALTY ORDERS.—

(1) IN GENERAL.—If the Administrator finds that a Federal agency has violated an applicable requirement under this title, the Administrator may issue a penalty order assessing a penalty against the Federal agency.

(2) PENALTIES.—The Administrator may, after notice to the agency, assess a civil penalty against the agency in an amount not to exceed $25,000 per day per violation.

(3) PROCEDURE.—Before an administrative penalty order issued under this subsection becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapter 5 of title 5, United States Code.

(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—A State shall not be entitled to any funds collected under this section unless the funds are used for environmental protection or enforcement responsibility for public water systems.

(d) PUBLIC REVIEW.-—The Administrator shall make the information referred to in subsection (b) available for public review.

(e) CONFORMING AMENDMENTS.—Section 1447 (42 U.S.C. 300j±6) is amended as follows:

(1) In subsection (a) (as amended by section 302 of this Act) after the period ending with "subpart (a)" add "subpart (b)," and after the period ending with "subpart (a)(3)" add "subpart (a)(4)."

(2) Section 1449 (42 U.S.C. 300j±10) is amended by striking "any person or instrumentality of the Federal Government that fails, by the date that is 18 months after receipt of notice of disapproval." [302. TECHNICAL ASSISTANCE]

SEC. 302. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Any interested person may obtain review of an administrative penalty order issued under this section.

(b) RECORD.—The Administrator shall keep a record of the order on which the order was issued.

(c) STANDARD OF REVIEW.—The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment constitutes an abuse of discretion by the Administrator.

(d) PROHIBITION ON ADDITIONAL PENALTIES.—The court shall not impose an additional penalty for a violation of a civil penalty order issued under this section unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.

(e) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—The Administrator shall promulgate regulations covering requirements for States with respect to the enforcement of any such injunctive relief. No agent, employee, or officer of the United States, other than any person in connection with the processing or issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, is subject to such requirements, in the same manner and to the same extent as any person is subject to such requirements, including the payment of reasonable service charges.

(f) COLLECTED FROM FEDERAL GOVERNMENT.—The funds collected under this section shall be used by the Administrator to provide technical assistance for small systems, is amended to read as follows:

SECTION 1449(b) (42 U.S.C. 300j±10) is amended by striking "the Safe Drinking Water Act Amendments of 1977" and inserting "the Safe Drinking Water Act Amendments of 1977 and inserting "this title" and by striking "this Act" and inserting "this title".

TITLES III—GENERAL PROVISIONS REGARDING SAFE DRINKING WATER ACT.
"(e) Technical Assistance.—The Administrator may provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with this title and any applicable national primary drinking water regulations. Such assistance may include—

1. circuit-ride programs, training, and preliminary engineering evaluations.
2. is authorized the Administrator to be used for such technical assistance $15,000,000 for fiscal years 1997 through 2003. No portion of any State revolving fund established under section 1452 (relating to State revolving funds) and no portion of any funds made available under this subsection may be used either directly or indirectly to supplant funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

SEC. 303. PUBLIC WATER SYSTEM SUPERVISION PROGRAM.

Section 1443a (42 U.S.C. 307-2a) is amended to read as follows:

(1) Paragraph (7) is amended to read as follows:

"(7) AUTHORIZATION.—For the purpose of making payments under section 1443a, grants are authorized to be appropriated $100,000,000 for each of fiscal years 1997 through 2003."

(2) By adding at the end the following:

"(8) FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility for a State public water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

SEC. 304. MONITORING AND INFORMATION GATHERING.

"(a) REVIEW OF EXISTING REQUIREMENTS.—Paragraph 146(a) (42 U.S.C. 303-4(a)) is amended to read as follows:

"(1)(A) Every person who is subject to any requirement of this title or who is a grantee, shall establish and maintain such records, make such reports, conduct such monitoring, and provide such information as the Administrator may reasonably require by regulation to assist the Administrator in establishing regulations under this title, in determining whether such person has acted or is acting in compliance with this title, in administering financial assistance under this title, in evaluating the health risks of unregulated contaminants, or in advising the public of such risks. In requiring a public reporting under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.

"(B) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require, after consultation with the State in which such person is located if such State has primary enforcement responsibility for public water systems, on a case-by-case basis, to determine whether such person has acted or is acting in compliance with this title.

"(C) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require, after consultation with the State in which such person is located if such State has primary enforcement responsibility for public water systems, on a case-by-case basis, to determine whether such person has acted or is acting in compliance with this title.

SEC. 314B. MONITORING OF CONTAMINANTS.

(a) INTERIM MONITORING RELIEF AUTHORITY.—(1) The Administrator may grant monitoring flexibility to any regulated or unregulated contaminants for which monitoring is required other than microbial contaminants (or indicators thereof), disinfectants and disinfection by-products or corrosion by-products for an interim period after the date of enactment of this title. The Administrator shall not later than 2 years after the date of enactment of this title, by regulation, modify the monitoring requirements for contaminants identified by the Administrator, and promulgate any necessary modifications.

(b) MONITORING RELIEF.—Part B is amended by adding the following new section after section 1417:

"SEC. 141B. MONITORING OF CONTAMINANTS.

(1) Paragraph (7) is amended to read as follows:

"(7) AUTHORIZATION.—For the purpose of making payments under section 1445(a) (42 U.S.C. 307-4(a)) is amended to read as follows:

"(A) demonstrate that the contamination source has been removed or that other action would provide assurance that it complies with the Administrator's guidelines. The State program must be adequate to assure compliance with, and enforcement of, applicable national primary drinking water regulations. The alternative monitoring program shall not apply to regulated microbiological contaminants (or indicators thereof), disinfectants and disinfection by-products or corrosion by-products. The preceding sentence is not intended to limit other authority of the Administrator under other provisions of this title to grant monitoring flexibility.

"(B) For purposes of subparagraph (A), the phrase "maximum contaminant level" means that, although contaminants have been detected in a water supply, the State has sufficient knowledge of the contamination source and extent of contamination to predict that the maximum contaminant level will not be exceeded. In determining that a contaminant is reliably and consistently below the maximum contaminant level, States shall consider the quality and completeness of data, the length of time covered and the volatility of monitoring results during that time, and the proximity of such results to the maximum contaminant level. Wide variations in the analytical results, or analytical results close to the maximum contaminant level, shall not be considered to be reliably and consistently below the maximum contaminant level.

"(C) The Administrator shall, after notice and comment and at the same time as guidelines are issued for source water assessment under section 1428, guidelines for States to follow in proposing alternative monitoring requirements under paragraph (1) of this subsection for chemical contaminants, issue similar guidelines in the Federal Register. The guidelines shall assure that the public health will be protected from drinking water contamination. The guidelines shall require that a State alternative monitoring program apply on a contaminant-by-contaminant basis and that, to be eligible for such alternative monitoring program, a public water system must show the State that the contaminant is not present in the drinking water supply or, if present, it is reliably and consistently below the maximum contaminant level.
This page consists of a legislative text, which describes the establishment of a national drinking water occurrence database and the implementation of monitoring plans for certain contaminants in public water systems. The document outlines the requirements for monitoring, the frequency of monitoring, the notification of the public, and the authority of the Administrator to review and vary the monitoring requirements. It also discusses the establishment of unregulated contaminants, the criteria for monitoring, and the provision of information to the public. The text is structured as a series of paragraphs, each detailing specific aspects of the legislation. This page is a continuation of the previous one, with a focus on the establishment of a database and the monitoring of contaminants.
SEC. 308. STATE REVOLVING FUNDS.

Part E (42 U.S.C. 300 et seq.) is amended by adding the following new section after section 1452:

"SEC. 1452. STATE REVOLVING FUNDS.

(a) General Authority.—

"(1) Grants to States to establish revolving funds.—(A) The Administrator shall enter into agreements with eligible States to make capitalization grants, including letters of credit, to the States under this subsection solely to further the health protection objectives of this title, promote the efficiency of fund resources, and for such other purposes as are specified in this title.

(B) To be eligible to receive a capitalization grant under this section, a State shall establish a drinking water treatment revolving loan fund and comply with the other requirements of this section.

(C) Such a grant to a State shall be deposited in the drinking water treatment revolving fund established by the State, except as otherwise provided in this section and in other provisions of this title. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State revolving fund.

(D) Such a grant to a State shall be available to the State for obligation during the fiscal years for which the funds are authorized and during the following fiscal year, except that grants made available from funds provided in Public Law 103-327, Public Law 103-128, and Public Law 104-134 shall be available for obligation during each of the fiscal years 1997 and 1998.

(E) Except as otherwise provided in this section, funds available to carry out this part shall be allotted to States that have entered into an agreement pursuant to this section in accordance with—

(i) for each of fiscal years 1995 through 1997, a formula that is the same as the formula used to distribute public water system supervision grants under section 1448 in fiscal year 1995, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming; and

(ii) for fiscal year 1998 and each subsequent fiscal year, a formula that allocates to each State an amount equal to the per capita portion of the State needs identified in the most recent survey conducted pursuant to section 1452(h), except that the minimum proportionate share defined in each State shall be the same as the minimum proportionate share provided under clause (i).

(F) Such grants not obligated by the last day of the fiscal year in which the funds are authorized shall be reallocated according to the appropriate criteria set forth in subparagraph (E).

(G) The State allotment for a State not exercising primary enforcement responsibility for public water systems shall not be de- posited in any such fund but shall be allotted by the Administrator as follows: 20 percent of such allotment shall be available to the Administrator as needed to exercise primary enforcement responsibility under this title in such State; and the remainder shall be reallocated to States exercising primary enforcement responsibility for public water systems for deposit in such funds. Whenever the Administrator determines that a final determination pursuant to section 1431(b) that the requirements of section 1431(a) are no longer being met by a State, additional grants for such State under this title shall be immediately terminated by the Administrator. This subparagraph shall not apply to any State not exercising primary enforcement responsibility for public water systems as of the date of enactment of the Safe Drinking Water Act Amendments of 1996.

"(ii) The Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section to a State if the State has not met the requirements of section 1419 (relating to capacity development).

(iii) All funds withheld by the Administrator pursuant to clause (i) shall be reallocated by the Administrator on the basis of the same ratio as is applicable to funds allotted under subparagraph (E). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to capacity development).

(ii) All funds withheld by the Administrator pursuant to clause (ii) shall be reallocated by the Administrator on the basis of the same ratio as applicable to funds allotted under subparagraph (E). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to capacity development).

"(2) Use of funds.—Except as otherwise authorized by this title, amounts deposited in such revolving funds, including loan repayment, interest, and principal on such amounts, shall be used only for providing loans, loan guarantees, or as a source of revenue for leveraged loans, the proceeds of which are deposited in a State the same ratio as is applicable to funds allotted under subparagraph (E). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to capacity development).

"(iii) All funds withheld by the Administrator pursuant to clause (ii) shall be reallocated by the Administrator on the basis of the same ratio as applicable to funds allotted under subparagraph (E). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to capacity development).

"(IV) All funds withheld by the Administrator pursuant to clause (ii) shall be reallocated by the Administrator on the basis of the same ratio as applicable to funds allotted under subparagraph (E). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to capacity development).

"(b) Intended Use Plans.—

"(1) In general.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

"(2) Contents.—An intended use plan shall include—

(A) a list of the projects to be assisted in the first fiscal year that begins after the date the plan is submitted; a brief description of the project, the expected terms of financial assistance, and the size of the community served by the project;

(B) the criteria and methods established for the distribution of funds; and

(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

"(c) Use of funds.—

"(1) In general.—(A) An intended use plan shall provide, to the maximum extent practicable, for the use of funds be- given to projects that—

(i) address the most serious risk to human health;

(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

(iii) assist systems most in need on a per household basis according to State affordability criteria.

(B) List of Projects.—Each State shall, after notice and opportunity for public comment and petition, publish and periodically update a list of projects in the State that are eligible for assistance under this part, including the priority assigned to each project and, to the extent possible, the expected funding schedule for each project.

"(d) Fund Management.—Each State revolving fund under this section shall be established, maintained, and credited with payments and interest. The fund corpus shall be available in perpetuity for providing financial assistance, and the size of the community served by such amounts, shall be invested in interest bearing obligations.

"(2) Assistance for disadvantaged communities.—

"(i) Loan subsidy.—Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) to a disadvantaged community, the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (inclusion, forgiveness of principal).

"(ii) Total amount of subsidies.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to para- graph (a) shall not exceed 30 percent of the amount of the capitalization grant received by the State for the year.
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"(3) Definition of disadvantaged community.—In this subsection, the term ‘disadvantaged community’ means the service area of a public water system that meets affordability established after a public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

"(e) State contribution.—Each agreement under subsection (a) shall require that the State:

(A) contribute an amount to the revolving fund from State moneys equal to at least 20 percent of the total amount of the grant to be made to the State on or before the date on which the grant payment is made to the State, except that a State shall not be required to deposit such amount into the fund prior to the date on which each grant payment is made for fiscal years 1994, 1995, 1996, and 1997 if such State deposits the State contribution amount into the State fund prior to September 30, 1998.

(f) Combined financial administration.—Notwithstanding subsection (c), a State may, as a convenience and to avoid unnecessary administrative costs, combine, in accordance with State law, the financial administration of a revolving fund established under this section with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which such revolving fund was established and if the Administrator determines that:

(1) the grants under this section, together with loan repayments and interest, will be separately accounted for and used solely for the purposes specified in this section; and

(2) the State has established assistance priorities and carried out oversight and related activities (other than financial administration) with respect to such assistance remaining larger than necessary for the agency’s responsibility for administration of the State program under section 1413.

(g) Administration.—Each State may annually use up to 4 percent of the funds allotted to the State under this section to cover the reasonable costs of administering the programs under this section, including the reasonable costs incurred in acquiring land or conservation easements from a willing seller or promise, the purchase of a conservation easement from a willing seller or promise, and the payment of due diligence expenses.

(h) Needs survey.—The Administrator shall conduct an assessment of water system capital improvements needs of all eligible public water systems. Each public water system and sub-State public entity shall periodically report to the Administrator a report every 2 years on its activities under this section and the findings of the most recent audit of the fund and the entire State allotment. The Administrator shall make all funds available under this section to the States pursuant to this subsection in accordance with procedures established by the Comptroller General.

(i) Needs survey.—The Administrator shall conduct an assessment of water system capital improvements needs of all eligible public water systems. Each public water system and sub-State public entity shall periodically report to the Administrator a report every 2 years on its activities under this section and the findings of the most recent audit of the fund and the entire State allotment. The Administrator shall make all funds available under this section to the States pursuant to this subsection in accordance with procedures established by the Comptroller General.

(j) Indian tribes.—The宜居 percent of the amounts appropriated annually to carry out this section may be used by the Administrator to make grants to Indian Tribes and Alaskan Native Villages which are otherwise eligible to receive either grants from the Administrator to acquire land or conservation easements from a willing seller or promise, and conservation easements from a willing seller or promise, and the purchase of a conservation easement from a willing seller or promise, and the payment of due diligence expenses, and to carry out such programs in accordance with section 1413(b).

(k) Other areas.—Of the funds annually available under this section for grants to State, the State allotment may be used to make grants to other areas, and amounts in accordance with section 1443(a)(4) for the District of Columbia, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Republic of Palau. The grants allotted as provided in this subsection may be provided by the Administrator to the governing body of a public water system as part of a capacity development strategy pursuant to section 1443(a)(1). Such grants may only be used for expenditures by such public water systems and by public water systems in such areas under paragraph (1) of this subsection.

(l) Savings.—The failure or inability of any public water system to receive funds under this section or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the State to comply in a timely manner with all applicable drinking water standards and requirements of this title.

(m) Authorization of Appropriations.—There is authorized to be appropriated to carry out the purposes of this section an amount for each of fiscal years 1994 and 1995 equal to the sum of $3,000,000,000 and $1,000,000,000 for each of the fiscal years 1995 through 2003. Sums shall remain available until expended.

(n) Health effects studies.—From funds appropriated pursuant to this section for each fiscal year, the Administrator shall annually reserve $1,000,000 for health effects studies on drinking water contaminants authorized under the Safe Drinking Water Act Amendments of 1996. In allocating funds made available under this subsection, the Administrator shall give priority to studies concerning the health effects of cryptosporidium,

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disinfection byproducts, and arsenic, and the implementation of a plan for studies of subpopulations at greater risk of adverse effects.

(10) DEMONSTRATION PROJECT FOR STATE OF VIRGINIA.—Notwithstanding the other provisions of this subsection limiting the use of funds deposited in a State revolving fund from any State allotment, the State of Virginia may, as a single demonstration and with the approval of the Virginia General Assembly and the Administrator, conduct a program of alternative approaches to intergovernmental coordination to assist in the financing of new drinking water facilities in the following rural communities in the State of Virginia: Albemarle County, Loudoun County, Prince William County, and the City of Norfolk, Virginia. The funds allotted to that State and deposited in the State revolving fund may be loaned to a regional endowment fund for the purpose set forth in this paragraph under a plan established by the Administrator. The plan may include an advisory group that includes representatives of such counties.

SEC. 309. WATER CONSERVATION PLAN. Part E is amended by adding at the end the following:

SEC. 1453. WATER CONSERVATION PLAN. (a) GUIDELINES.—Not later than 2 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall publish in the Federal Register guidelines for water conservation plans for public water systems serving fewer than 10,000 persons, public water systems serving between 3,300 and 10,000 persons, and public water systems serving more than 10,000 persons, taking into consideration such factors as water availability and climate.

(b) SRF LOANS OR GRANTS.—Within 1 year after the date on which such guidelines are published under subsection (a), a State exercising primary enforcement responsibility for public water systems may require a public water system, as a condition of granting a loan or grant from a State revolving fund under section 1452, to submit with its application for such loan or grant a water conservation plan consistent with such guidelines.

TITLE IV—MISCELLANEOUS

SEC. 401. DEFINITIONS. (a) ALTERNATIVE QUALITY CONTROL AND TESTING PROCEDURES.—Section 1401(b)(1)(D) (42 U.S.C. 300j±12(b)(1)(D)) is amended by adding at the end the following:

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS. (a) General.—Part A (42 U.S.C. 300f) is amended by adding the following new section after section 1401:

(b) by striking "(4) The" and inserting the following:

1992±2003 ........................... 15,000,000."

(c) by adding at the end the following:

SEC. 1403. NEW YORK CITY WATERSHED PROTECTION PROGRAM. Section 1443 (42 U.S.C. 300j±2) is amended by adding at the end the following:

SEC. 404. ESTROGENIC SUBSTANCES SCREENING PROGRAM. Part F is amended by adding the following at the end thereof:

SEC. 1466. ESTROGENIC SUBSTANCES SCREENING PROGRAM. (a) Development.—Not later than 2 years after the date of enactment of this section, the Administrator shall develop a screening program, using appropriate validated tests and other scientific information, to determine whether certain substances may have an effect in humans.
that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

(b) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this section, after obtaining public comment and review of the screening program described in subsection (a), the Administrator shall designate the Administrator may suspend the sale or distribution of the substance under the provisions of subsection (a), and submit information obtained from the testing to the Administrator, within a reasonable time period that the Administrator determines is sufficient for the generation of the information.

(2) PROCEDURES.—To the extent practicable, the Administrator shall minimize duplicative testing of the same substance for the same endocrine effect, develop, as appropriate, procedures for fair and equitable sharing of procedures for handling of confidential business information.

(3) FAILURE OF REGISTRANTS TO SUBMIT INFORMATION.—

‘‘(A) SUSPENSION.—If a person required to register a substance referred to in subsection (c)(1) fails to comply with an order under paragraph (1) of this subsection, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under subsection (c) shall become effective at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in paragraph (1) of this subsection, the Administrator after completion of a hearing shall be considered to be a final agency action.

‘‘(B) HEARING.—If a person requests a hearing under subparagraph (A), the hearing shall be conducted in accordance with section 610(i) of the Federal Rules of Civil Procedure. The only matter for resolution at the hearing shall be whether the person has failed to comply with an order under paragraph (1) of this subsection. The Administrator after completion of the hearing shall be considered to be a final agency action.

‘‘(C) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this paragraph issued with respect to a person if the Administrator determines that the person has complied fully with this subsection.

‘‘(D) NONCOMPLIANCE BY OTHER PERSONS.—Any person (other than a person referred to in subparagraph (A)) who fails to comply with an order under paragraph (1) of this subsection shall be liable for the same penalties and sanctions as are provided under subsection (b) of section 1452(n) for health effects studies for purposes of this section, to have an endocrine effect on the human health, the Administrator shall, as appropriate, take action under such statutory authority as is available to the Administrator, including consideration under other sections of this Act, as is necessary to ensure the protection of public health.

(2) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this section, the Administrator shall prepare and submit to Congress a report containing —

‘‘(1) the findings of the Administrator resulting from the screening program described in subsection (a);

‘‘(2) recommendations for further testing needed to evaluate the impact on human health of the substances tested under the screening program; and

‘‘(3) recommendations for any further actions (including any action described in subsection (b)(2) of this section) that the Administrator determines are appropriate based on the findings.

‘‘(H) SAVINGS CLAUSE.—Nothing in this section shall be construed to amend or modify the provisions of the Toxic Substances Control Act or the Federal Insecticide, Fungicide, and Rodenticide Act.

SEC. 406. RETURN FLOWS.

Section 303 of Public Law 102–486 (42 U.S.C. 1355) shall not apply to drinking water supplied by a public water system regulated under title XIV of the Public Health Service Act (the Safe Drinking Water Act).

SEC. 407. EMERGENCY POWERS.

Section 1435(b) is amended by striking out “$5,000” and inserting in lieu thereof “$15,000.”

SEC. 408. WATERBORNE DISEASE OCCURRENCE STUDY.

(a) SYSTEM.—The Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall jointly establish—

(1) within 2 years after the date of enactment of this Act, pilot waterborne disease occurrence studies in at least 5 major United States communities or public water systems; and

(2) within 5 years after the date of enactment of this Act, a national system on the findings of the pilot studies, and a national estimate of waterborne disease occurrence.

(b) TRAINING AND EDUCATION.—The Director and Administrator shall jointly establish a national health care provider training and public education campaign to inform both health care providers and the public of the risks to public health of waterborne disease and the symptoms that may be caused by indirect and direct contamination by microbial contaminants. In developing such a campaign, they shall seek comment from interested groups and individuals, including scientists, physicians, State and local governments, environmental groups, public water systems, and vulnerable populations.

(c) FUNDING.—There are authorized to be appropriated for each of fiscal years 1997 through 2001, $3,000,000 to carry out this section. To the extent funds under this section are not fully appropriated, the Administrator may use not more than $2,000,000 of the funds from amounts reserved under section 1452(n) for health effects studies for purposes of this section. The Administrator may transfer a portion of such funds to the Centers for Disease Control and Prevention for such purposes.

SEC. 409. DRINKING WATER STUDIES.

(a) SUBPOPULATIONS AT GREATER RISK.—The Administrator of the Environmental Protection Agency shall conduct a continuing program of studies of groups within the general population that are at greater risk than the general population of adverse health effects from contaminants in drinking water. The studies shall examine whether and to what degree infants, children, pregnant women, the elderly, individuals with compromised health or medical conditions, women, and other populations that can be identified are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.

(b) BIOLOGICAL MECHANISMS.—The Administrator shall conduct studies to—

(1) understand the biophysical mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, as so to develop a more accurate physiological based models of the phenomena;

(2) understand the effects of contaminants and the biomedical mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially subpopulations at greater risk of adverse health effects, and between test animals and humans; and

(3) develop new approaches to the study of contaminant mixtures, such as contaminants in drinking water, especially to determine the prospects for synergistic or antagonistic interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

(c) STUDIES ON HARMFUL SUBSTANCES IN DRINKING WATER.—

(1) DEVELOPMENT OF STUDIES.—The Administrator shall, after consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and, as appropriate the heads of other agencies, conduct the studies described in paragraph (2) to support the development and implementation of the most current version of each listing:

(A) Enhanced surface water treatment rule (59 Fed. Reg. 38332 (July 29, 1994)).

(B) Disinfectant and disinfection byproducts rule (59 Fed. Reg. 38593 (July 29, 1994)).

(C) Ground water disinfection rule (availability of draft summary announced at (57 Fed. Reg. 35900; July 31, 1992)).

(2) REQUIREMENTS OF STUDIES.—The studies required by paragraph (1) shall include, at a minimum, each of the following:

SEC. 410. CONGRESSIONAL RECORD — HOUSE

June 25, 1996

H6740
(A) Toxicological studies and, if warranted, epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with mental and birth defects and other potential toxic end points.

(B) Toxicological studies and, if warranted, epidemiological studies to quantify the carcinogenicity from exposure to the disinfection byproducts resulting from different disinfectants.

(C) The development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus.

(3) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection $12,500,000 for each of fiscal years 1997 through 2003.

SEC. 410. BOTTLED DRINKING WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301) is amended as follows:

(1) By striking “Whenever” and inserting “(a) Except as provided in subsection (b), whenever”;

(2) By adding at the end thereof the following new subclause:

“(b)(1) Not later than 180 days before the effective date of a national primary drinking water regulation promulgated by the Administrator of Environmental Protection Agency for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the Secretary shall promulgate a standard of quality regulation under this subsection for that contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems (as defined under section 1411(4) of such Act (42 U.S.C. 300f(4))) but not in water used for bottled drinking water. The effective date for any such standard of quality regulation shall be the same as the effective date for such national primary drinking water regulation, except for any standard of quality regulation promulgated by the Secretary before the date of enactment of the Safe Drinking Water Act Amendments of 1996 for which (as of such date of enactment) an effective date had not been established. In the case of a standard of quality regulation to which such exception applies, the Secretary shall promulgate monitoring requirements for the contaminants covered by the regulation not later than 2 years after such date of enactment. Monitoring requirements shall become effective not later than 180 days after the date on which the monitoring requirements are promulgated.

(2) A regulation issued by the Secretary as provided in this subsection shall include as provided in this subsection shall include

(a) Short Title.—This title may be cited as the ‘Safe Bottled Drinking Water Act’.

(b) Table of Contents.—

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1400</td>
<td>Short title and table of contents.</td>
</tr>
<tr>
<td>1401</td>
<td>Definition of terms.</td>
</tr>
<tr>
<td>1402</td>
<td>Authorization of appropriations.</td>
</tr>
<tr>
<td>1403</td>
<td>Public water systems.</td>
</tr>
<tr>
<td>1411</td>
<td>Coverage.</td>
</tr>
<tr>
<td>1412</td>
<td>National drinking water regulations.</td>
</tr>
<tr>
<td>1413</td>
<td>State primary enforcement responsibilities.</td>
</tr>
<tr>
<td>1414</td>
<td>Enforcement of drinking water regulations.</td>
</tr>
<tr>
<td>1415</td>
<td>Variances.</td>
</tr>
<tr>
<td>1416</td>
<td>Exemptions.</td>
</tr>
<tr>
<td>1417</td>
<td>Prohibition on use of lead pipes, plumbing, and fixtures.</td>
</tr>
<tr>
<td>1418</td>
<td>Monitoring of contaminants.</td>
</tr>
<tr>
<td>1419</td>
<td>Capacity development.</td>
</tr>
</tbody>
</table>

| Part C—Protection of Underground Sources of Drinking Water |

| Sec. 1421 | Regulations for State programs. |
| Sec. 1422 | State primary enforcement responsibility. |
| Sec. 1423 | Enforcement of program. |
| Sec. 1424 | Interim regulation of underground injection. |
| Sec. 1425 | Quality demonstration by States relating to oil or natural gas. |
| Sec. 1426 | Regulation of State programs. |
| Sec. 1427 | Sole source aquifer demonstration program. |
| Sec. 1428 | State programs to establish well-head and source water protection facilities. |
| Sec. 1429 | Federal facilities. |

| Part D—Emergency Powers |

| Sec. 1431 | Emergency powers. |
| Sec. 1432 | Tampering with public water systems. |

| Part E—General Provisions |

| Sec. 1441 | Assurance of availability of adequate supplies of chemicals necessary for treatment of water. |
| Sec. 1442 | Research, technical assistance, information, training of personnel. |
| Sec. 1443 | Grants for State programs. |
| Sec. 1444 | Special study and demonstration project grants; guaranteed loans. |
| Sec. 1445 | Records and inspections. |
| Sec. 1446 | National Drinking Water Advisory Council. |
| Sec. 1447 | Federal agencies. |
| Sec. 1448 | Judicial review. |
| Sec. 1449 | Citizen’s civil action. |
| Sec. 1450 | General provisions. |
| Sec. 1451 | Indian tribes. |
| Sec. 1452 | State revolving funds. |
| Sec. 1453 | Water conservation plan. |

| Part F—Additional Requirements To Regulate the Safety of Drinking Water |

| Sec. 1461 | Definitions. |
| Sec. 1462 | Recall of drinking water coolers with lead-lined tanks. |
| Sec. 1463 | Drinking water coolers containing lead. |
| Sec. 1464 | Lead contamination in school drinking water. |
| Sec. 1465 | Federal assistance for State programs relating to lead contamination in school drinking water. |
| Sec. 1466 | Endocrine substances screening program. |

TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATERSHEDS

| Sec. 501 | Technical and Financial Assistance. |

| (a) | Technical and financial assistance in the form of grants to States (1) for the construction, rehabilitation, and improvement of water supply systems, and (2) consistent with nonpoint source management programs established under section 319 of the Federal Water Pollution Control Act, for source water quality protection programs to address pollutants in navigable waters for the purpose of making such waters usable by water supply systems. |

| (b) Limitation.—Not more than 30 percent of the amounts appropriated to carry out this section in any fiscal year may be used for source water quality protection programs described in subsection (a)(2). |

| (c) Condition.—As a condition to receiving assistance under this section, a State shall ensure that such assistance is carried out in the most cost-effective manner, as determined by the State. |
(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1996 through 2003. Such sums shall remain available until expended.

SEC. 502. NEW YORK CITY WATERSHED, NEW YORK.

(a) In General.—The Administrator may provide technical and financial assistance in the form of grants to the State of Alaska for the benefit of rural and Alaska Native villages for the development and construction of water systems to improve conditions in such villages to a level that is sufficient to meet the requirements of the Environmental Protection Agency, in addition to grants under this section.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 1996 through 2003. Such sums shall remain available until expended.

SEC. 503. RURAL AND NATIVE VILLAGES, ALASKA.

(a) In General.—The Administrator may provide technical and financial assistance in the form of grants to the State of Alaska for the benefit of rural and Alaska Native villages for the development and construction of water systems to improve conditions in such villages to a level that is sufficient to meet the requirements of the Environmental Protection Agency, in addition to grants under this section.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 1996 through 2003. Such sums shall remain available until expended.

SEC. 504. ACQUISITION OF LANDS.

Assistance provided with funds made available under this title may be used for the acquisition of lands and other interests in lands; however, nothing in this title authorizes the acquisition of lands or other interests in lands from other than willing sellers.

SEC. 505. FEDERAL SHARE.

The Federal share of the cost of activities for which grants are made under this title shall be 50 percent.

SEC. 506. CONDITION ON AUTHORIZATIONS OF APPROPRIATIONS.

An authorization of appropriations under this title shall be in effect for a fiscal year only if at least 75 percent of the total amount of funds authorized to be appropriated for such fiscal year by section 306 are appropriated.

SEC. 507. DEFINITIONS.

In this title, the following definitions apply:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) State.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(3) Water Supply System.—The term "water supply system" means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves at least 25 individuals and a draw and fill system for the provision to the public of water for human consumption. Such term does not include a for-profit system that has fewer than 25 year-round residents of the area served by the system or a for-profit system that regularly serves fewer than 25 year-round residents and does not include a system owned by a Federal agency. Such term includes (A) any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and (B) any collection or pretreatment facilities not under such control used primarily in connection with such system.

TITLE VI—DRINKING WATER RESEARCH AUTHORIZATION

SEC. 601. DRINKING WATER RESEARCH AUTHORIZATION.

There are authorized to be appropriated to the Administrator of the Environmental Protection Agency—

(1) amounts authorized for research under section 1412(b)(13) of the Safe Drinking Water Act (title XIV of the Public Health Service Act);

(2) amounts authorized for research under section 409 of the Safe Drinking Water Act Amendments of 1996; and

(3) $10,000,000 from funds appropriated pursuant to this section 1452(n) of the Safe Drinking Water Act (title XIV of the Public Health Service Act).

Such sums as may be necessary for drinking water research for fiscal years 1997 through 2003. The annual total of the sums referred to in this section shall not exceed $26,693,000.

SEC. 602. SCIENTIFIC RESEARCH REVIEW.

(a) In General.—The Administrator shall assign to the Assistant Administrator for Research and Development (in this section referred to as the "Assistant Administrator") the duties of—

(1) developing a strategic plan for drinking water research activities throughout the Environmental Protection Agency (in this section referred to as the "Agency");

(2) integrating that strategic plan into ongoing Agency planning activities; and

(3) reviewing Agency drinking water research to ensure the research—

(A) is of high quality; and

(B) does not duplicate any other research being conducted by the Agency.

(b) Report.—The Assistant Administrator shall transmit annually to the Administrator and to the Committees on Commerce and Science of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) all Agency drinking water research the Assistant Administrator finds is not of sufficiently high quality; and

(2) all Agency drinking water research the Assistant Administrator finds duplicates other Agency research.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to the rule, the gentleman from California (Mr. BILLEY) and the gentleman from Virginia (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BILLEY).

Mr. BILLEY. Mr. Speaker, I ask unanimous consent that the time for debate on this bill be extended by 30 minutes, such time to be equally divided between the gentleman from California [Mr. WAXMAN] and myself.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BILLEY] and the gentleman from California [Mr. WAXMAN] each will control 35 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BILLEY).

Mr. BILLEY. Mr. Speaker, I yield myself such time as I my consume.

Mr. Speaker, I am pleased to rise in support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996.

More than 3 years ago, at the urging of States and local governments, I sat down with former Congressman Jim Slattery to consider how the Safe Drinking Water Act could be fixed.

Both Congressman Slattery and I recognized that the act was not working. Under the existing law, EPA was on a regulatory treadmill.

We also recognized that the Safe Drinking Water Act afforded no flexibility in implementation—the act incorporated a one-size-fits-all philosophy towards monitoring and technology. Unfortunately, if you weren’t the right size—meaning a large public water system—well, that was your problem.

I regret that we were not able to finish our work in the previous Congress. But if there is any consolation in the delay—I believe that we have a far better bill today.

H.R. 3604 contains a balanced package of reforms. The bill gives the EPA the ability to use common sense in establishing new drinking water standards. The Agency, for the first time, can set a drinking water standard which balances the risk of one contaminant against another and directs limited resources toward those contaminants which present the greatest threat to public health.

In addition, the bill contains new emphasis on source water protection, provisions to ensure that operators of public water systems are properly trained, and a new program to help public water systems maintain the capacity to meet drinking water standards.

We have also incorporated consumer-right-to-know provisions and have provided for estrogenic screening.

Importantly, we do not impose all these new requirements on States and local water systems without providing a source of funding. The State Revolving Fund—which provides $1 billion per year—is explicitly tied to Safe Drinking Water Act requirements.

Altogether, I believe we have delivered on our commitment to bring a consensus bill forward which Members from both sides of the aisle can support. We have incorporated the concerns of two other committees and have attempted to put together the broadest possible agreement.

The goal of our effort has been—and always will be—the provision of safe drinking water to our homes and our communities. I believe the bill produced by the Commerce Committee lives up to our historic responsibility to provide for the public health and welfare.

Mr. Speaker, I include the following material for the RECORD:
The bill would impose new intergovernmental and private sector mandates as defined in Public Law 104-4. The costs of these mandates, however, would not exceed the thresholds established in that law. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

CONGRESSIONAL BUDGET OFFICE ESTIMATED COST OF INTERGOVERNMENTAL MANDATES

3. Bill status: As reported by the House Committee on June 25, 1996.
4. Bill purpose: H.R. 3604 would amend the Safe Drinking Water Act (SDWA) to authorize the Environmental Protection Agency (EPA) to develop and implement strategies for small drinking water systems that are feasible for small drinking water systems. These new strategies would also change the federal standard-setting process for small drinking water systems. The bill would also alter requirements for monitoring, treatment, and public notification, and would authorize other kinds of assistance for states and water systems.
5. Intergovernmental mandates contained in bill: H.R. 3604 would impose new mandates on both state and local governments, but would also change the federal drinking water program in ways that would lower the costs to public water systems of complying with existing and future federal requirements. The cost estimates on mandates for intergovernmental systems, many of which are publicly owned and operated, to comply with new public notification requirements, including a requirement to distribute an annual "consumer confidence report" to the customers, comply with operator certification requirements established by the states pursuant to EPA regulations, and provide requested information to EPA on regulated and unregulated contaminants for a new national drinking water database.

In addition, the bill would require states to obtain the legal authority or "other means" to enforce community water systems and new and non-traditional, non-community water systems demonstrate technical, managerial, and financial capacity to comply with federal drinking water regulations. Within four years of the bill's enactment, states would have to develop and implement a strategy to assist public water systems to acquire and maintain technical, managerial, and financial capacity. State agencies would be required to write reports about their assistance to these systems and changing the procedures that EPA uses to identify contaminants for regulation under the SDWA in ways that would likely result in fewer contaminants being regulated. Delaying the effective date of new regulations, direct costs of mandates to State, local, and tribal governments:

(a) is the $20 Million Threshold Exceeded? No.
(b) Total Direct Costs: CBO estimates that the annual costs of new mandates imposed by the bill on state and local governments would total $30 million to $40 million. CBO projects that publicly owned water systems would incur costs of $15 million to $25 million per year to comply with requirement to mail annual "consumer confidence reports" to their customers. Publicly owned water systems would also incur annual direct costs of $10 million to $20 million to comply with the operator-certification requirement, beginning in 2001. CBO further estimates that state governments would incur costs totaling several million dollars per year to comply with the requirement to develop and implement capacity development strategies for water systems.

These additional costs to state and local governments would be at least partially offset by a mandate that requires the federal drinking water program that would significantly lower the costs of complying with future requirements. Specifically, the bill would require public water systems to bear the costs of implementing the new standards. We have assumed that many of the smallest water systems would be subject to operator certification requirements as a result of this bill and that about 10,000 of those are owned and operated by local governments. Based on estimates of the costs for training and testing their employ- ees, CBO assumed that some systems could use the alternative of having their operators in those states with similar programs, thus reducing costs to be $15 million to $25 million annually for publicly owned systems.

Based on a small survey of daily circulation newspapers, CBO estimates that providing the option for small systems to publish their report in newspapers would not significantly reduce the aggregate cost of the requirement. CBO estimates that, in general, the printing and postage costs for a system serving 10,000 or fewer people would be similar to the cost of a display advertisement or legal notice.

New Operator Certification Requirements.—H.R. 3604 would require EPA to issue regulations specifying minimum standards for the certification of operators of small drinking water systems. This mandate would impose costs totaling $5 million to $10 million annually on publicly owned systems, primarily on very small ones. Because most small systems now have an operator certification program, many of them exempt these small systems. CBO estimates that approximately 33,000 additional systems would be subject to operator certification requirements as a result of this bill and that about 10,000 of those are owned and operated by local governments. Based on estimates of the costs for training and testing their employees, CBO estimated that many of the smallest water systems would utilize contractors rather than employ certified operators. Other systems would incur costs for training and testing their employees.

This estimate is based on a number of factors that are highly uncertain. The bill would provide EPA considerable latitude in establishing minimum standards, and CBO is unable to predict what standards would be. Further, we cannot predict the extent to which EPA would allow states to continue their current programs in lieu of adopting standards similar to those that EPA would require. EPA would not require substantial changes in existing state requirements for larger systems. The cost of this mandate could be greater if that were not the case. Part of the cost we have attributed to the public sector could be shifted to the private sector if some small water systems require individual operators to bear the cost of obtaining their certification.

Information Requirements.—The bill would allow EPA, after consultation with the states, to provide information for use in establishing new standards for contaminants. Under current law, EPA can only require information for use in rule-making. The bill would limit the kinds of information EPA could require without providing funding and would require the agency to first try obtaining information voluntarily. Because of these limitations, CBO does not expect reporting costs for public water systems to increase significantly as a result of this change.

New mandate on State governments: H.R. 3604 would require each state to obtain the legal authority or "other means" to...
ensure that all new community water systems and new non-transient, non-community water systems demonstrate technical, managerial, and financial capacity to comply with federal drinking water standards. Within four years of the bill’s enactment, states would have to develop and implement a “capacity development strategy” to implement new regulations. With current law, states would have to devote additional resources to meet this requirement. Many state agencies that oversee drinking water systems (including state health agencies) do not currently have expertise in managerial or financial operations of drinking water systems. Therefore, CBO estimates that as a whole states would have to spend several million dollars per year to develop and implement these strategies. How much states would spend would depend on what standard EPA applies to the bill’s instruction to withhold 20 percent of a state’s SRF grant if it has not complied with this mandate. In any case, states receiving SRF funds to develop compliance strategies would have to use some of the grant money to defray this cost. This funding would probably offset most of the additional costs to the states.

Changes likely to reduce compliance costs

Other provisions, discussed individually below, would reduce the likely costs of complying with future drinking water regulations. These future regulations, which would be recent law, would impose significant costs, primarily on local public water systems. The number and stringency of these regulations are likely to be less under H.R. 3004, and associated cost savings would at least partially offset the additional costs of new mandates contained in the bill. However, CBO cannot estimate these savings on the basis of information we currently have.

New standard-setting procedure.—H.R. 3004 would establish procedures for setting new drinking water contaminants for regulation and for determining permissible levels of those contaminants in ways that would likely lower compliance costs for local water systems. First, it would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, states would have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would regulate fewer contaminants than currently required.

Second, the bill would require EPA to conduct a cost-benefit analysis for new primary drinking water regulations before they are proposed. The bill also would require EPA, when proposing a maximum contaminant level, to determine whether the benefits of the proposed MCL justify the costs of complying with it. EPA would be given the discretionary authority to establish less stringent standards when it determines that the benefits of an MCL set at the feasible level would not justify the cost of compliance or when it determines that the contaminants are not likely to cause significant adverse health effects. If EPA uses this discretionary authority, it would have to set the MCL at a level that maximizes the reduction in health risks as determined by the benefits of the current law requires EPA to perform cost/benefit analyses of new regulations, it does not give the agency the discretion to use those analyses as justification for changing the standards contained in new regulations. This change would give EPA greater discretion in the regulation of future drinking water regulations. Any use of that discretion would lower the cost of compliance for public water systems.

Effective date of regulations.—The bill would change the date that primary drinking water regulations become effective from eighteen months to three years after the date of promulgation unless EPA determines that an earlier date is practicable. This change would give water systems more time to install new equipment or to take other steps necessary to comply with the regulation. Small system technologies and variances.

Current law allows EPA and the states to provide variances to small systems if it is too costly for them to meet a standard. Such provisions are almost never used, however. The bill would create a Best Available Affordability Technology (BAAT) variance. States would be allowed to grant BAAT variances to small systems that can not otherwise afford to meet the standard. If this variance option is used, it would provide financial relief to small systems, many of which are publicly owned.

Changes to monitoring requirements.—H.R. 3004 would change requirements for local water systems in ways that probably would lower compliance costs. First, the bill would allow states with primary enforcement authority to develop alternative monitoring requirements to modify temporarily the monitoring requirements for most regulated and unregulated contaminants. States with primary would be allowed to require representative sampling of 10,000 or fewer people of monitoring for a contaminant for up to three years if certain conditions are met.

Second, the bill would allow states with primary enforcement authority, in some circumstances, to alter monitoring requirements for most regulated contaminants permanently. Third, the section would cap the number of unregulated contaminants for which EPA could require monitoring. Under current law, which has no such cap, EPA requires testing for 33 unregulated contaminants.

Fourth, under “representative monitoring plans” promulgated by primary enforcement authority, public water systems serving 10,000 or fewer people would probably monitor for unregulated contaminants less frequently than required by current law. The bill would require all systems to do such monitoring, but under these plans, only a representative sample of water systems would have to monitor. Finally, this section would direct the EPA Administrator to pay the reasonable costs of testing and analysis that small systems (those serving 3,000 or fewer people) incur by carrying out the representative monitoring plans.

A Appropriation or other Federal financial assistance provided in bill to cover mandate costs

New Federal Grant Program to Set Up State Revolving Funds.—The bill would authorize appropriations of $8.4 billion for state and local governments over fiscal years 1997 to 2003. The largest authorization would be $7 billion for the creation of state revolving funds. In addition, the bill would make available for spending $725 million that was appropriated for the SRF’s in fiscal years 1994-1996. If the authorized funds are appropriated as grants rather than for revolving fund purposes, such funds could be used for developing and implementing capacity development programs. The bill would allow states to use a portion of their SRF grants to pay for the cost of developing and implementing capacity development strategies. However, in order to use these funds, states would have to take steps to become eligible for an SRF grant and provide the required 20 percent state match to receive the grant.

The bill would allow a state to spend up to 15 percent of its SRF grant on certain activities, but only up to 10 percent on any one activity. The allowable activities would include providing assistance to water systems for developing technical, managerial, and financial capacity. The bill would also allow a state with primary enforcement authority to spend up to 10 percent of its SRF grant on four different kinds of activities, one of which is developing and implementing a capacity development strategy. In order to do so, states would have to match such expenditures with an equal amount of state funds, at least 80 percent of which would have to exceed the amount the state spent supervising public water systems in fiscal year 1993.

CBO expects that most, if not all, states would spend up to 80 percent of the funds and thus would be able to use a portion of their grant for funding state activities, including developing and implementing their capacity development strategies.

Assuming appropriation of the full amounts authorized, CBO estimates that, if states claim the maximum amounts available for these activities, about $1.6 billion in SRF funds would be available to states over fiscal years 1997-2003. While states would be required to provide matching funds to receive SRF grants and, in some cases, to use the grant money for purposes other than capitalizing their SRF, CBO estimates that they would be able to pay for most of their capacity development activities with federal funding.

Other Authorizations of Appropriations.—

Section 302 of the bill would authorize appropriations of $15 million for fiscal years 1997 through 2003 to be used to provide technical assistance to small public water systems. Such assistance may include circuit-rider programs, training, and prelimary engineering evaluations. The purpose of such assistance would be to enable small public water systems to achieve and maintain compliance with national primary drinking water regulations.

Section 303 would extend the authorization for grants to the states for public water system supervision (PWS5) programs through fiscal year 2003 at $100 million per year and in some situations would allow states to supplement their PWS5 grant with money from their SRF capitalization grant. The PWS5 programs implement the Safe Drinking Water Act at the local level through enforcement, staff training, data management, sanitary surveys, and certification of testing laboratories.

Section 304 would authorize appropriations of $30 million annually for fiscal years 1997 through 2003 for EPA to carry out a monitoring program for unregulated contaminants. Based on regulations promulgated by EPA, every state would have to provide a plan for representative sampling of small systems serving a population of 10,000 or less. The bill would appropriate the necessary funds for the Purpose of providing funds as grants for these small systems to pay for the costs of monitoring unregulated contaminants.

Section 305 would extend the authorization of appropriations for EPA’s sole source aquifer demonstration program at $15 million for
each of fiscal years 1997 through 2003. This program provides 50 percent matching grants to states and localities for projects to protect critical aquifers. This section would also extend the authorization of appropriations for EPA's wellhead protection program at $30 million through fiscal year 2003. This program provides matching grants to states to fund projects to protect the areas around water wells.

Section 403 would authorize appropriations of $15 million annually through fiscal year 2003 to assist in the implementation of Project Protection program for the city of New York, Federal assistance for this program would be capped at 35 percent.

4. Estimated direct cost to the private sector: The net direct costs of the private-sector mandates identified in this bill would not likely exceed the $100 million threshold established in Public Law 104-4. Although mandates become effective at different dates, CBO estimates that the aggregate direct cost of mandates in this bill for which we were able to obtain data would range from $40 million to $60 million annually for the first five years. Greater uncertainty exists for some mandates that become effective in later years. Specifically, costs for estrogenic testing under Section 404 could exceed the threshold if more expensive tests become required. We further estimate that the costs of these new mandates on the private sector would be at least partially offset by savings from changes the bill would make in the standards-setting processes and other aspects of the federal drinking water program. These changes, which are the same as those resulting in savings to publicly owned systems, would significantly reduce the costs that privately owned systems would incur to comply with future regulatory requirements.

CBO estimates that privately owned water systems would incur an annual direct cost of $15 million to $20 million for implementing the new operator-certification requirements, which would be subject to estrrogen testing would initially range from $15 million to $25 million annually. These estimates do not include the costs of meeting the threshold if more expensive tests become required. We further estimate that the costs of these new mandates on the private sector would be at least partially offset by savings from changes the bill would make in the standards-setting processes and other aspects of the federal drinking water program. These changes, which are the same as those resulting in savings to publicly owned systems, would significantly reduce the costs that privately owned systems would incur to comply with future regulatory requirements.

5. Private-sector mandates contained in bill: H.R. 3604 would impose new mandates on public water systems, businesses in the plumbing industry, manufacturers of certain chemicals, and manufacturers of bottled drinking water. The bill also would change the federal drinking water program in ways that would lower the costs to public water systems of complying with the current regulations and that would lower the likely cost of complying with future requirements. Over 50 percent of public water systems are privately owned. A large portion of privately owned water systems are relatively small, serving less than 10,000 households. Many provisions of the bill would directly reduce the compliance costs of these systems by providing grants and technical assistance.

The bill contains several new mandates on public water system. Specifically, the bill would require public water systems to comply with operator certification requirements established by the states pursuant to EPA regulations.

Adhere to new public notification requirements, including a requirement to distribute an annual “consumer confidence report” to their customers, and provide requested information to EPA for use in establishing new standards for contaminants.

The bill also contains new mandates on the bottled-water industry, certain segments of the plumbing industry, and manufacturers of certain chemicals. H.R. 3604, if enacted, would:

6. Estimated direct cost to the private sector: The net direct costs of the private-sector mandates identified in this bill would not likely exceed the $100 million threshold established in Public Law 104-4. Although mandates become effective at different dates, CBO estimates that the aggregate direct cost of mandates in this bill for which we were able to obtain data would range from $40 million to $60 million annually for the first five years. Greater uncertainty exists for some mandates that become effective in later years. Specifically, costs for estrogenic testing under Section 404 could exceed the threshold if more expensive tests become required. We further estimate that the costs of these new mandates on the private sector would be at least partially offset by savings from changes the bill would make in the standards-setting processes and other aspects of the federal drinking water program. These changes, which are the same as those resulting in savings to publicly owned systems, would significantly reduce the costs that privately owned systems would incur to comply with future regulatory requirements.

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3. Bill status: As reported by the House Committee on Commerce on June 24, 1996.

4. Bill purpose: H.R. 3604 would amend and reauthorize the Safe Drinking Water Act (SDWA). The purpose of the SDWA is to protect the public drinking water supplies from contamination, specifically the drinking water systems that serve at least 25 people (or 15 service connections) at least 60 days per year. H.R. 3604 would authorize appropriations of $100 million a year for states to establish drinking water system supervision (PWSS) programs, $15 million a year for protecting underground drinking water sources, $30 million a year for protecting certain water supplies and $13 passion for drinking water. The bill also would require states to monitor for unregulated contaminants. Current law requires all systems to do such monitoring.

A new primacy condition, but states would require extra effort by the states. Current law requires all systems to do such monitoring.

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The bill contains several new mandates on public water system. Specifically, the bill would require public water systems to comply with operator certification requirements established by the states pursuant to EPA regulations.

Adhere to new public notification requirements, including a requirement to distribute an annual “consumer confidence report” to their customers, and provide requested information to EPA for use in establishing new standards for contaminants.

The bill also contains new mandates on the bottled-water industry, certain segments of the plumbing industry, and manufacturers of certain chemicals. H.R. 3604, if enacted, would:

1. Impose the standards set for tap water under the SDWA as regulations on the quality of bottled water if the Food and Drug Administration has not acted within 180 days of the issuance of the tap water standards by EPA.

2. Amend and reauthorize the Safe Drinking Water Act (SDWA). The purpose of the SDWA is to protect the public drinking water supplies from contamination, specifically the drinking water systems that serve at least 25 people (or 15 service connections) at least 60 days per year. H.R. 3604 would authorize appropriations of $100 million a year for states to establish drinking water system supervision (PWSS) programs, $15 million a year for protecting underground drinking water sources, $30 million a year for protecting certain water supplies and $13 million a year for assisting small drinking water systems.

3. Amend and reauthorize the Safe Drinking Water Act (SDWA). The purpose of the SDWA is to protect the public drinking water supplies from contamination, specifically the drinking water systems that serve at least 25 people (or 15 service connections) at least 60 days per year. H.R. 3604 would authorize appropriations of $100 million a year for states to establish drinking water system supervision (PWSS) programs, $15 million a year for protecting underground drinking water sources, $30 million a year for protecting certain water supplies and $13 million a year for assisting small drinking water systems.

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8. Amend and reauthorize the Safe Drinking Water Act (SDWA). The purpose of the SDWA is to protect the public drinking water supplies from contamination, specifically the drinking water systems that serve at least 25 people (or 15 service connections) at least 60 days per year. H.R. 3604 would authorize appropriations of $100 million a year for states to establish drinking water system supervision (PWSS) programs, $15 million a year for protecting underground drinking water sources, $30 million a year for protecting certain water supplies and $13 million a year for assisting small drinking water systems.
New Operator Certification Requirements.— H.R. 3604 would require EPA to issue regulations specifying minimum standards for the certification of operators of community water systems. These systems would have costs totaling $25 million to $30 million annually on publicly and privately owned systems, primarily on very small water systems. The bill states that the new operator certification requirements, many of them exempt these small systems. CBO estimates that approximately 25,000 additional public systems would have to undergo operator certification requirements as a result of this bill and about 23,000 of those are privately owned. The CBO estimates that the incremental cost to privately owned systems would range from $15 million to $20 million per year to comply with the new federal requirements for operator certification.

Based on information provided by EPA officials, state officials, and associations of state and local officials, CBO assumed that many of the smallest water systems would utilize contractors rather than employ certified operators. Other systems would incur costs for training and testing of their employees.

This estimate is based on a number of factors that are highly uncertain. The bill would give EPA considerable latitude in establishing standards, and it is impossible to predict what those standards would be. Further, we cannot predict the extent to which EPA would allow states to continue their programs in lieu of adopting the new standards. We have assumed that EPA would not require substantial changes in existing state requirements for large systems. The cost of this mandate could be greater if that were not the case. Part of the cost we have attributed to the public sector could be shifted to the private sector if some small water systems require individual operators to bear the cost of obtaining their certification.

New Public Notification Requirements.— Section 131 would require EPA to issue regulations to require community water systems to mail an annual "consumer confidence report" to each customer. The reports would contain information about the source of the water supplied by the system, the levels of any regulated contaminants detected in the water, the health concerns that prompted the regulations, and the ways in which the system is meeting those regulations.

The governor of a state could exempt systems serving fewer than 10,000 people from the requirement to mail the report. Systems not required to mail the report would need to publish it in local newspapers and make the information available upon request.

CBO estimates that this new requirement would apply to about 30,000 privately owned community water systems that are not already complying with similar state laws. These systems would have costs totaling $25 million annually on publicly and privately owned systems. Based on information from water system operators in those states with similar requirements, CBO estimates that it would cost $10 million to $15 million per year to develop a report, and the cost of these reports. The estimate includes: the cost of obtaining their certification.

Information Requirements.— The bill would allow EPA, after consultation with the states and with water systems, to require water systems to provide information for use in developing contaminant formation factors. Under current law, EPA can only require this information through a formal rule-making process. The bill would limit the kinds of data that EPA would require without providing funding and would require the agency to first try to obtain the information voluntarily. Because of these limitations, CBO estimated that the cost of these requirements for public water systems would increase significantly as a result of this change.

New Bottled Water Standards.— Section 410 of the bill would direct the Federal Drug Administration (FDA) to establish regulations for bottled water for each contaminant for which it has promulgated a rule for drinking water. The regulations are to be issued no later than 180 days after tap water standards have been set and to be no less stringent. If FDA fails to act within the 180-day period, the maximum contaminant levels established for tap water and would apply to bottled water. Industry representatives claim that they already meet and most likely exceed federal standards for drinking water. The likely incremental compliance costs to the industry of this provision would be a result of the cost of obtaining their certification.

New Ban on Lead Plumbing Fixtures.— Section 141 of the bill would ban the use of lead plumbing fixtures and fittings in federal installations and prohibit the use of pipe, solder or flux containing lead in public water systems and residential plumbing intended for human consumption. H.R. 3604 would add a ban on the use of lead plumbing fittings and fixtures and define "lead free" to be based on a consensus standard to be established by The National Sanitation Foundation (a private certifier). Industry experts consulted by CBO indicated that this provision could significantly affect manufacturers and installers of plumbing fixtures and fittings. While current law requires EPA to establish standards in future regulations, this provision would stop the development of new standards for public water systems. The bill would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would actually regulate fewer new contaminants than currently required.

Effective Date of Regulations.— The bill would change the procedures for selecting drinking water contaminants for regulation and for determining permissible levels of those contaminants in ways that would likely increase future compliance costs for public water systems. The bill would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would actually regulate fewer new contaminants than currently required.

New Standard-Setting Procedure.— H.R. 3604 would require EPA to conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill would require that EPA assess whether certain pesticides and other chemicals may affect the endocrine system in ways similar to the natural hormone estrogen. Rather than wait until two years after EPA has established a MCL for a contaminant, EPA would be required to test for a contaminant through the established lead leaching rates and prohibit the use of lead plumbing fittings and fixtures and defines "lead free" to be based on a consensus standard to be established by The National Sanitation Foundation (a private certifier). Industry experts consulted by CBO indicated that this provision could significantly affect manufacturers and installers of plumbing fixtures and fittings. While current law requires EPA to establish standards in future regulations, this provision would stop the development of new standards for public water systems. The bill would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would actually regulate fewer new contaminants than currently required.

Second, the bill would require EPA to conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill would require that EPA assess whether certain pesticides and other chemicals may affect the endocrine system in ways similar to the natural hormone estrogen. Rather than wait until two years after EPA has established a MCL for a contaminant, EPA would be required to test for a contaminant through the established lead leaching rates and prohibit the use of pipe, solder or flux containing lead in public water systems and residential plumbing intended for human consumption. H.R. 3604 would add a ban on the use of lead plumbing fittings and fixtures and define "lead free" to be based on a consensus standard to be established by The National Sanitation Foundation (a private certifier). Industry experts consulted by CBO indicated that this provision could significantly affect manufacturers and installers of plumbing fixtures and fittings. While current law requires EPA to establish standards in future regulations, this provision would stop the development of new standards for public water systems. The bill would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would actually regulate fewer new contaminants than currently required.

Change likely to reduce compliance costs

Several provisions in H.R. 3604 should result in savings to the private sector relative to current law. The additional costs to the private sector of mandates in the bill would be at least partially offset by a number of other changes to the federal drinking water program that would significantly lower the costs of complying with future requirements.

Specifically, the bill would allow public water systems' likely costs by changing the timing of standard-setting and delaying the effective date of new regulations, allowing operators to obtain variances, and allowing states to establish alternative monitoring and reporting requirements. Many of these changes could have the potential to result in savings below.

New Standard-Setting Procedure.— H.R. 3604 would require EPA to conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill would require that EPA assess whether certain pesticides and other chemicals may affect the endocrine system in ways similar to the natural hormone estrogen. Rather than wait until two years after EPA has established a MCL for a contaminant, EPA would be required to test for a contaminant through the established lead leaching rates and prohibit the use of lead plumbing fittings and fixtures and define "lead free" to be based on a consensus standard to be established by The National Sanitation Foundation (a private certifier). Industry experts consulted by CBO indicated that this provision could significantly affect manufacturers and installers of plumbing fixtures and fittings. While current law requires EPA to establish standards in future regulations, this provision would stop the development of new standards for public water systems. The bill would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would actually regulate fewer new contaminants than currently required.

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Effective Date of Regulations.— The bill would change the date that primary drinking water regulations become effective from eighteen months to three years after the promulgation date. This change would give water systems more time to develop a report, and the cost of these reports. The estimate includes: the cost of obtaining their certification.
time to install new equipment or take other steps necessary to comply with the new regulation.

Small System Technologies and Variances.—Current law allows EPA and the states to provide variances to small systems if it is too costly for them to meet a standard. Such variances are designed to focus on results, however. Section 142 of the bill would create a Best Available Affordance Technology (BAAT) variance. States would be allowed to grant BAAT variances to small systems that can not otherwise afford to meet the standards. If this variance option is widely used, it could provide financial relief to small systems, many of which are privately owned.

Changes to Monitoring Requirements.—H.R. 3004 would change monitoring requirements for local water systems in ways that probably would reduce compliance costs for most regulated and unregulated contaminants. States with primacy would be allowed to relieve water systems serving 10,000 or fewer people of monitoring for a period of years (two years in the case of unregulated contaminants) for a period of years. In addition, H.R. 3004 would allow states to temporarily the monitoring requirements for small systems serving populations of 10,000 or less. The bill would require EPA to use money from their SRF capitalization grant the PWSS programs and the Safe Drinking Water Act at the state level to implement a training program that includes technical assistance to small public water systems. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. The purpose of this assistance would be to enable small public water systems to achieve and maintain compliance with the national primary drinking water regulations.

Section 303 of the bill would authorize grants to the states for public water system supervision (PWSS) programs through fiscal year 2003 at $100 million per year and in some situations would allow states to use PWSS grant money from their SRF capitalization grant. The PWSS programs implement the Safe Drinking Water Act at the state level by financial management, sanitary surveys, and certifying of testing laboratories. Some of these funds may be used to pay for training operators of privately owned systems.

Section 304 of the bill would authorize appropriations of $10 million annually for fiscal years 1997 through 2003 to carry out a monitoring program for unregulated contaminants. Based on regulations promulgated by EPA, each state would have to develop a plan for sampling of small systems serving a population of 10,000 or less. The bill would require EPA to use some of the appropriated funds as grants to small systems to pay for the costs of monitoring unregulated contaminants.

8. Previous CBO estimate: None
10. Estimate approved by: J. An Acton, Assistant Director for Natural Resources and Commerce.

Environmental Protection Agency, infrastructure, and fund their own source water protection programs and local protection projects. We applaud the Commerce for including provisions to improve consumer awareness. Public access to information on drinking water quality is crucial, as the Committee has already noted. The bill provides for the development of a new Drinking Water State Revolving Fund (SRF) proposed by President Clinton, which will provide funding to communities to improve drinking water safety. I am concerned, however, that the total level of "taps" from the SRF to specific activities and the availability of dollars needed for building a permanent source of revolving funds.

Finally, the Committee’s bill builds upon the Senate’s balanced approach for selecting contaminants and setting standards, but eliminates duplicative procedural hurdles that could cause unnecessary delays in future safety standards. The bill also has a special provision to preserve the balanced framework that was agreed upon as part of a negotiated rulemaking for setting future standards for perchloroethylene byproducts and Cryptosporidium.

The Administration has steadfastly supported improvements along the lines of the bill reported by the Subcommittee, and EPA has taken a number of steps to prepare for these improvements. Over the last year we have worked hard with stakeholders to realign our resources to reflect priority drinking water concerns. We believe our extensive outreach effort will bolster future partnerships for implementing SDWA. In addition, our planned reorganization of the drinking water program should improve the Agency’s ability to strengthen its scientific and technical capacity while maintaining other priority activities.

EPA’s responsibilities in the bill will present significant implementation challenges. EPA must work rapidly and efficiently to implement SDWA while maintaining other priority activities.
Hon. THOMAS J. BLILEY, Jr.,

	tion that provides balanced regulatory im-
	secure final passage of SDWA reauthoriza-
	forward to working with the Committee to
	comments on the bill. We may have addi-
	bill.
	necessary to allow implementation of the
	resources. Timely implementation is achiev-
	date on states, local governments, and
	current law.
	among other significant changes, the meas-
	ned in setting most new standard. It also ad-
	ard setting process by allowing EPA to bal-
	water. The bill improves the current stand-
	occur or are likely to occur in drinking
	requirements when contaminants do not
	Balanced Resource Assessment, Operators
	
drinking water. This bill, which was intro-
	variances on specific contaminants, are
	provisions for un-
	providing public health protection require-
	
disease monitoring study.
	We continue to have, of course, objections
to some of the language included in H.R.
	3604, particularly the provisions affecting

citizen suits, standard setting (although we
	improvements in drinking water infrastructure.
	these changes and other important improve-
	you to support time-
	in drinking water infrastructure. We urge you to support time-

to regulating contaminants do not
	in a given com-

First and foremost, H.R. 3604 improves the
	protection of public health. It represents a

A reasonable radon provision that estab-

Improvement monitoring provisions for un-

We continue to have, of course, objections to some of the language included in H.R.

As you know, the bill also includes several expanded federal authorities and new man-

We will continue to work with you and your colleagues in the Senate to assure that the

Sincerely,

Governor Tommy G. Thompson, Chairman, National Governors’ Association;
Gregory S. Lashutta, President, National League Cities;
Norman B. Rice, President, The U.S. Conference of Mayors;
Douglas R. Bovin, President, National Association of Counties; tional Relevance; Jodi Ray, America’s Pesticide Action Network; Stan Widen, Center for Food Safety; Matt Hill, The Sierra Club; Karen Vickers, Humane Society of the United States; Doreen Kaven, American Friends Service Committee; Jim McTigue, Waterkeeper Alliance; Bob Brockett, Center for Biological Diversity; Matt Wasson, National Wildlife Federation; Mary Shabaan, Center for Science in the Public Interest; Elysa Gross, Planned Parenthood of the States of Arizona & New Mexico; Joan BLOSBERG, President, National Wildlife Federation; Dr. Michelle Lohr, President, Environmental Protection Network; Drew Doughty, President, American Farmland Trust; Susan P. Foster, President, American Farmland Trust; Linda Wamsley, President, American Farmland Trust; Patricia L. Hatcher, Director, American Farmland Trust; Carol L. Smolen, Director, American Farmland Trust; James J. Lack, President, National Conference of Mayors; David L. Tippin, President, Association of Metropolitan Water Agencies; Karl F. Kohlhoff, President, American Water Works Association; Ronald S. Dugan, President, National Association of Water Companies; James K. Cleland, President, Association of State Drinking Water Administrators; Fred N. Pfeiffer, President National Water Resources Association; CAROL M. BROWNER.

Sincerely,

CAROL M. BROWNER.

June 11, 1996

Hon. THOMAS BLILEY, Jr.,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN: We write to express our appreciation for your hard work in developing H.R. 3604, the bipartisan bill to reauthorize the Safe Drinking Water Act reported by the Health and Environment Subcommittee on June 6. We urge the Commerce Committee and the House to approve this bill expeditiously as we must move forward.

First and foremost, H.R. 3604 improves the protection of public health. It represents a significant advance over current law and over the bill approved by the House in 1994. Among other significant changes, the measure approved by subcommittee eliminates the requirement for the Environmental Protection Agency to regulate 25 new contaminants every three years and instead focuses on contaminants that actually occur or are likely to occur in drinking water. The bill improves the current standard setting process by allowing EPA to balance risks and to consider costs and benefits in setting the most stringent standard. It also addresses the technology needs of small water systems, allows some relief from monitoring requirements when contaminants do not occur in the drinking water in a given community, provides new funds for state revolving fund for much needed investments in drinking water infrastructure. These changes and other important improvements over the current law are evident.

As you know, the bill also includes several expanded federal authorities and new mandates on states, local governments, and water systems, which we have no concerns. We await the Congressional Budget Office analysis of the costs of these modifications.

We will continue to work with you and your colleagues in the Senate to assure that the Safe Drinking Water Act reauthorization bill is enacted into law this year, providing the necessary funding and authority needed to protect our nation’s drinking water. Should the bill be enacted this year, it will make a significant contribution in improving the health and safety of the American people.

Sincerely,

Ronald S. Dugan, President, National Association of Water Companies;
James K. Cleland, President, Association of State Drinking Water Administrators;
Fred N. Pfeiffer, President National Water Resources Association;

CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER,

June 21, 1996.

Hon. THOMAS BLILEY,
House of Representatives, Washington, DC.

Dear Chairman Bliley: We are writing to thank you for your support and achieving unanimous Committee passage of the “Safe Drinking Water Act of 1996,” H.R. 3604, and to express our appreciation for your attention to our views in the legislative process. We do not agree with all of the decisions that the Committee reached, but we do believe that our concerns received full and fair consideration.

Although we did not support S. 1316 as it was passed by the Senate, we are pleased to support H.R. 3604, particularly the provisions affecting the Safe Drinking Water Act (SDWA) reauthorization.

The proposed drinking water SRF program would encourage and facilitate compliance and achievement of the SDWA reauthorization.

Sincerely,

CLEAN WATER COUNCIL,

May 29, 1996.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, House Commerce Committee, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned members of the Clean Water Council represent employers and independent professionals who finance, design, construct, and maintain drinking water delivery and treatment facilities. We urge you to support timely action on legislation to reauthorize the Safe Drinking Water Act and create a State Revolving Loan Fund (SRF) Program to help finance capital investment and improvements in drinking water infrastructure.

The proposed drinking water SRF program would be an efficient and cost-effective means of providing capital for the construction of drinking water delivery and treatment facilities. The need for the program is well documented. Growing demands on our aging and sometimes nonexistent infrastructure often force cash-strapped communities to patch the leaks and stretch the infrastructure to unsafe limits for lack of financial resources. Water main breaks, boil water orders, and dry fire hydrants are routine occurrences and pose unacceptable risks to our families.

A 1990 report published by the Clean Water Council demonstrated a $2-billion annual drinking water infrastructure deficit above and beyond what the states themselves are expected to invest.

Furthermore, clean water infrastructure is essential to environmental protection, private sector productivity and profitability, and job creation. Half of the estimated 57,000 jobs created for every $1 billion invested are permanent jobs. Clean water construction, rehabilitation, and maintenance also increase the local tax base. A dependable network of pipes and treatment facilities attracts new homes and businesses to a community. This is an area where environmental protection and economic growth go hand-in-hand.
June 25, 1996

CONGRESSIONAL RECORD – HOUSE

H6749

Your efforts to move safe drinking water legislation this year are an investment in America’s clean water future.

Sincerely,
The Clean Water Council,
American Consulting Engineers Council;
American Portland Cement Alliance;
American Road and Transportation Builders’ Association;
American Society of Civil Engineers;
American Subcontractors Association;
Associated Equipment Distributors;
Associated General Contractors of America;
 Constructed Industry Manufacturers Association;
Council of Infrastructure Financing Authorities;
Equipment Manufacturers Institute;
International Spiral Rib Pipe Association;
National Aggregates Association;
National Constructors Association;
National Precast Concrete Association;
National Ready Mixed Concrete Association;
National Stone Association;
National Utility Contractors Association;
Uni-Bell PVC Pipe Association;
Water and Sewer Distributors of America;
Water and Wastewater Equipment Manufacturers Association.

COUNCIL OF INFRASTRUCTURE FINANCING AUTHORITIES,


Hon. Thomas J. Bliley, Jr.,
Chairman, Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We want to extend our congratulations to you, the members of your Committee and staff for your skillful legislative effort in fashioning a bipartisan consensus bill that moved swiftly through your Committee to reauthorize the Safe Drinking Water Act. H.R. 3604 is a good and carefully constructed piece of legislation that deserves to be adopted by the House.

We are pleased to advise you of our support for this legislation, as reported out of your Committee, and appreciate the extensive effort that you and the other members of the Commerce Committee devoted to fashioning the sentiments and compromises that have allowed this bill to move forward. The provisions in the bill creating a new State Revolving Loan fund will authorize critically needed funds to finance water system improvements and, if expeditiously enacted, will make already appropriated funds available for state lending.

We are especially appreciative of the continued efforts by the Committee staff to work with us to accommodate changes in the State Revolving Loan Fund financing provisions which will make them more workable when the bill becomes law.

We look forward to the passage of this legislation, and offer our support and assistance through the continuation of the legislative process.

With appreciation,

Sincerely,

Paul Marchetti, President.

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

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

Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, I am astounded to hear myself say I am speaking in opposition to this bill. I have here in my hand a statement in support of the bill, a statement that commends, appropriately, the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], and the gentleman from Florida [Mr. BILIRAKIS], and the members of our committee for their long personal involvement entered into in good faith to resolve the differences on the Safe Drinking Water Act.

This was a negotiation that literally took place over a matter of years and the result of this process was a bill supported by everyone, the water systems, the State and local governments, the agricultural interests, and the environmentalists. Everybody was satisfied that the legislation that was reported unanimously out of the Committee on Commerce was a good bill and this legislation appeared to be heading to conference and to the President’s desk as one of the rare accomplishments of this legislative session.

The untold fact is that we cannot make that statement that ordinarily is made on a suspension bill, urging all our colleagues to support it. The reason I cannot make that statement is that this bill was changed last night. An important part of the drinking water legislation is a revolving fund that would help drinking water systems throughout this country to be able to draw on money so that they could upgrade their systems, so that we could be assured that those water systems will be maintained in a way that meets the standard to protect the public health.

In the bill now before us, as a result of negotiations behind closed doors that did not involve any of us on the Democratic side, money has been earmarked for certain projects to be paid for out of this revolving fund; $375 million is earmarked for specific areas, specific water projects. Now, that means there is less money for the rest of the country. It means that the revolving fund will not be used for the highest priorities, where we need to clean those systems up or allow the systems to be modernized so that the water can be cleaned.

This bill should not be coming to the floor under those kinds of circumstances. We all believe, and the reason we entered the negotiations is we wanted to accomplish something through a bipartisan agreement. In addition, a bipartisan agreement, there has to be understandings and the bill was delicately balanced. It certainly was not the bill I wanted completely. It was not the bill the gentleman from Virginia [Mr. BLILEY] or the gentleman from Florida [Mr. BILIRAKIS] wanted in its entirety, but we balanced out the different concerns and had a compromise bill we all felt we could stand behind.

Part of that balancing out was an understanding that we would all negotiate with each other, we would all have to agree to changes all the way through conference. Well, we are not even off the House floor and changes are being made in this bill without our agreeing to it.

In fact, without even knowing about it. Bipartisanship and working to accomplish something in this House has to involve relying on each other to keep commitments, to be able to rely on each other’s understandings of where we are going with any legislation.

The provisions in this bill now that have been added are arbitrary. These projects are arbitrarily designated as being ahead of everybody else, every other water system in the country. It is not for public health reasons. It is for political reasons that some projects are being given special treatment.

I feel very sad to have to come here to the floor after all this effort and urge my colleagues not to support this legislation. It seems to me a very poor way for us to be moving legislation that should be a proud accomplishment that all of us should look with pride as having done something in the public interest.

Mr. Speaker, I will yield to others who may want to speak on this legislation, but, while we have in the past told all our colleagues to support this bill, we now have to urge opposition to it. If these projects are meritorious, let us have a vote on them. Let Members have a discussion as to those specific projects. If they were presented to us on the House floor and the Members wanted to go along with it, then I would really have no complaint, even if I were to oppose it. But to have special projects that amount to political pork inserted in the bill and then we have to vote for the whole bill and move those projects along with a bill that everybody wanted seems to me the improper way for us to proceed.

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT], chairman of the Subcommittee on Water Resources and Environment.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, we are getting smarter as we go along. We have developed a very good bill that responds to a legitimate need of the American people. That is to deal in a responsible manner with safe drinking water.

The American people have said to us they want smaller, less costly, less intrusive government, and we are responding. But they do not want us to dismantle government and they for darn sure want us to be responsible in protecting the air we breathe and the water we drink, and the food we eat.

Thank you, Mr. Speaker, for the Safe Drinking Water Act, does just that.

I would point out to my distinguished colleague from California this bill does not, let me repeat, this bill
Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I would like to point out that in our Committee on Transportation and Infrastructure, which, incidentally, is the largest committee of this Congress or, for that matter, any Congress in the history of the Republic, it passed by unanimous vote, Republicans and Democrats alike. And we did have some very thorough consultation. I can only speak for my committee. We did have some consultation about our section of the bill, and I see some of my colleagues from the committee who were very much a part of that consultation on the other side of the aisle. The point is we have striven mightily to make this not a partisan thing, although the Republicans here, but to work in concert with our good friends who are Democrats who share the same vision for America that we all have; that is, we want cleaner water.

I would further point out that I am very mindful of the fact that the gentleman has some special needs in Santa Monica, and we have talked about this and we have exchanged correspondence. This is the ideal vehicle to go forward with the improvements that my colleagues have for the water system in Santa Monica.

Mr. WAXMAN. Mr. Speaker, reclaiming my time, I do not believe that anything in Santa Monica is in this legislation. That was on another matter. The fact of the matter is, my colleague has made that, after all the work that has been done, we have a drinking water bill on substance that is one we should proudly support. My only objections are the changes were made.

Mr. BOEHLERT. Mr. Speaker, approval to help ensure the continued effort. I think the gentleman for his help and for his guidance. He was here before. He has been my inspiration on dealing with some legislation like acid rain. We are partners here again today. I hope we march forward together and pass this very important legislation.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for his comments and I hope that we will be together on this legislation, if not today, down the road, because we have been consistently fighting the battle on the same side.

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS], chairman of the subcommittee that has worked very hard on this legislation.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me, my full committee chairman. Over 5 months ago, I chaired the Health and Environment Subcommittee hearing concerning priorities for the reauthorization of the Safe Drinking Water Act.

The subcommittee heard testimony from public officials, private water systems, and the environmental community. And, while opinions varied, no one disputed the essential task before us—the need to overhaul a well-intentioned, 10-year-old statute which has served us well, but which has not aged gracefully.

Many have cited the need for flexibility in the administration of the law. EPA has also estimated that the capital expenditures needed to comply with current requirements total $8.6 billion. So the question has not been whether to act, but how to best correct identified problems.

At first, I must admit the job looked easy, especially given the action of the other body to vote unanimously in favor of reforms. The careful review of the Commerce Committee, however, has helped to shape legislative provisions which are improved and which I believe will stand the test of time.

We have improved the standard setting language which lies at the heart of the act, making it more workable and efficient.

In addition, the bill strengthens certain provisions regarding capacity development and operator training. The bill will directly improve the human factor in the safe drinking water act.

All of these changes are not universally popular with every interested party. But a careful balance has been struck in this legislation between flexibility in administration and certainty in regulation.

I do want to underscore the points my colleague made that, after all the work that has been done, we have a drinking water bill on substance that is one we should proudly support. My
There are other infrastructure water assistance programs, not for making water safe for the public at large, not for carrying out the purposes for which this program was set up, but simply to take care of some political things so that we might shrink water bill where the moneys available to assist communities in addressing the problem of safety of their water simply are being perverted by the Committee on Public Works to seize a wonderful opportunity to convert meaningful public expenditures into pork to benefit the members of that committee and to get around the constraints that are put on by Republican colleagues over here with regard to how public moneys have been spent.

This is a sneaky, dishonest effort to get around the requirements of the Budget Act and the budget. That is all it is. This is not good, honest, carefully thought-out legislation at all. It has been perverted by the Committee on Transportation and Infrastructure in a fashion which is unique to that committee, and it manifests in a splendid way fiscal irresponsibility on the side of the aisle from which Members over here were totally excluded. It also manifests the willingness of the aboveground converting and converting funds which should have gone to communities for making water safe, into pork. Thus has the Committee on Transportation and Infrastructure served this body.

Every Member of this body could look at this piece of legislation and say, what has happened? I think there is an effort to clean up our water supply, making it safe, but the Committee on Transportation and Infrastructure has stolen $375 million out of that fund for their own peculiar, unreported purposes for which there have been neither hearings nor reports, and they have done so in a way which evades the Budget Act.

Now, the bill started out to be a responsible effort to clean up the drinking waters of this country, to avoid the kind of things that struck Milwaukee where they had a major infestation of an intestinal parasite which caused a large number of deaths and an even larger number of sicknesses and illness. It is an attempt to see to it that water systems in places like Washington, DC, where we have been told that the water system there has been used by the citizens of this city should be boiled because they are unsafe. But, no, we have gone to steal money from the State-controlled drinking water fund to fatten pork projects suggested not on the basis of need, but on the basis of congressional politics and in a splendid way to escape the constraints that my Republican colleagues would put on the budget for the Committee on Public Works.

I think this is clearly wrong. The revolving fund which is raided to the tune of $375 million is an important assistance to communities across this country, which desperately need those moneys to carry out important projects. But some 14 members of the Committee on Public Works and their friends have decided, no, those moneys are not going to be shortstopped, those moneys are going to be taken off to take care of their own peculiar special interests at the expense of the other Members of this body and at the expense of a program which is already far too small for the cleaning up of the drinking water supplies of this country.

The only source of money, apparently, that the Committee on Public Works could find from which they could filch this money was the funding which is included in this bill for the protection of drinking water supplies and for the restoration of the safety of those drinking water supplies. Those moneys are limited, but they are essential, and they are important to the public health to the safety of the people of this country, Mr. Speaker, and they are federal responsibility, pork without need, pork at all cost.

Mr. WAXMAN. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, first of all, I want to pay my respects and my compliments to my dear friend, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Florida [Mr. BLILERAKIS]. They have tried hard to work with us on a fair and a decent bill. I believe that it had in that effort a real seed of careful and good legislative work. For that I commend them and for that I thank them.

But between the time that Mr. BLILEY and Mr. BLILERAKIS, the gentleman from California, Mr. WAXMAN, and I agreed with regard to the substance of the bill, a peculiar happening. All of a sudden, we have found that the Committee on Transportation and Infrastructure, well known for its ability to seize pork wherever that pork might be found, has done so again. So we do not bring Members a bill which is going to make safe the waters only. We bring here a bill which through some curious process between the time the bill left our committee and the time it came to the floor to contain 350 million dollars' worth of pork.

My staff informs me that perhaps a couple of the projects which are in this area of pork have some merit. Most of them are, quite frankly, nothing more or less than shameless raids by the Committee on Transportation and Infrastructure. Not only are they quite shameless raids, but they are for projects which are quite lacking in merit. More importantly, they are an attempt to raid a small fund which is going to help communities all across this country to make safe the drinking water upon which their people are dependent.

They are things for parks and for rehabilitation of water systems, improvement and restoration of an aquatic system, things that are other wonderful programs for water line extensions. They are programs for construction and activities at a reservoir.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Michigan [Mr. DINGELL] has 25 minutes remaining, and the gentleman from Virginia [Mr. BLILEY] has 27 minutes remaining.

Without objection, the gentleman from Michigan [Mr. DINGELL] controls the remainder of the time of the gentleman from California [Mr. WAXMAN]. There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, first of all, I want to pay my respects and my compliments to my dear friends, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BLILERAKIS]. They have tried hard to work with us on a fair and a decent bill. I believe that it had in that effort a real seed of careful and good legislative work. For that I commend them and for that I thank them.

But between the time that Mr. BLILEY and Mr. BLILERAKIS, the gentleman from California, Mr. WAXMAN, and I agreed with regard to the substance of the bill, a peculiar happening. All of a sudden, we have found that the Committee on Transportation and Infrastructure, well known for its ability to seize pork wherever that pork might be found, has done so again.

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They are things for parks and for rehabilitation of water systems, improvement and restoration of an aquatic system, things that are other wonderful programs for water line extensions. They are programs for construction and activities at a reservoir.

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

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT] briefly.

Mr. BOEHLERT. Mr. Speaker, the gentleman from Michigan, for whom I have only the greatest respect, could teach us all a lesson on how to get pork because, as I look at the appropriates
from 1992 through 1997, I notice $320 million specifically earmarked for the Rouge River National Wet Weather project. Now, in 1992 it was $46 million; he was modest that year. In 1993 he got a little more energized, was up to $52 million, and kept going up. In 1994 it was $65 million. In 1995, the spirit of the day, modestly went back to $75 million. In 1996, well, there have been some changes around here, was only $111½ million, but in 1997 the committee report already includes $20 million.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BERERUTER].

(Mr. BERERUTER asked and was given permission to revise and extend his remarks.)

Mr. BERERUTER. Mr. Speaker, I rise in support of the legislation that was reported out of the Committee on Commerce.

Mr. Speaker, this Member would like to engage the distinguished gentleman from Virginia [Mr. BLILEY] in colloquy regarding the provisions of the bill relating to ground water disinfection.

Nebraska is by far the most ground water-dependent State in the Nation. As this Member made clear in the statement submitted for the RECORD, the ground water disinfection project could place an absolutely unworkable and untenable burden upon many of our local communities unless reason prevails. In fact, chlorination of community drinking water from ground water sources, which may present some health risks, could be requiring a solution to a nonproblem in most Nebraska communities.

Is it the committee's intent that communities using groundwater as a drinking water source will not be required to disinfect the water unless an actual health threat is present?

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

Mr. BERERUTER. Mr. Speaker, I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, as the gentleman is aware, the bill provides in section 105 that EPA must issue criteria which a State would be required to use to determine whether disinfection is necessary for any public water system served by ground water. In developing such criteria, the administrator is authorized to use the new authority in the bill to set a different standard forground water than for surface water.

Mr. Speaker, the bill provides in section 105 that EPA must issue criteria which a State would be required to use to determine whether disinfection is necessary for any public water system served by ground water. In developing such criteria, the administrator is authorized to use the new authority in the bill to set a different standard for ground water than for surface water. Normally, as we all know, we put bills on a nonpartisan basis, were appropriate this morning for action on the suspension list. Normally, as we all know, we put bills on the suspension list if they had been agreed to on both sides, if they were good government and good business. I think it is a real shame because, essentially, the projects which are earmarked in the bill and not on an objective basis, that means now that we jeopardize the possibility of it passing the House on an expedited basis, we jeopardize the possibility of coming to an agreement quickly with the Senate and also getting the President to sign the bill.

And I just wanted to say for those who are saying that it is not true that there are specific earmarks or pork in this bill, I am just reading from the report language that says that the administrator is directed to provide priority consideration to the following projects, and then 13 or 14 projects are specifically listed as having to be prioritized.

That goes against the objective criteria that were put in the bill in the Committee on Commerce. Basically, the money in this fund was supposed to be divided between the States on an objective basis, and they would decide to focus the money on projects that address the most serious health risks. This is no longer the case, and that is why we have to oppose this bill on the suspension list.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON], who has been very helpful on the right-to-know provision on this bill.

Mr. SAXTON. Mr. Speaker, I appreciate the opportunity to take 1 minute to say to those on the other side of the aisle we have worked together so well through this process I would certainly hope that we could bring it to a successful conclusion here today.

The gentleman, the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], and I in particular worked together on the community right-to-know provisions so that everyone who reaches up and turns on the tap water in their home or in their place of business will know that it is good, clean water without contaminants that will be harmful to them or their families. This is a consumer-friendly bill, therefore, which will provide our constituents with more information than ever before.

When this bill become law, violations of the new water standards will be reviewed and be reported to customers within 24 hours of any violation, and every year every member of the community, every employee in the community, will be
provided with a consumer confidence report listing all foreign materials. I think this is an excellent bill and urge passage today.

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

I want to point out, Mr. Speaker, that some of the groups supporting this bill are the National Governors Association, National League of Cities, U.S. Council of Mayors, National Association of Counties, National Conference of State Legislatures, Association of Metropolitan Water Agencies, and the list goes on and on.

Mr. Speaker, I include for the RECORD the following list of organizations in support of the legislation.

The material referred to is as follows:

The National Governors’ Association.
National League of Cities.
U.S. Conference of Mayors.
National Association of Counties.
National Conference of State Legislatures.
Association of Metropolitan Water agencies.
American Water Works Association.
National Association of Water Companies.
Association of State Drinking Water Administrators.
Association of Metropolitan Water Agencies.
Clean Water Action Project.
National Wildlife Federation.
Natural Resources Defense Council.
U.S. PIRG.
Citizen Action.
Physicians for Social Responsibility.
Consumer Federation of America.
Friends of the Earth.
AIDS action Council.
Environmental Working Group.
American Public Health Association.
American Library Association.
American Rivers.
Chesapeake Bay Foundation.
American Canoe Association.
American Oceans Campaign.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SAXTON] what an important contribution he played in this bill. One of the very significant features of this bill is the right to know section that will give people clear information about any risks they are taking. I think that is important for people to have brought to empower people with that kind of information. I want the Members of this body to know that the gentleman from New Jersey, who introduced his own legislation, has worked with me and others and was responsible for this. So, Speaker, it gives me pleasure to yield 1 minute to the gentleman from Iowa [Mr. GANSKE], a valuable member of the committee.

Mr. GANSKE. Mr. Speaker, I speak in favor of this bill. This legislation not only protects the environment and human health, but it does so in a way that is smarter and better than before. Gone are many of the costly and inflexible command and control mandates. For the first time, true risk assessment and cost-benefit analysis is brought to this statute. We have made more manageable the requirements of the EPA in determining new contaminants. Greater flexibility has been given to local systems, which have vastly different needs and concerns from each other. We have increased the technical assistance provided to smaller systems in order to ensure that they can deliver the best and safest drinking water possible.

One area of particular concern to me in my home State of Iowa is adequate and fair source water protection. The measure we are debating today contains an honest and fair source water program. Up to 10 percent of the State revolving fund can be used by water systems to enter into voluntary incentive-based source water protection programs with willing upstream neighbors, whether they are farmers or businesses. This is a very good addition. I urge its prompt adoption.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POYHARD].

Mr. POYHARD. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, I would like to take a few moments to address the merits of the Safe Drinking Water Act, which we are discussing today. I am very concerned about the continued ability of rural parts of this country to have access to water that is safe and pure. It comes as a surprise to some, but there are many areas in this country, including central and southeastern Illinois, that are just now being reached by rural water cooperatives, just now receiving the benefits of full water service. This has not happened overnight. It has taken a lot of hard work by people at the local, State, and Federal level.

Mr. Speaker, I am a cosponsor of this bill, H.R. 3406, because it strikes a necessary balance between environmental protection and relief from onerous regulations for many of our small communities. There are provisions that recognize the particular needs and constraints of these locales, and I would hate to see an opportunity for such forward-thinking legislation be missed. The Safe Drinking Water Act has received bipartisan support throughout the committee process and has been endorsed by all environmental groups. Moreover, our cities, towns, and constituents have repeatedly voiced their support for this action. Let us do the right thing, the necessary thing, and pass this legislation and ensure the feasibility of all Americans to drink clean water.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I thank the distinguished chairman and my colleague for yielding time to me.

Mr. Speaker, I wish to come back to something that is very important, that we repeat several times to make certain that everyone understands. This bill does not have any earmarks. That is very important. The funding for the grants program, incidentally, is in response to the demand, the cry, the plea from our Governors, our county officials, and our mayors that we come up with a grants program.

The grants program is contingent on Congress first appropriating at least 745 percent of the amount authorized for the revolving loan fund. They are intended for hardship communities. Mr. Speaker, I think my colleagues on both sides of the aisle should be working hand in hand, as the gentleman from Pennsylvania [Mr. Boksa] has been doing. We have brought this out on a bipartisan basis, because we recognize there are communities that have legitimate needs and just do not have the wherewithal to address those needs. Thus, the creation of this program. It is a good program, and I urge my colleagues, on a bipartisan basis, to join us in supporting it.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, I sit on the Subcommittee on Health and Environment of the Committee on Commerce, and this bill has been held up repeatedly as an example of bipartisanship. That is the way it started. That is the way it started. It went through the Senate 99 to nothing. It went through our full committee 44 to nothing.

Then, a funny thing happened as it came over here. There are 375 pages that have been added, that no one has had a chance to see. I ask every Member, have they read the 375 pages? No, they have not. They are going to vote on something they have never read, they have never seen, we have never had a chance to debate. I worked long and hard with the Members on this bill. We had a good bill. It has now gone down the drain.

Take a look at it. Title V, go to title V. That is where all the changes are.
This bill was a good bill. Title V will now jeopardize the public health, and I believe it will undermine the State revolving fund by limiting the States’ flexibility to prioritize. That flexibility we have heard about for the last 2 years, giving it back to the States, has just gone out the window in the last 24 hours. There is no flexibility.

Mr. Speaker, the bill at the current level of funding, with the set-asides for designated, we do not want to say earmarked projects, let us call them designations, continue to limit the availability of funds needed for a permanent revolving fund. We worked so hard to get the money in there, the State revolving fund, the technical assistance program with the EPA. It was all in here to help areas, small areas like mine in northern Michigan.

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

Mr. STUPAK. I yield to the gentleman from California.

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

Let us not overstate this revolving fund. We are offended by it. But this bill is a good bill. One of the reasons it is a good bill is the provision that the gentleman has authored to be sure we avoid estrogens. Review of any impurities in the drinking water, any kind of pollutants that would have a causal effect on breast cancer. This is a very good bill. Let us not forget it is a very good bill.

Let us not ignore that we have something we can be very proud of.

It is unfortunate that we have the disagreement, and we are stating our disagreements about the result of putting in these earmarks of the water systems. That is something we will debate and will go to conference on and talk further about, but I wanted, while the gentleman is speaking, to make the point that his contribution led to this being a much better bill in a very fundamental way.

The American people are worried about impacts on them from chemicals. The idea that in their drinking water there might be something that could be a cause of breast cancer is a horrifying thought. We will now measure that, we will screen for it, and make sure that does not happen.

Mr. STUPAK. Mr. Speaker, my question to the gentleman from New York is, there have been a lot of questions about the State revolving loan fund. The gentleman from California [Mr. WAXMAN] has pointed out a number of parts about it.

I would ask the gentleman from New York, can we agree and promise the American people and Members of this body that when it goes to the conference committee, that the 57-percent trigger that protects the State revolving loan fund will stay in there? Because without that trigger, this thing becomes a pork barrel greater than what has been added to it. The only way to protect this bill and those 375 earmarks that are there is that we have some protection that that 75-trigger remains in. I know the gentleman will be in the conference committee. Can he promise that to the Members and the American people?

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

Mr. STUPAK. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, let me tell my colleagues I helped author that provision, so I am going to be very supportive.

I just let me say, despite what anyone might suggest, no one can convince me that this is a glass of vintage wine. This is a glass of water. We may call it vintage wine, we may repeat it over and over, but it does not change the fact it is still water. The fact of the matter is there is no pork in this bill. There are no earmarks.

Mr. STUPAK. Mr. Speaker, I include for the RECORD this statement of administration policy.

The statement referred to is as follows:

STATEMENT OF ADMINISTRATION POLICY
H.R. 3604—SAFE DRINKING WATER ACT
AMENDMENTS OF 1995

The Administration strongly supports H.R. 3604 as reported by the House Commerce Committee. Ensuring the safety of the Nation’s drinking water is one of the Administration’s top environmental priorities.

H.R. 3604, which is the result of a bipartisan effort, reflects the Administration’s recommendations for strengthening public health protections by: (1) establishing a State Revolving Fund (SRF) to subsidize community efforts to improve drinking water safety; (2) flexible framework to promote the protection of drinking water sources; (3) providing responsible regulatory reforms including the appropriate use of cost-benefit analysis in standards setting; and (4) strengthening State programs for improving the capability of water systems to provide safe water. These provisions coupled with the bill’s improved consumer awareness provisions will help meet the challenge of providing safe and affordable drinking water.

The Administration, however, strongly opposes the provisions added in Title V which jeopardize public health and undermine the SRF by limiting the States’ flexibility to prioritize project funding. Furthermore, the Administration strongly recommends that H.R. 3604 be modified in conference to minimize the number of earmarks on State Revolving Funds. The bill’s current level of Fund set-asides for designated activities would limit the availability of funds needed for a permanent revolving fund. The Administration supports a $2 billion per annum ceiling of funds in set-asides for designated activities.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. BORSKI] to speak on behalf of pork.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, let me thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to support H.R. 3604, the Safe Drinking Water Act Amendments of 1995, as amended by Chairman BLILEY.

I wish to commend the chairman and the ranking Democrat of the Commerce Committee for their fine work in developing this important, bipartisan legislation for the benefit of States and local water suppliers and the customers they serve. This bill demonstrates the way in which we in the House can work on a bipartisan basis to address the historic needs of the States and local interests.

Mr. Speaker, while the Transportation Committee has been very interested in the financing provisions of this bill, I also wish to indicate my support for the regulatory reforms contained in the bill. The bill contains important modifications to the drinking water programs. The bill modifies the way in which EPA sets drinking water standards to better meet the needs of local communities. It also enhances State flexibility on monitoring requirements and assures improved capacity to meet drinking water standards. I am also pleased that the bill includes provisions on right to know. I have always strongly supported measures to assure that citizens are adequately informed about the condition of their environment.

Mr. Speaker, I know that there have been issues raised about additions which have been made to the Commerce Committee bill as ordered reported. Several of these changes were made to accommodate the interests and concerns of the Transportation Committee. I am particularly pleased that the bill includes the Transportation Committee provisions to establish a separate grant program to aid communities in developing adequate water supply infrastructure.

These provisions were developed in the Transportation Committee on a bipartisan basis, and reflect the fair and full consideration of the committee. The separate grant program represents the Transportation Committee view, based upon numerous hearings, of how to best meet the overall drinking water needs of the Nation. While I support the intent of the Commerce Committee bill to assure that funds are used to work with compliance with the Safe Drinking Water Act, the overall needs of States and local governments to provide a safe and reliable source of drinking water dwarf the needs solely related to that act. We on the Transportation Committee have determined that there is a Federal role in responding to those greater needs as well.

The infrastructure needs of the country are enormous, and no less so in the area of drinking water. Recent estimates of need for drinking water infrastructure are as high as $23 billion, just to meet needs which are known to exist over the next 5 years. While it has been fashionable of late to blame water supply infrastructure needs on so-called unfunded Federal mandates, the truth is that over the last 2 years, the $23 billion in additional needs, or less than 15 percent of the needs are associated with Federal drinking water standards. The vast majority of needs are associated
Mr. Speaker, this bill demonstrates the good which the Congress can do if it works together, in a bipartisan manner to address the Nation’s problems. It also demonstrates the ability for multiple committees in the House to work to reach a common goal.

When President Clinton first proposed Federal assistance to assist States and localities in providing safe, reliable drinking water supplies, the Public Works and Transportation Committee responded by quickly drafting and reporting to the House legislation which would establish such a program. We modeled it after the highly successful State revolving loan fund program of the Clean Water Act. I am pleased that the bill before us includes many of the same elements as were in that proposal.

With Chairman BLILEY’s amendment, this bill now also includes the very important authority for the Administrator to make grants, in addition to the State revolving loan fund program, for drinking water needs.

Mr. Speaker, this additional grant-making authority is crucial to meeting the Nation’s overall drinking water needs. In our committee’s experience with the Clean Water Act, we have learned that there are times when even very low or no interest loans are just not sufficient to provide affordable, adequate basic infrastructure. While the overwhelming majority of assistance under this bill will be provided through the loan program and the modest grant program fashioned in the Transportation Committee, and which has been included in the chairman’s amendment, will help complete the package of financial assistance for communities who need such assistance. By way of example, the Appropriations Committee just completed action on legislation for EPA which will provide grant assistance for a variety of projects such as the Texas Colonias, Boston, Massachusetts, New Orleans, Louisiana, and the Rouge River in Michigan.

This bill promises much in the way of meeting drinking water infrastructure needs. I hope that the majority will be committed to assuring the authorizations in this bill do not become illusory. If this bill is to be the success which it should be, we must assure that the appropriation levels match the authority levels. Unfortunately, that very low interest loan program which will be funded by this legislation provides less than one-half of the authorized amount for fiscal year 1997. I hope that before there are too many congratulatory remarks about meeting infrastructure needs for drinking water, that the majority revisits their priorities in responding to local needs. A $1 billion authorization, appropriated at only $450 million, is still only a $450 million program. Let’s work with what the bill does, as well as what they say. I am prepared to work on a bipartisan basis to achieve full funding for this important program.

Mr. Speaker, this legislation is the culmination of a proposal first made by the Clinton Administration more than 3 years ago. It is time to get this bill to the President for his signature. I hope that we will be able to resolve quickly any differences with the Senate and assure its speedy enactment.

I am pleased to support the bill, as modified by the chairman. I urge my colleagues to join me with their support as well.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILRAKIS].

Mr. Speaker, I rise in strong support of this bipartisan bill, and I thank the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILRAKIS] for addressing this issue in such an open manner.

This bill represents a triumph for commonsense and science-based environmental strategies; it focuses on the product, rather than the process, and values the outcome of the regulations above the regulations themselves.

Our bill will refocus our priorities toward the most immediate threats to the public health, provide EPA and local water authorities with greater flexibility in how they can administer this act, and place new emphasis on EPA’s role and responsibility in providing grants to the States.

I can’t emphasize enough the progressiveness of this bipartisan bill—we are moving forward toward a need and outcome-based strategy, and working together in cooperation instead of confrontation. This will help us to better serve the public health needs of the American people, and provide us all with a cleaner and safer environment.

Mr. Speaker, I ask that my statement be included in the Record and I urge my colleagues to support this bill.

Mr. Speaker, I am pleased to rise in strong support of H.R. 3604, the bipartisan Safe Drinking Water Act Amendments of 1996, which will achieve for the American people vast improvements over the existing inflexibility of the existing outdated Safe Drinking Water Act [SDWA]. This reauthorization of the SDWA will provide a commonsense, science-based blueprint for how to most effectively determine and implement the regulation and protection of our drinking water supply.

This bill strengthens and improves the SDWA, ensuring that modern science and technology can be applied to improve these laws, we act to do so. Many of our crown jewel environmental laws were written over 20 years ago, and it is incumbent upon us to make these needed improvements when necessary. With this common-sense reauthorization, we tackle a challenging but needed task on behalf of all of our constituents nationwide, and I commend my chairman, Mr. BLILEY and Mr. BILRAKIS and my other colleagues who worked hard together, in a bipartisan manner, to bring us to this point.

There are two aspects of this bill which are of particular interest to me, and upon which I would like to elaborate. Under current law, there is no standard for radon that occurs in drinking water. H.R. 3604 requires that, within 2 years, EPA must promulgate a standard for radon in drinking water using the new standard-setting provisions of the bill, which require the use of the best available science and the risk assessment process. I had several specific concerns about this provision, due to the unique challenges radon presents as a contaminant in our environment. Radon is an odorless, colorless gas which occurs naturally, and rises from the soil. Man has been exposed to varying levels of radon since the beginning of time, which makes it more difficult to confront problems by simply blaming a law, instead of focusing closely on whether the law in question is being properly implemented, or whether it is still effective and achieving its intended purpose. These laws need to be as dynamic and flexible as the rapidly changing environments we intend for them to protect.

This means that occasionally such laws must be revisited and amended in order to reflect its original goals. I firmly believe that we ought not to cling to the conventional wisdom that our public health and environmental laws are “set in stone,” and incapable of being improved. In order to maintain their effectiveness, we have the responsibility to see to it that when modern science and technology can be improved these laws, we act to do so. Many of our crown jewel environmental laws were written over 20 years ago, and it is incumbent upon us to make these needed improvements when necessary. With this common-sense reauthorization, we tackle a challenging but needed task on behalf of all of our constituents nationwide, and I commend my chairman, Mr. BLILEY and Mr. BILRAKIS and my other colleagues who worked hard together, in a bipartisan manner, to bring us to this point.
My concerns were that under this provision, it could be feasible for the EPA to promulgate a standard for radon which would require water systems to treat for radon in drinking water at a level well below the level of radon which is already occurring in ambient air; in other words, imposing considerable financial resources on mitigating a relatively small percentage of our total overall exposure to radon. For small water systems especially, such a scenario could result in scarce financial resources being diverted from other, more pressing health considerations, such as cryptosporidium and other microbial contaminants. Additionally, since radon occurs at widely varying levels across the country, I was concerned that by allowing up to 3 years for the EPA to set a standard, areas which might have a more immediate need to address radon occurrence might not be provided with a standard as swiftly as could be.

During our committee’s consideration of the SDWA bill, I prepared an amendment to assist in these discussions with my colleagues, and which, I was prepared to offer to the bill. It would have required EPA to link its level of treatment of radon occurring in water to the level of radon occurrence in ambient air; as mentioned previously, I believe it is important to consider the overall exposure risk of any potential contaminant, including radon. Additionally, including radon in the SDWA with this kind of provision would enable them to establish a standard faster, for areas that might have higher occurrence levels. Finally, my amendment would have specified that States may set more restrictive levels for radon, if it were determined that such levels would provide greater health protection than the Federal standard. I ultimately chose to not offer the amendment, opting to focus instead on working on a dialog to address this with other of my colleagues who shared my concerns, and which I am confident will continue as this bill moves into conference.

Clearly, radon is a complicated part of the SDWA puzzle. I worked closely with several Members, including my California colleague, Henry Waxman, to try and find a solution which would address these radon questions adequately. We were able to recognize and identify several potential alternatives, and discussions as how to best implement them will no doubt continue as we move into the conference committee. I would point out that these discussions were on several occasions mistakenly and inaccurately labeled as attempts to weaken the bill’s radon standards. In truth, those of us here in Congress who have some experience in administering public health programs, myself included, are intent on providing feasible strategies for protecting the public health, and our dialog was focused on that goal alone.

Additionally, Mr. Speaker, there is one section of the bill of which I am particularly proud. Section 410 of H.R. 3604 consists of language from a bill I introduced last year—H.R. 2601—to require that Federal standards for bottled water keep pace with our standards for tapwater. Because bottled water is considered a food item, the Food and Drug Administration [FDA] regulates its production and sale to protect the public health. The EPA, on the other hand, is charged with setting drinking water standards. However, the FDA has not always been timely in issuing its regulations for elements in bottled water, after EPA has published its regulations for the same elements in public drinking water. As an example, on December 1, 1994, FDA published a final rule for 35 elements in bottled water; however, nearly 4 years earlier, EPA had issued its regulations for the same elements in public drinking water. My language will simply require that any EPA regulation which sets a maximum contaminant level for tapwater, and any FDA regulation setting a standard of quality for bottled water for the same contaminant take effect at the same time. If the FDA does not promulgate a regulation within a realistic timeframe, established by section 410, the regulation established by the EPA for that element in tapwater will be considered the applicable regulation for the same element in bottled water. This will provide consumers with the health assurances that the water that they can purchase off the shelf meets at least the same standards as their tapwater.

Mr. Speaker, I have several supporting documents which I would like to have inserted into the Record along with my statement.

In conclusion, Mr. Speaker, in my hometown of San Diego, we are fortunate to already enjoy an extremely high standard of quality in our drinking water; a study by a national environmental group found that water systems in San Diego region reported zero health advisories over three years. By comparison, the same study found that an alarmingly high percentage of water systems in some regions of the country—including Washington, D.C.—reported health advisories or compliance failures during the same time period. Our nation’s drinking water provides a higher level of extreme protection in comparison to the standards in many other countries.

Mr. Speaker, I have joined with other Members of Congress in the beginning of time, and radon presents unique challenges from a public health perspective. We have been working with the Environmental Protection Agency, federal, state, and local agencies, and international organizations for nearly two decades. Additionally, since radon occurs at naturally occurring levels, the exposure of the public is continuously exposed to radon. While compounds such as lead and arsenic are also naturally occurring and therefore the public may be exposed, there is not the significant routes of exposure, the risk of those exposures, and the available water treatment technologies to reduce those risks should all be considered in the establishment of an MCL that protects public health. Therefore, we recommend that further studies be conducted to define this hazard.

If you have any questions, or need additional information, please call me at (619) 338-2211.

Sincerely,

Daniel J. Avera,
Director,
Department of Environmental Health.
continuous, passive, unavoidable exposure that the public experiences with radon.

3. The risk from radon exposure at the naturally occurring unavoidable level cannot be assessed in the same manner as for other drinking water contaminants, or for that matter other environmental hazards. According to EPA estimates, the cancer risk from radon exposure in an outdoor air is less than 1 in 1,000 risk range. The risk from indoor air exposure has been estimated to be in the 1/100 risk range. These numbers are orders of magnitude less than the risks from other environmental pollutants. EPA’s policy has been to set standards in the 1/1,000 to 1/1,000,000 risk range. Such a framework for standard setting is not necessary for radon because the natural background level for radon in air is orders of magnitude greater than that of water.

4. The establishment of an unnecessarily stringent radon drinking water standard will divert resources away from other radon public health programs. The Conference of Radiation Control Program Directors (CRCPD), a national organization of state radiation protection directors, recently stated for the approach adopted in S. 1216 because “it would roughly result in water contributing no more radon to indoor air than is present in outdoor air” (May 3, 1996 CRCPD letter to the House Subcommittee on Water Resources). The Senate bill would set a water standard at 3,000 pCi/L that could be revised based on sound science. This is a reasonable approach because resources that would otherwise be used to address the much more serious problems of radon in water. It is difficult to conceive of a cost/benefit analysis which would support this decision.

In conclusion, we believe that radon should not be regulated like other drinking water contaminants. Radon’s characteristics suggest that a non-traditional approach is needed for the establishment of a standard that considers the public’s overall exposure to radon. We have recommended the following approach.

We believe that the conferences will consider these points during the process of reconvening the House and Senate versions. If you need further information regarding radon in drinking water, please do not hesitate to contact us.

Sincerely,

David Reynolds, Executive Director.


William Reilly, Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MR. REILLY: This letter relates to the Radon Abatement Act of 1988 has the requirement of no less than 2,000 pCi/L with the suggestion of an equivalent MCL for radon in water.

An MCL for 2,000 pCi/L would cost an estimated $35 million dollars per year for public water systems. For private owners the total estimated general public exposure from radon in water will be reduced by less than 1%. At approximately 18 lives saved. An MCL for public water supplies will likely become a defacto standard for homeowners with private wells.

An estimated 30% of private well water owners (approximately 3 million homes) would exceed an MCL of 2,000 pCi/L. The typical cost to each homeowner to correct his or her well to meet the suggested standard is estimated at $2,000. To correct the problem nationally is estimated to require over 1 billion dollars annually.

As radiation control professionals, members of our organizations are committed to protecting the human environment from the harmful effects of radiation. However, we must be practical in our approach to providing protection. Radon in water is not less than 1%, or approximately 18 lives saved. An MCL for public water supplies will likely become a defacto standard for homeowners with private wells.

An estimated 30% of private well water owners (approximately 3 million homes) would exceed an MCL of 2,000 pCi/L. The typical cost to each homeowner to correct his or her well to meet the suggested standard is estimated at $2,000. To correct the problem nationally is estimated to require over 1 billion dollars annually.

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An estimated 30% of private well water owners (approximately 3 million homes) would exceed an MCL of 2,000 pCi/L. The typical cost to each homeowner to correct his or her well to meet the suggested standard is estimated at $2,000. To correct the problem nationally is estimated to require over 1 billion dollars annually.

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As radiation control professionals, members of our organizations are committed to protecting the human environment from the harmful effects of radiation. However, we must be practical in our approach to providing protection. Radon in water is not less than 1%, or approximately 18 lives saved. An MCL for public water supplies will likely become a defacto standard for homeowners with private wells.

An estimated 30% of private well water owners (approximately 3 million homes) would exceed an
and financial burdens on affected state programs. A major concern to regulatory agencies is the shear magnitude of addressing a regulatory issue in every household in the land. Resources just do not exist for such an endeavor.

Based on the above discussion, the recommendations of the Executive Board of the CRCPD are as follows:

1. An MCL in the range of 200 pCi/L is neither practical nor justified, and the MCL should be no less than 2,000 pCi/L. A more realistic standard is in the range of 5,000 to 10,000 pCi/L.

2. EPA should be consistent in its risk management decisions to the maximum extent possible.

3. Since the entire radon issue is bound up with an extended statistical argument based upon epidemiological findings (for underground miners) which may or may not give a true picture for a low level indoor environment, EPA should carefully evaluate any proposed MCL's for radon in air or water.

Attached with this letter is a report prepared by the CRCPD Radon Program Implementation Committee which addresses these concerns in more detail.

On behalf of the Executive Board of the CRCPD, I would appreciate your consideration of our concerns and request your response to these concerns at your earliest convenience.

Yours very truly,

DIANE E. TEFFT, Chairperson.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. MINGE] to speak against pork.

Mr. MINGE. Mr. Speaker, I would like to join in the chorus of others who are praising the work of the committees in reporting out a bill that actually addresses problems that many communities around this country have had in maintaining a safe drinking water system and doing so in a way that fits within a budget and reasonable mandates.

There are two issues here that affect the legislation that I would like to briefly address. The first is the issue of pork, and I only wish that I had time to read 300 pages and know exactly what the architecture of the grant arrangement is. Let me say, if there is a 75 percent trigger figure or level that has to be reached before any earmarks are implemented, that does not detract, in my opinion, from the adverse nature of earmarking in legislation.

Mr. Speaker, I would certainly hope that in the conference committee process this matter is cleaned up. It is nice to have some drinking water. We want clean drinking water; let us have a clean bill.

A second point that I would like to raise has to do with the public right to know. In a community that is in my congressional district, we ran into a rather unfortunate situation. In the context of transferring a home, there was a test of tap water that was run. It was discovered that there was lead in the tap water. The State agency administering the federal program at that point told the municipality we must publish a notice in the local and the regional paper that you have lead in the drinking water in your city.

The municipality said: This is not the case; the lead came from that home, and we can show from other tests that this lead was not from our municipal system, it is from the home itself.

I would like to ask the distinguished chairman of the committee if he is aware if there is anything in this legislation that would simplify the situation so a municipality would be able to distinguish in any right-to-know public notification from the source of lead coming from its system as opposed to lead that may come from household plumbing.

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

Mr. MINGE. Mr. Speaker, I appreciate that greatly, and I would like to again compliment the distinguished chairman of the committee and the ranking member for the work that they have done in bringing to the floor of the House a substantive measure which truly meets the needs of this Nation with respect to preserving the safe drinking water supply.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

I grew up 3 miles out of a small town in North Dakota, and our water was not fit to drink. We literally carried water to our town. This is the state of thousands and thousands of homes today. The happy news is that literally thousands and thousands of homes that did not have drinkable water now do have because of the reach of rural water systems and improvements in small town water systems that afford them drinkable water where they did not have it before.

Mr. Speaker, the present law needs to be changed because it is threatening the viability of some of these rural water systems imposing too many one-size-fits-all requirements. The Senate passed their safe drinking water bill unanimously. We could have been proud to vote for. To have the revolving loan fund earmarked by the Committee on Transportation and Infrastructure in the fashion that has unfolded in the legislation before us is a bitter disappointment.

I think all systems ought to compete for that money fair and square, not have some public works earmarks garnered in by report language, and I think that amendment has indeed been highly regrettable.

The Senate passed their safe drinking water bill unanimously. We could have on the House side. It is unfortunate that this change was made.

Mr. Speaker, I rise today in support of this legislation but also to express my disappointment about the recent controversy surrounding this bill. It is unfortunate that once again the normal committee process has been circumvented and in the process passage of this bill—which enjoyed broad bipartisan support—is in jeopardy. In the interest of providing desperately needed relief to rural water systems throughout the country, I will be supporting the House.

Mr. Speaker, since my election to Congress, I have visited with mayors and community leaders who consider reform of the Safe Drinking Water Act to be one of their top priorities. It is no wonder. The Safe Drinking Water Act is one of the most expensive unfunded mandates facing North Dakota communities.

Water systems throughout the country are forced to test for an arbitrary number of contaminants regardless of the threat to public health. Many small and rural water systems simply cannot comply with these mandates—they don’t have the technology and they don’t have the resources. This law has driven the water systems of some communities to the edge of viability, while others have had to ignore the law in order to survive financially.

A National Rural Water Association report found that rural communities will spend over $639 million for redundant monitoring between 1994 and 1996. In order to comply with these regulations, 80 percent of small communities will be forced to hook up more families, improve water treatment, operate wells, and other critical functions.

In order to help move this issue forward, I introduced the unanimously passed Senate version in March. Many of the mandates contained in that bill are also contained in this legislation. It reduces the regulatory burden imposed on States and public water systems, increases State flexibility, provides financial assistance for unfunded mandates, and requires that the EPA not have the authority to impose rules and regulations on States and localities.

The fundamental flaw of the current law is its one-size-fits-all approach. What makes
more sense is allowing water systems to focus their scarce resources on the real risks to human health in their communities. With passage of this bill, what is affordable will no longer be governed by what Chicago or New York can afford—system size will be taken into consideration when determining affordability.

In this case, less regulation can actually mean safer drinking water. This legislation will not undermine the importance of the current drinking water laws. Rather, it will ensure safe drinking water without bankrupting our communities.

I am concerned about the expansion of EPA authority into operator certification programs. I believe the North Dakota Department of Health could be better suited to understand the certification needs of North Dakota system operators.

As this legislation goes to conference, I will continue to work to see that this and other issues impacting small and rural water systems are addressed. I remain hopeful that we can enact a reform bill still this session.

Mr. DINGELL. Mr. Speaker, I yield myself the remainder of my time. It will come to me that pigs cannot fly, but they can swim, and they are in our drinking water. The Committee on Public Works, or now, I gather, the Committee on Transportation and Infrastructure is it, has never forgotten how to put pigs in the drinking water. They have never forgotten how to take a fund which would benefit all of the Members of Congress, all of the people of the country and convert it into a proposal which will take care of a few congressional districts, with, quite frankly, a very shameless raid upon a fund which is already too small to do what it has to do.

Now, I am not going to defend the situation which triggered this. I am sure the gentleman from Massachusetts [Mr. SCHAEFER] would make that possible.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Thank you, Mr. Speaker. I am pleased that the House is considering this bipartisan environmental legislation.

The existing Safe Drinking Water Act’s intent is important and vitally necessary—ensuring the public has a clean water supply. Unfortunately, the existing law provides this public health protection through unnecessarily rigid mandates.

This bipartisan legislation validates that the same level of public health protection can be provided, but at a lower financial cost to the public and those who operate water systems.

I would like to take this chance to specifically address the federal facilities provisions of Title II of the bill. Ensuring the Federal Government’s compliance with environmental laws has been a longtime campaign of mine. Historically, the Federal Government has been the Nation’s biggest polluter. It has sought to allow its communities to escape accountability for its environmental violations. This is simply wrong.

Not only does the Federal Government have the duty to follow the laws it enacts, but citizens living on or near Federal facilities deserve the same environmental protections afforded to those on private lands.

Congress has sought to hold the Federal Government accountable in the context of a removal statute. In 1992, after years of effort, we won enactment of the Federal Facilities Compliance Act, which gave States the ability to enforce Resource and Conservation Recovery Act standards at Federal facilities. And, last year, we were able to incorporate similar provisions in the Clean Water Act amendments now pending in the Senate.

I am pleased that H.R. 3604 contains the parallel provisions necessary to ensure that Federal facilities will adhere to the Safe Drinking Water Act.

Mr. Speaker, I am pleased to be an original cosponsor of this legislation. I am specifically encouraged that Congress is taking another step toward ensuring full compliance by Federal facilities with environmental laws.

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

Mr. SCHAEFER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. The gentleman is recognized.

Mr. SCHAEFER. Thank you, Mr. Speaker, just by way of observation, the Safe Drinking Water Act amendments were reported from the Committee on Transportation and Infrastructure and now in this Congress. We concur in the language in the bill, and we support the legislation and urge its adoption by the House.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman very much. I am also pleased to be an original cosponsor and encouraged that Congress has taken another step forward in fulfilling compliance by the Federal facilities in this country the same that private industry does.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I rise in strong support of the Safe Drinking Water Act reform and urge its passage.

Mr. BEREUTER. Mr. Speaker, I rise in support of the legislation which was originally re-
and their family and friends to harmful water. Instead, they will focus their time and money on the problems unique to their community.

Mr. Speaker, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. This Member’s experience in visiting with local officials and listening to constituents at town hall meetings indicates that the regulations promulgated to enforce the Safe Drinking Water Act have become so onerous and expensive that small communities will be further impaired in conference and that includes a deletion of the earmarked or recommended projects which were added after the legislation was reported originally from the Commerce Committee.

Mr. Speaker, I rise today to congratulate all parties, particularly Messrs. BILEY, DINGELL, BILIRakis, and WAXMAN, in reaching an agreement on the reauthorization of the Safe Drinking Water Act. This is a truly bipartisan bill which establishes good public policy.

Mr. Speaker, while everyone certainly recognizes the importance of providing safe drinking water, this Member believes it should be done in a realistic manner which does not unnecessarily burden the communities affected. As stated previously, this Member does not support taking any action that will cause drinking water to become unsafe when there is a reasonable solution. The legislation also addresses States’ concern to tailor monitoring requirements to particular circumstances, with responsible flexibility and reasonable exemptions made more easily available.

Mr. Speaker, Nebraska relies far more heavily on ground water sources for both drinking water and commercial uses than any other State in the Nation. For example, only 6 or 7 of the 395 public water systems in the State exclusively use surface water. In many Nebraska communities, individual wells are located at many points in a community without being interconnected. Since most Nebraska communities incorporate water systems directly into the distribution systems, a requirement for chlorination would have the effect of requiring centralization of their water supply systems or chlorination would sometimes have to be provided at each separate well site—an action which would be almost economically impossible for many Nebraska communities.

It is also important to note that Nebraska has not had a water-borne disease outbreak attributed to a public water supply system since at least 1969. That particular situation involved a transient population with an unidentified source or cause of illness.

Mr. Speaker, this Member is pleased that the House is taking action on this important issue. The additional funds will be further improved in conference and that includes a deletion of the earmarked or recommended projects which were added after the legislation was reported originally from the Commerce Committee.

I am only sorry that in the final days before today’s vote that the bipartisan nature of this bill was strained by jurisdictional disagreements. This bill should have passed by a unanimous vote with praise from both sides of the aisle. Instead, the debate exhibited the partisan nature and all too familiar during the 104th Congress—all over some additional district-specific provisions that could diminish the State revolving fund (SRF) as much as $375 million in grants.

I hope that we can resolve the differences that were outstanding today to ensure the enactment of a comprehensive Safe Drinking Water Act this year. This is a good bill that sets forth solid public policy. H.R. 3604 grants long needed regulatory relief for small systems and provides needed financial resources for rural water systems to become more voluntary, incentive-based, and community-driven source water protection programs.

Let’s resolve the remaining controversies and move towards a conference with the Senate. Because this bill has broad-based support, it would be terrible to lose this opportunity to pass comprehensive legislation into law this Congress.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996. This bill, as amended by the Transportation and Infrastructure Committee, will help meet the mandates for environmental infrastructure and a cleaner, safer, and healthier environment.

First, I must congratulate and thank the leadership of the Commerce Committee, particularly the gentleman from Virginia, Chairman TOM BILEY, and the gentleman from Florida, Subcommittee Chairman MICHAEL BILIRakis, for their efforts regarding H.R. 3604 and their willingness to work with the Transportation and Infrastructure Committee. Working together on the improvements from their bill and from our bill, H.R. 2747, the Water Supply Infrastructure Assistance Act of 1996, to produce a strong, bipartisan package.

A lot of the credit also goes to the membership of the Transportation and Infrastructure Committee, particularly the gentleman from Minnesota, Ranking Democrat JAMES OBERSTAR, the gentleman from New York, chairman of the Water Resources and Environment Subcommittee, SHERRY BOEHLErt, and the gentleman from Pennsylvania, Ranking Democrat of the Water Resources and Environment Subcommittee, RICHARD SOURDER, for their efforts resulted in a broadly-supported, bipartisan bill authorizing a new State revolving fund (SRF) for drinking water and source water quality protection, as well as grants for additional, related assistance. The bill also helped build momentum for broader legislation reauthorizing and reforming the Safe Drinking Water Act within the Commerce Committee.

Last week, with the assistance of the House Republican leadership, the two committees combined portions from both bills—H.R. 2747 and H.R. 3604—to help move improved legislation to the floor as soon as possible.

The resulting package of amendments contains both regulatory and non-regulatory provisions, including the SRF, from H.R. 3604 and certain water infrastructure and watershed protection provisions from H.R. 2747. The bill’s new title, V, Additional Assistance for Water Infrastructure and Watersheds, is straight from H.R. 2747 and authorizes $50 million a year to EPA for grants to States for drinking water infrastructure and source water quality protection.

The authorization is contingent on Congress appropriating 75 percent or more of the amount authorized each year for the SRF—retains the policy that Congressionally give priority to capitalizing the SRF. The package also includes provisions from H.R. 2747 to address regional needs in Alaska and the New York City watershed. Provisions and concepts developed in H.R. 2747 on the makeup and use of a national SRF are also either already part of H.R. 3604 or part of the Senate-passed drinking water bill.

Mr. Speaker, because the legislative history may not be entirely clear, it is important to elaborate on some of the bill’s provisions—particularly those from the Transportation and Infrastructure committee’s bill, H.R. 2747.

House Report 104–515, the committee report accompanying H.R. 2747, describes the provisions in and intent behind section 15 of H.R. 2747. Essentially the only changes from section 15 and the new title V of H.R. 3604 relate to the authorization dates and levels. The generic grants program is now authorized through fiscal year 2003, rather than fiscal year 2000, to be consistent with authorization levels set for fiscal year 2001. The only addition included in the report was allowing up to $8 million per year to reflect a comparable change made to the reported version of H.R. 3604.

There has been considerable discussion surrounding the generic grants program and the mention of projects in the committee report. The committee believes the Administrator of EPA and the affected States should determine their own priorities under this program. Based on testimony and other information considered during the markup, the committee urges that priority consideration be given to communities listed in the committee report. In no way, however, is this intended to preclude assistance for other communities. In fact, since the filing of the report, additional projects have come to the committee’s attention. For example, Madison, OH, has waterline replacement and booster station needs. These, like other infrastructure projects throughout the Nation, could benefit from the program.

The Transportation and Infrastructure Committee report also adds important language regarding land acquisition provisions and the requirement that they be from willing sellers.
Mr. WALKER. Mr. Speaker, I rise today in support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996. I am pleased to introduce a sound bill, and I would like to compliment Chairman BILIEY on his committee’s fine work.

H.R. 3604 was referred to the Committee on Science for consideration of its drinking water research provision. The Committee has for the last two decades authorized drinking water research as part of the Environmental Research, Development, and Demonstration Authorization Act.

During this Congress, the committee authorized the Environmental Protection Agency’s (EPA) drinking water research in both the Omnibus Civilian Science Authorization Act of 1995, H.R. 2405, and 1996, H.R. 3322. Both these measures passed the House of Representatives.

It was my intent, Mr. Speaker, to have the Science Committee mark up H.R. 3604 in order to reconcile its drinking water research provisions with those which passed the House on May 30, 1996, as part of H.R. 3322. However, due to the looming August 1, 1996, deadline for renewal of a Safe Drinking Water Act reauthorization, and based on a request from Chairman BILIEY, the Science Committee has agreed to discharge H.R. 3604.

In exchange, the Commerce Committee has agreed to include a new research title in the bill, title VI, and support the appointment of Science Committee conferees to the House-Senate conference for those House or Senate provisions which involve drinking water research. Title VI reconciles the drinking water provisions which involve drinking water research in both the House and the Senate as H.R. 3604 moves further down the road toward enactment.

Mr. TATE. Mr. Speaker, today I rise in strong support of the Safe Drinking Water Act amendments. I commend my colleagues for their strong bipartisan cooperation, continuing the tradition of bipartisanship that has characterized the Safe Drinking Water Act since it was originally signed into law by President Ford and reauthorized during the Reagan Presidency.

Today, the Safe Drinking Water Act is revitalized by a Republican Congress that has put policies on the table, and gone to work to deliver to the American people safe and pure drinking water. Governors, State and county legislators and mayors, alongside local and State water authorities, have endorsed the Safe Drinking Water Act amendments presenting a significant advance over current law.

In Washington State, there are over 4,000 separate water systems impacted by the Safe Drinking Water Act and approximately 2,000 of these have less than 100 families connected to them. Local authorities can and will find effective ways of providing safe drinking water to their residents—if they are allowed to do so.

The Safe Drinking Water Act amendments establish clear priorities, concentrating safe drinking water programs on those contaminants that pose the greatest threat to human health. No longer will local water systems be forced to test for contaminants that responsible authorities have never found, and are unlikely ever to find, in the water supply. Instead, local water authorities will be able to harness their knowledge, expertise, and dedication, and focus their resources where it is needed the most.

Arbitrary requirements calling for regulations on 25 new contaminants every 3 years are removed. Instead, the best available scientific evidence will be utilized to target real and documented threats to the public, including enhanced testing for estrogenic substances and a screening program for pesticides and chemicals.

Mr. Speaker, this legislation ensures that water systems will be able to obtain the financial and technical expertise they need to implement Federal water standards. The EPA is required to proactively assist water systems as they struggle to comply with Federal regulations by identifying new technologies best suited to meet their needs. Special technical assistance is also extended to small water systems.

This legislation provides the resources our drinking water systems need. A State revolving fund of $7.6 billion is established to help public water systems implement drinking water standards. Funding for the public water State revolving loan fund for use in the implementation and enforcement of State drinking water programs, is more than doubled to $100 million annually. Also, $80 million is provided for scientific research on the health affects and treatment of arsenic, radon, and cryptosporidium.

Most important, the Safe Drinking Water Act amendments vigorously enforces the public’s right to know. The EPA is required to un-reconciled contaminants and annually provide a consumer confidence report detailing each water system’s compliance with safe drinking water standards. In addition, the public must be notified of violations within 24-hours rather than the current 14 days. The Safe Drinking Water Act amendments harness sound and objective scientific practices, local expertise, and common sense in order to produce real public health benefits. Science, local flexibility, and common sense—rather than redtape—will help ensure the purity and safety of our Nation’s drinking water.

I urge all my colleagues to vote in support of the Safe Drinking Water Act amendments.

Mrs. FOWLER. Mr. Speaker, I rise today in support of these important reforms to the Safe Drinking Water Act. The fact that we need to address these issues is not in question. Our Nation’s public water systems implement drinking water protection efforts. Beyond a doubt, it will significantly improve our country’s water infrastructure and drinking water protection efforts.

I look forward to working with my colleagues in both the House and the Senate as H.R. 3604 moves further down the road toward enactment.
It returns the decisionmaking power to the State and local water authorities, who know best the needs of their community water system. Communities will be better able to monitor the purity of their water than bureaucrats in Washington, DC. Rural water system officials in mid-Michigan have contacted me in support of this bill, because they realize that less Federal control means more local control, and ultimately a cleaner water for Michigan’s communities.

This legislation is the product of over 2 years of negotiations between Congress, State, and local officials, and representatives of virtually every public water system in the country. The Commerce Committee deserves credit for fashioning a bipartisan bill that reforms a Safe Drinking Water Act that is broken. This legislation will go far toward insuring safe drinking water and efficient allocation of Federal, State, and local resources. I urge my colleagues to vote for this important piece of environmental legislation.

Mr. ENSIGN. Mr. Speaker, I would like to express my strong support and intent to vote for H.R. 3604, the Safe Drinking Water Act amendments. Despite the inclusion of non-related grants under the Safe Drinking Water Act, I feel that it is vital to the American people that we pass this legislation. It will enhance the safety of Americans’ drinking water by focusing regulatory efforts on the most dangerous health contaminants and giving States and local water systems the financial and technical resources they need.

H.R. 3604 provides $7.6 billion in direct grants and loans to public water systems for compliance activities, enhancement of water system capacities, operator training, and development of solutions to source water pollution. It also authorizes $80 million for scientific research on the health effects of cryptosporidium, as well as radon and arsenic, and to develop new methods for its treatment. In addition, H.R. 3604 includes a community right-to-know provision which requires water systems to mail an annual report to every consumer concerning the levels of regulated contaminants.

The safe drinking water amendments is a carefully crafted, bi-partisan bill that deserves support. It provides ample resources and power to local communities to provide safe and clean water to their residents. It provides local control over local issues.

I commend the Commerce Committee for their hard work. I am hopeful that differences between the Senate-passed bill can be worked out quickly to send this important environmental legislation to the President.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 3604, 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.

GENERAL LEAVE

Mr. BLILEY. 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. 3604, as amended.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.
3825. A letter from the Director, Office of Telemedicine Grant Program (RIN: 0572±2776), to the Committee on Agriculture.

3826. A letter from the Manager Director, Federal Communications Commission, transmitting the Commission's final rule—Telecommunications Act of 1996 (FCC 96±218) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3827. A letter from the Director, Federal Trade Commission, transmitting the Commission's final rule—Operator Service Access and Pay Telephone Compensation (CC Docket No. 91±35; FCC 96±131) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3828. A letter from the Secretary, Federal Trade Commission, transmitting notification concerning the Department of Commerce's proposed Order of Acceptance (LOA) to the Taipei Economic and Cultural Representative Office (TECRO) in the United States for defense articles and as other (States in the region in order to participate in and support the North Atlantic Treaty Organization [NATO]-led Implementation Force (IFOR) [H. Doc. No. 104±238); to the Committee on Government Reform and Oversight.

3829. A letter from the Acting Director, Office of Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Review, Motions and Appeals in Immigration Proceedings (EOIR) [Docket No. 21±96] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3830. A letter from the Committee General, the General Accounting Office, transmitting a review of the President's seventh special impoundment message for fiscal year 1996, pursuant to 5 U.S.C. 605 (H. Doc. No. 104±238); to the Committee on Appropriations and ordered to be printed.


3833. A letter from the Speaker's table and referred as follows:


3835. A letter from the Secretary, Department of Transportation, transmitting the Department's final rule—Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component (SRMP) Season for the Transfer of Defense Articles or Defense Services Sold Commercially to Australia received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3836. A letter from the Director, Office of Telemedicine Grant Program, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area: Regulated Fishing Mortality Rate for the Eastern Bering Sea Subarea [Docket No. 960129019±6019±01; I.D. 061796C] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.
the Department's final rule—Establishment of Class E Airspace; Dawson, GA—Docket No. 96-ASO-9 (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0077) received June 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3836. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airport Use Authorization; Class F Airspace (RIN: 2120-AA82) received June 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3837. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulations; Transport Category Airplanes—Docket No. 94-300-15 (RIN: 2120-AA90) received June 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3838. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Class Exemption for Acquisition or Operation of Rail Lines by Class III Rail Carriers under 49 U.S.C. 10902 (STB EX Part I) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3841. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Conversion to the Metric System; Policy Statement—received June 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3841. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—National Service Life Insurance (RIN: 2900-AAH5) received June 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3842. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation that appropriated funds are not used for operation of golf courses on real property controlled by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

3843. A letter from the Regulatory Policy Officer, Department of the Treasury, transmitting the Department's final rule—The Malibu-Newton Canyon Viticultural Area (95±AN-25) (RIN: 1512-AF07) received June 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


3845. A letter from the Acting Assistant Secretary, Affair and Operations, Department of State, transmitting notification of the United States Information Agency's [USIA] intent to obligate $2 million, following the transfer, pursuant to section 632(a) of the FAA, for the purpose of upgrading existing nongovernment television stations in Cuba and Dominica; to the Senate Committee on Appropriations, after December 31, 1988, and before June 30, 1989, pursuant to 5 U.S.C. 2394±1(a); jointly, to the Committees on International Relations and Appropriations.

3847. A letter from the Secretary of State, transmitting a report assessing the voting practices of the government of U.N. member states in the General Assembly and Security Council for 1995 and evaluating the effectiveness and responsiveness of those governments to U.S. policy on issues of special importance to the United States, pursuant to Public Law 103±137, section 122, jointly, to the Committees on International Relations and Appropriations.

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. GREENE of Utah: Committee on Rules. House Resolution 460. Resolution providing for consideration of the bill (H.R. 3675) making appropriations of the Appropriations Act for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104±633). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 182. Resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation status—for China and the People's Republic of China; adversely (Rept. 104±634). Referred to the House Calendar.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3663. A bill to amend the District of Columbia Self-Government and Government Reorganization Act to permit the Council of the District of Columbia to authorize the issuance of revenue bonds with respect to water and sewer facilities, and for other purposes (Rept. 104±635). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 463. Resolution providing for consideration of the bill (H.R. 3677) making appropriations of the Appropriations Act for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104±633). Referred to the House Calendar.

H.R. 3715. A bill to amend the Public Health Service Act to provide for research on the disease known as lymphangioleiomyomatosis, commonly known as LAM; to the Committee on Commerce.

By Mr. KASICH:

H.R. 3716. A bill to implement the project for American renewal, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself and Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. JACOBS, and Mr. MCVILLEN): H.R. 3717. A bill to reform the postal laws, and in addition to the Committees on Government Reform and Oversight, and in the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
By Mr. COX (for himself and Mr. SOLOMON):
H. Res. 463. Resolution regarding United States concerns with human rights abuses, nuclear and chemical weapons proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army and directing the committees of jurisdiction to commence hearings and report appropriate legislation; to the Committee on Rules.

By Mr. FOX:
H. Res. 462. Resolution designating the majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FRANK of Massachusetts:
H. Res. 464. Resolution expressing the sense of the House of Representatives relating to the recognition of the Magen David Adom—Red Shield of David—as a symbol of the International Red Cross and Red Crescent Movement; to the Committee on International Relations.

MEMORIALS
Under clause 4 of rule XXII,
227. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to the resolution (Senate Bill No. 62) supporting an amendment to the Constitution of the United States establishing the rights of victims of crimes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS
Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:
H. R. 2616, Mr. TAYLOR of North Carolina.
H. R. 957, Ms. SEASTRAND.
H. R. 1499, Mr. GEKAS.
H. R. 1776, Mr. WELDON of Florida and Mr. BROWN of California.
H. R. 1496, Mr. LIGHTFOOT, Mr. RADANOVICH, Mr. SAM JOSHIN, and Mr. BONO.
H. R. 111, Mr. MCNULTY, Mr. CRAMER, Mr. LAFALCE, and Mr. CASTLE.
H. R. 2262, Mr. MCCRERY, Mr. MCCOLLUM, Mr. KIM, and Mr. SHADEGG.
H. R. 2209, Mr. ROMERO-BARCELLO, Mr. LINDE, and Mr. HAYES.
H. R. 2237, Ms. NORTON, Mr. LIPINSKI, and Mrs. MORELLA.
H. R. 2342, Mr. PARKER.
H. R. 2434, Mrs. VUCANOVIČ and Mr. BENSEN.
H. R. 2472, Mr. LAFAULCE, Mr. WILLIAMS, Mr. JACKSON, and Mr. TORRICELLI.
H. R. 2604, Mr. ANDREWS.
H. R. 2745, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. GREENWOOD, and Mr. FLANAGAN.
H. R. 2777, Mr. ABERCROMBIE.
H. R. 2798, Mr. MURPHY.
H. R. 2620, Mr. STEARNs.
H. R. 2627, Mr. FLANAGAN.
H. R. 2675, Mr. MONTGOMERY.
H. R. 2690, Mr. TAUZIN, Mr. KELLY, Mr. HASTINGS of Washington, Mr. DUNCAN, Mr. STUMP, and Mr. RADANOVICH.
H. R. 2962, Mr. LIPINSKI, Mr. STARK, Ms. FURSE, Ms. NORTON, and Mr. EVANS.
H. R. 3118, Mr. TATE.
H. R. 3123, Ms. MYRICK.
H. R. 3142, Mr. DEFAZIO, Mr. STOCKMAN, Mr. PORTER, Mr. JOHNSON, Mr. CRAPo, Mr. PARKER, Mr. ROBERTs, and Mr. QUILLen.
H. R. 3189, Mr. Wynn.
H. R. 3395, Mr. WHITFIELD, Mr. BILBAY, and Mr. LAGUIH.
H. R. 3222, Mr. OWENS and Mr. MILLER of California.

AMENDMENTS
Under clause 6 of rule XXIII, proposed amendments were submitted as follows:
H. R. 3369: Mrs. COLLINS of Illinois, Mr. RUSH, Mr. FORD, Mr. CLYBURN, Mr. HILLIARD, Mr. THOMPSON, Mr. RANGEL, Mr. STOKES, Mr. PAYNE of New Jersey, Miss COLLINS of Michigan, Mr. GINGRICH, Mr. GONDAW of Florida, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. OWENS, Mr. JEFFERSON, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. DELOE, and Mr. MARQUEZ.
H. R. 3374: Mrs. THURMAN, Mr. GREEN of Texas, Mr. EVANS, Mr. CARDIN, and Mr. DURBIN.
H. R. 3410: Mr. LARGENT, Mr. FROST, Mr. HALL of Texas, Mr. COBURN, Mr. MCCRERY, Mr. CHAPMAN, Mr. GREEN of Texas, Mr. PETE GUREN of Texas, and Mr. BARTON of Texas.
H. R. 3422: Mr. SHABAZ.
H. R. 3425: Mr. CLEMENT.
H. R. 3455: Mr. ROMERO-BARCELLO, Mr. DURBIN, and Mr. HORN.
H. R. 3462: Mr. EDWARDS, Mr. WATTS of Oklahoma, Mr. TEJEDA, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. CLEMENT, Mr. FOX, Mr. MASCARA, Mr. FLANAGAN, Mr. STEARNS, and Mr. HUTCHINSON.
H. R. 3465: Mr. CARDIN and Mr. DELLUMS.
H. R. 3508: Mr. KASICH, Mr. KING, Mr. DE LA GARZA, Mrs. MYRICK, Ms. SLAUGHTER, Mr. BERMAN, Mr. PETERSON of Minnesota, and Mr. STEARNS.
H. R. 3520: Mr. BRYANT of Texas.
H. R. 3556: Ms. GREENE of Utah, Ms. RIVERS, and Mr. KENNEDY of Colorado.
H. R. 3565: Mr. BLILY, Mr. GORDON, and Mr. FOX.
H. R. 3571: Mr. FLAKE and Mr. NEY.
H. R. 3591: Mr. DELLUMS.
H. R. 3606: Ms. FURSE.
H. R. 3633: Mr. FROST.
H. R. 3643: Mr. FOX, Mr. CLEMENT, Mr. TEJEDA, and Mr. MASCARA.
H. R. 3648: Mr. STUPAK, Mr. NEAL of Massachusetts, Mr. LIPINSKI, and Mr. FATTAH.
H. R. 3672: Mr. SMITH of New Jersey, Mr. HUTCHINSON, Mr. BILIRAKIS, Mr. CLEMENT, Mr. FOX, Mr. TEJEDA, Mr. WELLER, Mr. MASCARA, and Mr. STEARNS.
H. R. 3674: Mr. SMITH of New Jersey, Mr. HUTCHINSON, Mr. BILIRAKIS, Mr. TEJEDA, Mr. FOX, Mr. WELLER, and Mr. STEARNS.
H. Con. Res. 128: Ms. EDDIE BERNICE JOHN- son of Texas, Mr. LINDE, and Mr. HAYES.
H. Con. Res. 129: Mr. FLANAGAN, Mr. STEARNs, and Mr. HUTCHINSON.
H. Con. Res. 138: Ms. EDDIE BERNICE JOHN- son of Texas, Mr. OLEKARCZYK, Mr. HUT- CHINSON, Mr. BILIRAKIS, Mr. CLEMENT, Mr. FOX, Mr. WELLER, Mr. MASCARA, and Mr. STEARNS.
H. Res. 175: Mr. BROWN of California, Mr. HUTCHINSON, Mr. BILIRAKIS, Mr. TEJEDA, Mr. FOX, Mr. WELLER, and Mr. STEARNS.
H. Con. Res. 175: Mr. CLINGER.
H. Con. Res. 128: Ms. EDDIE BERNICE JOHN- son of Texas, Mr. LINDE, and Mr. HAYES.
H. Res. 441: Mr. FLINER.
H. Res. 452: Mr. BROWN of California, Mr. LANTOS, Mr. HORN, Mr. MILLER of California, and Mr. KANOSKI.
H. Res. 454: Mr. TORRES, Ms. WOOLSEY, Mrs. LOWEY, and Mr. BARRETT of Wisconsin.

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading "HAZARDOUS SUBSTANCE SUPERFUND" may be used to provide for the development of any program or project under section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or under section 304 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604) to the extent such funds are directed to the Environmental Protection Agency.

H. R. 3666
OFFERED BY: MRS. THURMAN
AMENDMENT NO. 69. Page 95, after line 21, insert the following new section:

(a) PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY THE DEPARTMENT OF VETERANS AFFAIRS.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, similar eligibility priority, or similar medical conditions and who are eligible for medical care in those facilities have similar access to care in those facilities, regardless of the region of the United States in which they reside.

(2) The plan shall be submitted to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Secretary of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care. The plan shall include procedures to identify and examine variations in operating costs among similar facilities and ways to improve the allocation of resources among facilities so as to promote the efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary for Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth:

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in a meeting that goal through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan developed under subsection (a) to Congress not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting it to Congress under subsection (b), unless within such period the Secretary notifies the appropriate committees of Congress that the plan will not be implemented, along with an explanation of why the plan will not be implemented.

H. R. 3666
OFFERED BY: MR. WELLER
AMENDMENT NO. 70. Page 95 after line 21, insert the following new section:

H6765
JUNE 25, 1996
CONGRESSIONAL RECORD — HOUSE
H6765
SEC. 406. (a) LIMITATION ON USE OF FUNDS FOR certain surface transportation projects.—None of the funds made available in this Act may be used to pay the salaries or expenses of Department of Transportation personnel who provide, to a State more than $50,000 in Federal assistance from the Highway Trust Fund, without the approval of the Secretary of Transportation, for any surface transportation project except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the project is a pilot project for a particular type of work that will result in a substantial cost savings to the State; or

(2) the cost-benefit analysis is accompanied by an analysis of the ability of the State to reassume the contracted service if contracting of the service ceases to serve the public interest;

(b) EXCEPTIONS.—The limitation established by subsection (a) shall not apply to any surface transportation project when it is made known to the Federal official having authority to obligate or expend the funds that—

(1) the project is a pilot project for a particular type of work; or

(2) the analysis of the State's finances and personnel under subsection (a)(4) demonstrates that the State cannot perform the work with existing or additional departmental personnel because the work would be of such an intermittent nature as to be likely to cause regular periods of unemployment for State employees.

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: At the appropriate place in the bill, add the following new section:

"(1) the project is a pilot project for a particular type of work that will result in a substantial cost savings to the State; or

(2) the analysis of the State's finances and personnel under subsection (a)(4) demonstrates that the State cannot perform the work with existing or additional departmental personnel because the work would be of such an intermittent nature as to be likely to cause regular periods of unemployment for State employees."
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Martin Luther said, "The very ablest youth should be reserved and educated not for the office of preaching, but for government. Because in preaching, the Holy Spirit does it all, whereas in government one must exercise reason in the shadowy realms where ambiguity and uncertainty are the order of the day."

Gracious God, infinite wisdom, we thank You for reserving and preparing the women and men of this Senate to serve You in the high calling of government. So often politics and politicians are denigrated in our society. We forget that politics is simply the doing of government. Bless the Senators, their faithful staffs, and all who are part of the Senate family. Give all of them renewed awareness that they are here by Your appointment and You will give vision in the ambiguities and clear convictions in the uncertainties that occur today. Send out Your light; lead us; empower us. We commit ourselves anew to excellence for Your glory and the good of our beloved Nation. In the name of our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning there will be a period for continued debate on S. 1219, the campaign finance reform bill, with the time equally divided between the two leaders or their designees.

UNANIMOUS-CONSENT AGREEMENT

I understand that there has been a request for an extension of that debate, therefore I now ask unanimous consent that debate be extended until 1 p.m. today under the previous conditions, and further that Senators have until 1 p.m. in order to file second-degree amendments to the campaign finance reform bill, as well as first-degree amendments to the DOD bill.

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

Mr. LOTT. I might just note that has been cleared by the Democratic leadership. This just does provide for an additional 30 minutes of debate on the campaign finance reform bill.

At 2:15 today, under the previous order, the Senate will proceed to a roll-call vote on the motion to invoke cloture on the campaign finance reform bill. If cloture is not invoked, the Senate is expected to resume consideration of the Department of Defense authorization bill; therefore, further rollcall votes are expected throughout today's session.

As a further reminder, a cloture motion was filed on the DOD authorization bill last night, with that vote to occur on Wednesday of this week. Also, the Senate will recess from the hour of 1 to 2:15 p.m. today, in order for the weekly policy conferences to meet.

I hope the cloture vote on DOD authorization may not be necessary, but from what I saw last week, the Senate has not yet gotten serious about completing this legislation. We must do it this week. We will do it this week. We just have to get on with the amendments. So we probably can expect to go into the night tonight and may very well tomorrow also.

I might also just say, I plan to meet later on this morning with the Democratic leader and see if we can come to an agreement on how to handle the small business tax relief and minimum wage issue, beginning on Monday, July 8. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DeWine). Under the previous order, leadership time is reserved.

CAMPAIGN FINANCE REFORM

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1219, which the clerk will read.

The assistant legislative clerk read as follows:

A bill (S. 1219) to reform the financing of Federal elections, and for other purposes.

Mrs. HUTCHISON. Mr. President, I want to speak against cloture on this bill, but I also want to talk about what I think is good about the bill and why I am voting against cloture.

First, I want to say, if I were titling this bill, it would be called the Incumbency Protection Act, because that is what limitations on expenditures for campaigns will do. It will take away the right of a challenger to be able to raise more money than an incumbent with the advantage of name identification and to be able to go forward with a message.

What they say in this bill is that it is voluntary. It is voluntary, but you pay quite a price if you do not adhere to the limits. You, then, will be faced with 30 minutes of free broadcast time against you, if you do not adhere to the limits. You will have reduced postal rates against you. This is really coercive. Then there is the cost. My gosh, the Postmaster General has said he will have to raise all postal rates if he has to provide reduced rates.
So I want to talk about why I think this is the most important part of the bill. But I also want to talk about what I think is good in the bill because, if we ever want to come back to this, there are some improvements that we really ought to make. I will be supportive of these things. I love the idea of requiring 60 percent of campaign funds to be raised from individuals in a State. I think that is something that will enable the people in the State to have the right say in the election of their Members of Congress, in the election of their Senators.

I am for limitations of personal money for a campaign. I think you have to make sure it would be constitutional, so you would say a person can spend any amount of his or her own money that he or she wants to, but he or she could only be repaid a certain amount. I think that is a wise thing, because I, too, am alarmed, as many of us are, by people who would just pour millions of their own money into a campaign and, in effect, be able to buy an election; because that is what people see. They have the access to the airwaves with money, and it does come, I think, an inequitable situation. Limiting the amounts of contributions by PAC’s to the same amount as individuals contribute is good. I do think PAC’s, however, have been misrepresented, not only on this floor but around the country, because I think the opposition committees, most often, are grassroots efforts within in a company. Why would we not want the working people of this country to be able to contribute $25 or $100 or $500, if they desire to do it? PAC’s are voluntary and they should be autonomous. But if people want to participate in our process, I think they should be encouraged. Frankly, I think many of the companies in this country have done a wonderful job of encouraging their employees to be a part of a PAC. When they let the employees contribute to their organization and have them authorized to have the candidates come before them. They will have the Democrat and the Republican. They will be able to have debates. I think that is healthy. That makes more people interested in the process, have a stake in the process, and be good citizens. That is what we want to encourage in our democracy.

I am for the provision that would not allow the franking privilege for mass mailings in an election year. I do not use the franking privilege for mass mailings at all. I have not detected I am any less in contact with my constituents. I think it is a good thing, in an election year, not to have the franking privilege for mass mailings. I think we could do that.

So these are things that I think are great steps in the right direction, and I commend my colleagues, Senator McCain and Senator Feingold, for bringing these forward because these are things that I could vote for.

The reason I am going to vote against cloture is because the overriding, most important part of this bill goes against everything that freedom in a democracy stands for, and that is the limitations on contributions, voluntary, but nevertheless I think it creates a very uneven situation.

I am a person who could be on the other side of that because of my personal experience. I ran against an incumbent who was much better funded than I was, who had the PAC contributions from Washington that I have heard so much talk about on this floor. He had a very hard time raising money against this incumbent. But you know what? The people were looking at the message. And even though my message was much less generously funded than my opponent’s message, nevertheless the people were able to make this choice.

I do not want to limit the incumbent or the challenger. If the message is right, we need to have the freedom to get it out. I, of course, think that limiting an incumbent and saying you can only spend $250,000 in a year against the challenger and saying you can only spend this much, is going to favor the incumbent. There is just no question about that. And even though I was on the other side of that, I think it is wrong. Frankly, I think it is a benefit to the incumbent. We need to make sure that no one has particular access to a person because of some huge contribution.

I think we can do a lot to improve our campaign finance in this country. Mr. President, but I just think this bill is not the right approach. I hope that we can work on this and continue to work on it, because as I said, I think, having limitations on personal use of funds, having the 60 percent requirement of raising money in your home State, not using the franking privilege in an election year are very good, solid recommendations from this bill. So I hope that we will work on something, but, Mr. President, this is not the right vehicle. Thank you, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McConnell addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McConnell. Let me thank my good friend from Texas for his excellent statement on the issue before us. I appreciate her contribution to this debate, not only at this time but in previous rounds. She is right on the mark, it seems to me, in concluding that this bill falls short well of anything the Congress ought to foist on the American people, and particularly the restrictions on all the individuals across the country that want to participate in the political process.

So I am just going to talk from Texas—I did not get a chance yesterday to tell her this—even the National Education Association, almost never aligned with people like the Senator from Texas and myself, wrote me a letter yesterday saying how awful this bill was, and said they hoped it would be defeated. They also pointed out that the average contribution to the NEA PAC was $6, and asked the question, why in the world participation of that sort would be a bad thing for American democracy and something the Congress ought to eliminate?

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

Mr. MCCONNELL. Of course, Senator HUTCHISON. Is it not true that the Postmaster General has raised serious questions about this bill, and what he would be required to do is in the way of raising postal rates for everyone because of the subsidy that would be required under this to lower postal rates in an election year?

Mr. MCCONNELL. In a letter I received from the Postmaster General...
First of all, it seems, almost as if in an effort to stop this bill from even being amended, that the kitchen sink is being thrown at this bill. Now we hear the Postmaster General is one of the lead opponents of the bill. But this completely disregards the resolution that, yes, the Senator from Arizona has placed in the bill, that would provide that the money that is saved from preventing Members of Congress from franking during an election year would be used to provide only 50% of the relatively necessary funding needed to provide the postal discounts which will only be given to those Senators and Members of Congress who agree to the spending limits. So that again is another red herring.

Second, it does not matter how many times the other side says that this bill is not voluntary, it is voluntary. There are no such mandatory restrictions across the board for citizens as has been suggested by the Senator from Kentucky. It does not matter how many special interests—whether it is the NEA, the AFL-CIO, or business PAC's—it does not matter how many times they tell you our scheme for allowing people to voluntarily abide by limits and give them benefits; it does not matter how many times they say that is not voluntary. It is. It is voluntary.

Mr. FEINGOLD. Will the Senator yield?

Mr. FEINGOLD. I am happy to yield to the Senator.

Mrs. HUTCHISON. Will the Senator yield?

Mrs. HUTCHISON. I want to ask the Senator, what would happen under your bill if there was not enough money saved from the use of the frank to cover the cost of the discounted mailing?

Mr. FEINGOLD. If that happens, which I doubt, it would have to come out of the budget of the post office.

Mrs. HUTCHISON. In other words, it does not necessarily cover all of the costs?

Mr. FEINGOLD. Our estimates are from—

Mrs. HUTCHISON. The Postmaster General says he would have to raise all of the rates, because it comes from the post office.

Mr. FEINGOLD. Our estimates are that it would cover it. We go on the basis of estimates here. That is our assumption. Even if there was a small gap, the effect would be minimal.

Let me quickly wrap up—because I want to turn to the Senator from West Virginia—and indicate again a very serious distortion. The Senator from Kentucky keeps saying that it will cost people who do not abide by the limits more. That is just not true. They will not pay a dime more than they pay today. They will still be eligible for the lowest commercial rate as the TV station requirements are required to give them. They do not have to pay more for their postal rates. It is simply untrue they will have to pay more than they do today. True, they will not get the lower costs that those who abide by the limits will get, but do not let anyone tell you people have to pay more under our bill. They can still spend as much as they want, and they will not have any higher cost for what they do.

Finally, Mr. President, what this is all really is, is those who are running for office in the States who are more rooted back in their home States will have a better chance, or whether those who are dominated by big money or by D.C. special interests will dominate. This cartoon from one of the most distinguished political cartoonist of the 20th century. This is the context in which the vote today is being seen. We can talk here about how important PAC's are, and somehow this will put artificial limits on candidates. This is what the American public knows today's vote is about. It shows a gentleman from the U.S. Congress talking to a lobbyist with a lot of money and a cigar. The guy says, "No more little gifts or junkets—from now on, it's still no campaign cash!"

Mr. President, the American public knows we have finally done something about lobbying disclosures. The American public knows we have cracked down on the practice of gift giving, one of the most offensive practices to the American people. But they also know the big granddaddy of them all, the important issue is the money that is awash in this campaign because of campaign financing. If we do not take the action today to move this bill forward, if we fail in this bipartisan effort, this cartoon will be prophetic. This cartoon will show that all that has happened is that the gifts and the lobbying are being transferred through the campaign cash system. I do not think we should let that happen.

Mr. President, with that, I yield 15 minutes of the proponents' time to the distinguished Senator from West Virginia.

Mr. President, for nearly 2 years now many of our Republican colleagues, particularly those in the House of Representatives, have trumpeted the gloires of their so-called Contract With America. To listen to some, this was the document that was to the key to solving the Nation's problems. It was the primer for a reform-minded Congress—something that would bring great respect to this institution and its Members. Yet, there is one item conspicuously absent from the much-touted so-called contract. I note with amazement that what is completely missing from that celebrated ideological text is any mention of campaign finance reform. I have looked and I have looked, and I have looked and it is just not there.

We are told by those who promote the contract that a balanced budget constitutional amendment is good for
the country. We are told that the line-item veto is good for the country. But, for seemingly inexplicable reasons, many of those who have spent their time clamoring for change have decided that putting an end to our current grotesque and out-of-control campaign finance system is just not worthy of attention.

How unfortunate, Mr. President, because, along with many of my colleagues, I truly believe that until Members of Congress become convinced of the simple fact that campaign finance reform is much more important than any of these other reforms, this institution will continue to be perceived as the property of the special interests—that is exactly what it is, the property of the special interests—owned lock, stock, and barrel. We all know it. And, as the public opinion polls indicate, the American people know it, too.

It is a great disappointment to me that too few Members seem to understand the time factor, the one that is an object of us who have pushed for these reforms have seen our efforts rebuffed. Indeed, Mr. President, as Majority Leader in 1987 and 1988, I tried eight times—eight times—to get cloture on campaign reform legislation. And eight times I lost. More importantly, however, eight times the American people lost.

That is why this legislation before us today is so important. It is an effort, a bipartisan effort, to put a stop to the noxious system currently in place for the financing of senatorial campaigns. It is a measure that does not favor challengers or incumbents, or candidates from either political party. On the contrary, this bill, the McCain-Feingold bill, takes a balanced approach that will go a long way toward creating a level playing field.

Mr. President, one needs to look no further than this Chamber to see the present-day effects of this type of campaign financing. I believe that the primary problem in this body, the root problem plaguing the Senate today is what I would term the “fractured attention”—the fractured attention of Senators.

Countless times, action on the Senate floor has been slowed or delayed because Senators are not in Washington, or if they are, they are away from the Capitol. That absence is not because those Senators are off on vacation or taking their_polygon—they are not off somewhere lounging in the sun, neglecting their duties here. On the contrary, as each of us knows all too well, Senators are often elsewhere because of the need to raise unthinkably sums of money—unthinkable sums of money essential for running for reelection.

Plato thanked the gods for having been born a man, and he thanked the gods for having been born a Greek. He also thanked the gods for having been born at the right time. Sophocles said, “There’s nothing in this world so demoralizing as money.” Sophocles was not an American politician, but he knew what he was talking about.

I can say after 50 years in politics, there is nothing so demeaning, nothing so demeaning as having to go out with that in hand, passing a tin cup around and saying, “Give me, give me, give me, give me.” Not that old song, “Give me more and more of your kisses,” but the song, “Give me, give me, give me, give me.” Give me more and more of your money. Give me more and more of your money.”

Sophocles said, “There’s nothing in the world so demoralizing as money.” And, indeed, in this Senate, the need for Members to constantly focus on raising the huge sums necessary to stay in office has taken a heavy toll. The incessant money chase is an insidious demand that takes away from the time we have to actually do our job here in Washington. It takes away from the time we have to study and to understand the issues, to meet with our constituents, to talk with other Senators, and to be with our families and to work out solutions to the problems that face the American people.

Mr. President, consider this: According to data provided by the Congressional Research Service, the combined cost of all House and Senate races in the 1994 election cycle was $724 million, an increase from 1976. Even more troubling, though, at least from the perspective of our colleagues, is that the average cost of a winning senatorial campaign rose from barely $600,000 in 1976 to more than $4 million in 1994. Four million dollars, and that, of course, is just the average.

In 1994, nearly $35 million was spent by the two general election candidates in California, while the candidates in the Virginia Senate race spent $27 million.

What do those astounding numbers say to someone who may wish to stand for election to the Senate? What does the prospect of needing $35 million, or $27 million, or even $4 million say to the potential candidate? What does it say, Mr. President, is that unless you win the lottery, or unless you strike oil in your backyard, or unless you are plugged into the political money machines, unless you actively contemplate running for office—unless you can look to the time that you spend in politics as a sixfold increase from 1976. Even more troubling, though, at least from the perspective of our colleagues, is that the average cost of a winning senatorial campaign rose from barely $600,000 in 1976 to more than $4 million in 1994.

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The money chase is like an unending circular marathon. Since the share of money coming from small contributors—smaller and smaller as each successive cycle passes—has increased, candidates have to look more and more outside their home States to raise big bucks. The traveling, the time away from the Senate, the time away from talking with constituents, the time robbed from reading reflection, the personal time stolen from wives, children, and grandchildren, the siphoning off of energies to the demands of collecting what has been called campaign grease is making us all less able to be good public servants. Ironically, we spend much time and raise huge sums of money in order to be reflected to the Senate so we can serve our States and our country. Then, once here, we cripple our ability to serve our States and our country by spending an inordinate amount of our time on the money treadmill so we can come back for yet another try at serving our States and our country. And systems. So I do not see a clear message to the American people that it is money, not ideas and not principles, that reigns supreme in our political system. No longer are potential candidates judged first and foremost on their positions on the issues, or by their experience and capabilities. No longer. Instead, potential Senators are judged by their ability to raise the millions of dollars that are needed to run an effective campaign. Publius Syrus said that, “a good reputation is more valuable than money. Money means that you should stop and reflect on that observation because our reputations and the feeling that we can be trusted by the American people are both in severe free-fall. The American people believe that the kind of money that we spend in politics is money. Give me more and more of your money. Give me more and more of your money.”

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Now, Mr. President, if I were starting out in politics today, without a background like mine—working in a gas station, being a small grocer, a weder in a shipyard, a meatcutter, just common ordinary trades—I could not even hope to raise the sums of money needed for today’s campaigns. In 1958, when I was a young candidate for the Virginia Senate and I ran together with Jennings Randolph and I ran together for the two Senate seats that were open—he ran for the short term, and I ran for the full 6-year term—we ran on a combined war chest of something like $30,000 or less. When I first started out in my first campaign for the House of Representatives and spend as much as $200, perhaps. Think of it. If I had been forced to raise $1 million, $2 million, $4 million, or $10 million the first time I ran for the Senate, in 1958, I would not have given it a second thought. In fact, I would not even have gotten past the first thought. I would not have been able to even contemplate running for office—a poor boy like myself.

The ever-spiraling cost of public office is not a healthy trend. The Congress could become the exclusive domain of the very wealthy. The common man, without the funds to wage a high-powered, media-intensive campaign could be removed from effectively competing in the political arena, reserving it for the exclusive use of the very wealthy and the well-connected.

That is why we must stop this madness. We must put an end to the seemingly limitless escalation of campaign costs. We must act to put the U.S. Senate within the reach of anyone with the desire, the spirit, the brains, and the spunk to want to serve once again.
We must bring into check the obscene spending which currently occurs. The Bible says, “The love of money is the root of all evil.” In politics, the need for huge sums of money just to get elected is certainly at the root of most of what is wrong with the political system today.

Mr. President, I congratulate Mr. McCain and Mr. Feingold. I urge my colleagues, for the sake of this institution, if for no other reason, to support cloture on this vital legislation.

Mr. President, I yield the floor.

Mr. Feingold, Mr. President, I thank the Senator from Wisconsin, Mr. Feingold addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. Feingold, Mr. President, I thank the Senator from West Virginia. I cannot think of a more eloquent testimony to the need for this reform than the statement that this great Senator, if he were starting out today, probably would not even have considered running for the U.S. Senate because of the impossible barrier of the money to be raised.

Our bill is a voluntary scheme that allows people who would try to follow in Senator Byrd’s tradition to raise a modest amount of money and have benefits to campaigning to do that. I greatly appreciate that.

Mr. Byrd, Mr. President, I thank the Senator.

Mr. Feingold, Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 82 minutes remaining, and Senator Mcconnell has 89 minutes.

Mr. Feingold, Mr. President, I now yield up to 15 minutes to the distinguished Senator from California, who has been a stalwart in support of campaign finance reform.

Mrs. Feinstein. Thank you, Mr. President.

I thank the Senator from Wisconsin and the Senator from Arizona. I want to compliment both Senator McCain and Senator Feingold for this effort.

I intend to vote for cloture, and should cloture on this bill be successful, I will either propose a substitute of the whole or two second-degree amendments to this bill.

I would like to take the time allotted to me this morning, Mr. President, to explain my position on campaign finance reform.

I believe very strongly that the time has come to engage the debate. If nothing else, I believe I am kind of a walking, talking case for campaign spending reform. In the 1990 race for Governor, I had to raise about $23 million. In the first race for the Senate in 1992, $8 million; in the second race, $34 million.

One newspaper just estimated that in the big States a candidate really has to spend about $2,000 a day just to run for reelection to the Senate of the United States. It certainly should not have to be this way.

Essentially I agree with the basic tenets of the McCain-Feingold legislation. I agree that the time has come to try a system that would voluntarily cap campaign spending with a high of about $82.2 million in the big States like California, going down to $1.5 million in States with lesser population.

I believe that efforts should be made to list caps on the use of funds that can be used in a campaign. I believe that an effort to promote honesty in advertising and reducing the influence of connected PAC’s in the outcome of elections is important.

As always in an election year, we hear a lot of talk about Congress enacting meaningful campaign spending reform. But when it comes to actually doing something about it we tend to hide behind one procedural maneuver or another that allows us to vote the right way but gets us nowhere toward achieving a piece of legislation.

In the last Congress a campaign finance bill passed both the Senate and the House but got bogged down because we needed to invoke cloture on a motion to proceed with a conference that were not present in the Senate. I understand that this will likely be the problem here today, I hope we do get the 60 votes for cloture, and I hope that in the ensuing debate a solid campaign finance bill will emerge.

Legislation I introduced last year and which, for the most part, forms the basis of McCain-Feingold, addresses what I believe are the areas most in need of reform: limiting of spending; creating a level playing field between wealthy candidates who finance their own campaigns and candidates who rely on contributions; and finally ensuring honesty in campaign advertising.

One of the problems where I have a very real difference with the present bill is on the issue of a candidate using vast sums of his or her own money to finance a campaign. Either the substitute bill, or a second-degree amendment which I offer if we gain cloture on this motion, mirrors parts of the campaign finance bill introduced by Senator Dole in the last Congress. It also attempts to limit the ability of a wealthy candidate to buy a seat in Congress.

The provisions of the amendment I will propose would be a little different from what has been introduced before now.

Under my substitute bill, after qualifying as a candidate for a primary, a candidate must declare if he or she intends to spend more than $250,000 of their own funds in the election. If the candidate says “I am going to spend more than $250,000 of my own money in this election”, then the contribution limits on his or her opponent are raised from $1,000 to $2,000. If a candidate declares that he or she will spend more than $1 million on the race from their own pocket, then the contribution limit on him or her opponent is raised from $1,000 to $2,000. If a candidate declares that he or she will spend more than $1 million on the race from their own pocket, then the contribution limits on him or her opponent are raised from $1,000 to $2,000. And the reason it is different is because in the larger States, if an individual is going to spend more than $1 million, as happened in my case where my opponent spent about $30 million of his own money, it is impossible to catch up with the smaller contributions. Therefore, raising the limit to $5,000 only in States where individuals are spending more than $1 million of their own money would enable a more level playing field.

The amendment I will propose would also address the issue of PAC’s. As you know, McCain-Feingold would prohibit PAC contributions, yet not all PAC’s are connected PAC’s; that is, connected to a business or a labor union or a nonconnected PAC. By that, I mean organizations that are developed up to us to promote women for public office, or let us say to support a cause in candidates who support that cause for public office. The law permitting nonconnected PAC’s would remain unchanged in my amendment. As a fallback, if the ban on connected PAC’s is found to be unconstitutional, it provides that contributions to connected PAC’s be limited to 20 percent of a campaign’s receipts.

In my view, a blanket ban on all political action committees in a sense throws the baby out with the bath water. I think we need to be encouraging people to be involved in politics and not discouraging them. Virtually every legal scholar who has examined this question believes that a complete ban on all PAC’s is unconstitutional.

The Congressional Research Service has advised the Senate, and I quote: “A complete ban on contributions and expenditures by connected and nonconnected PAC’S appears to be unconstitutional in violation of the first amendment.”

I support the ability of a group or organization to encourage small donations from their members to candidates of their choice. In some cases, these members send their contributions made out directly to the candidate’s campaign to that organization to be gathered or bundled and presented collectively to the candidate. In other cases, the organization simply asks for donations to be made directly to the candidates they recommend. This is not the same as writing a check to an intermediary or to a political action committee and then having the political action committee decide how to disburse the funds.

The McCain-Feingold bill bans bundling in all political action committees. My amendment would not affect bundling, and I believe this is a crucial difference in these two bills.

For example, there are two organizations which have helped women run for political office. One is EMILY’s List, and one is WISH List. One is a Democratic organization and one is a Republican organization. Both of these groups collect smaller donations primarily from women. They bundle those funds from many sources to a single candidate.
In the 1994 election cycle, EMILY’s List members supported 55 women candidates. They raised a total of about $8.2 million. The average donation to EMILY’S List was less than $100.

WISH List, a much smaller and newer group than the Democratic counterpart, supported 40 Republican women candidates and raised approximately $400,000. None of these funds were given directly to either of these groups and neither group used the funds to lobby on legislation before Congress. EMILY’S List and WISH List researched the records of women candidates and advised their members which candidates they recommended supporting. Based on that information, the members decided who to support and how much they wished to donate, and they donated directly to the candidates, sent their check to either EMILY’S List or WISH List who then put the checks together and sent them to the candidates.

I believe that has been helpful in electing women to both Houses of this Congress. Currently, there are nine women in the Senate. When I came to this body, there were only two elected women.

Groups like WISH List and EMILY’S List are an important factor in helping more women run for office. Frankly, I do not have a problem with any organization going out and endorsing candidates, writing to their members, and saying if you would like to contribute to these candidates, please go ahead and do so. I have no problem whether that group is the Christian Coalition, whether it is the National Rifle Association, whether it is EMILY’S List or WISH List. I think the encouragement going out and endorsing can-cidates, whether it is EMILY’S List or any other group is the Christian Coalition, who do not have a problem with any organi-

In the 1994 election cycle, EMILY’s List, which would effectively be put out of business by this legislation, as Senator from California, I believe, acknowledged. That might have been one of the amendments she would offer were she in a parliamentary position where that was permissible. But, in any event, Colonel Bobbitt, retired U.S. Air Force officer, said, “I’m one of the totemizing.”

EMILY’S List, “35,000 active members from all 50 States, and along with voting, I haven’t missed an election,” she said, “in 51 years. EMILY’S List is the primary means through which I participate,” said Colonel Bobbitt, “in the electoral process.”

She goes on in her testimony, “In the decade since EMILY’S List began, more women than ever have been elect-ed to Congress, and EMILY’S List is a big reason why. EMILY’S List has allowed women to compete and win.”

She went on to say, with regard to the bundling, in effect, that EMILY’S List does—she describes it. She says, “This is what’s called bundling, which I know some others have criticized, but to me it’s just good old American democracy at work.” So said Colonel Bobbitt.

She goes on to say, “That’s not bad for the system. That’s good for the system. Thousansd of small contributions are able to offset the big money coming from the rich and powerful. We are making the system more participatory and more competitive,” said Colonel Bobbitt.

Then he concluded by saying, “My membership in EMILY’S List is a way for me to be connected to the political life of the Nation and to my fellow citi-zens. It allows me to band together with others who share my views and work toward a common end. I do not pretend to be a constitutional schol-ar,” she says, “but like most Americans, I carry within me an almost in-nate knowledge of the first amendment rights of citizenship—freedom to prac-tice religion, freedom to speak my mind, to assemble with fellow citizens in support of a common goal. I believe without a doubt that any mem-bership in EMILY’S List is secured by such rights, and I believe that organi-zations like EMILY’S List, which en-courage political participation by aver-age citizens, are in the best tradition of American democracy.”

I just wanted to quote what Colonel Bobbitt, an active member of EMILY’S List, had to say about the underlying legislation, which she obviously believes would greatly restrict her rights to participate in the political process.

Mr. President, I wanted to take a mo-ment here to make some observations about the injunctive authority that I view in this bill as provided to the Fed-eral Election Commission. As I read the underlying bill which we are debate-ning, section 306, “An Injunction,” basically, what this section does is give to the Government, the Government of the United States, the right to step in and, prior to the issue of speech, restrain it. It gives the Government the right to en-gage in prior restraint of political speech by stepping in and getting a temporary injunction. This is but one of a number of clearly unconstitutional measures granted to the Government by this bill.

In addition, obviously, if this bill were somehow to pass constitutional muster, which is extremely unlikely, the Federal Election Commission, which today has great difficulty in au-diting the races of the candidates run-

We have been trying to balance the budget, to downsize the Government, to restrain our appetite for not only spending but for regulation, and, clearly, this is a regulatory power grab of enormous proportions, I would say, Mr. President, of enormous proportions. It could well be that is one of the reasons an awful lot of the groups in this country this time, across the ideological spectrum, have decided to get off of the sidelines and into the game and stand up for their rights to participate in the political process.

This bill is not just about us, that is, the candidates for office; it is also about all the groups organized that, under the first amendment, have a con-stitutional right to participate in the political process.

Let me just go down some of the let-ters that I have received on this bill,
first from the Christian Coalition, a letter dated yesterday, June 24, 1996, in response to an effort to modify this bill, which was agreed to, and we do have a modified version in the Chamber today.

The Christian Coalition says it strongly urges a no vote on cloture.

Contrary to the letter sent out by Senators McCain, Feingold, and Thompson on June 19, the amended version of S. 1219 still contains the flawed provisions that have been rejected by the federal courts. The new substitute attempts to suppress independent expenditures—by requiring advance notice of intended expenditures—even though some of those expenditures would already have occurred (Sec. 242(3))—and by rewarding candidates who are thought to be disadvantaged by independent expenditures (Sec. 101).

In addition, the substitute (Sec. 241) says that an independent expenditure can no longer be conducted at all by anyone who has played a significant role in advising or counseling the candidate’s agent at any time on the candidate’s plans, projects, or needs relating to the candidate’s pursuit of nominations for federal office, in the same election cycle, including any advice relating to the candidate’s decision to seek federal office. (emphasis added) In other words, a group that remarked to a potential candidate, “We’d like you to consider running for Congress,” would thereby trigger a “gag rule” on any subsequent independent expenditure on behalf of that candidate would be illegal. Moreover, this clause could be triggered by even one-sided communication between candidate and interest group, discussing (for example) public opinion in a given state regarding a piece of pending legislation.

The substitute (Sec. 241(a)) seeks to broaden the definition of “express advocacy” far beyond the definition enunciated by the Supreme Court in Buckley v. Valeo (1976). The bill would enact the “taken-as-whole” test that has been rejected by the federal courts on constitutional grounds. Under this expanded definition, the bill would restrict the distribution of issue-oriented material that is effectively crippled the Christian Coalition’s voter education activities, including the distribution of voter guides.

The substitute (Sec. 241(b)(3)) would restrict ads and other forms of speech that contain no reference whatever to an election campaign and that are not intended to suppress independent expenditures—by requiring advance notice of intended expenditures even though some of those expenditures would already have occurred—and by rewarding candidates who are thought to be disadvantaged by independent expenditures (Sec. 101).

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later voted for, and if NRLC later ran advertisements in that senator’s state discussing the bill, this could be regarded as a “contribution” to the incumbent (even if the senator is not mentioned in the ad), and therefore subject to all of the other restrictions and penalty clauses in the bill. The costs of non-partisan voter guides that contain information about candidates and their positions in the primary, general, or runoff elections or other communications with an incumbent or a challenger could also be regarded as “contributions” under this provision.

The substitute [Sec. 306] explicitly authorizes the Federal Election Commission, if it believes “there is a substantial likelihood that a candidate or a political committee is about to occur,” to obtain a temporary restraining order or temporary injunction to prevent publication, distribution, or broadcast of material that the FEC believes to be outside the bounds of the types of political speech that would be permitted under the law. This authorization for prior restraint of speech violates the First Amendment.

The overall effect of the bill would be to greatly enhance the already formidable power of media elites and of very wealthy individuals to “set the agenda” for public political discourse—at the expense of the ability of ordinary citizens to make their voices heard in the political process.

Therefore, the National Right to Life Committee urges you to vote no on cloture on S. 1219. Because S. 1219’s restrictions on independent and voter education activities would “gag” the pro-life movement from effectively raising right-to-life issues in the political sphere, NRLC will score this vote as a key pro-life vote for the 104th Congress.

Thank you for your consideration of NRLC’s concerns regarding this legislation.

Sincerely,

David N. O’Steen, Ph.D.,
Executive Director.

Douglas J. Johnson,
 Legislative Director.

Carol Long,
Director, NRL-PAC.

Mr. McConnell. Interestingly enough, a group with which I have not frequently been allied, and not many Members of this side of the aisle have been allied, the National Education Association, sent a letter to me dated yesterday, June 24, in which the NEA stated it opposed this bill and called upon all Senators to vote against cloture. The NEA pointed out, in referring to the ban on political action committees, that “The average contribution of NEA members who contribute to NEA-PAC is under $5.” So, their question is, How in the world is that bad for the political process. So they, too, oppose this legislation and urge a vote against cloture.

I will not read further from that letter, but I ask unanimous consent to be printed in the Record. There being no objection, the letter was ordered to be printed in the Record, as follows:


Dear Senator: The National Education Association (NEA) opposes S. 1219, the Senate Campaign Finance Reform Act of 1996, sponsored by Senators John McCain (R-AZ) and Russell Feingold (D-WI). This measure would hamper the ability of citizens to participate in the political process in a meaningful way and limit the ability of organizations to make their voices heard in an open, democratic process.

Political action committees have encouraged millions of Americans to become involved in the political system, many for the first time. Many Americans are able to make small political contributions that serve as entree into greater political participation. Individuals are more likely to work for a candidate or issue when they have contributed previously, and they are more inclined to make a contribution when they know it will make a difference in the outcome.

Political action committees stimulate small, personal contributions, and they are more inclined to make a contribution when they know it will make a difference in the outcome. Political action committees stimulate small, personal contributions, and they are more inclined to make a contribution when they know it will make a difference in the outcome.

Political action committees also play an important role in communicating with members of organizations about issues that affect them. NEA would resist any effort to constrain the ability of the Association—or any other organization—to communicate with members and candidates about issues affecting children, public education, and education employees.

NEA strongly supports campaign finance reform that encourages participation and requires full disclosure of all sources of political financing. Moreover, we support partial public financing of elections as a means of leveling the playing field for challengers and incumbents. S. 1219 would weaken efforts to increase voter participation, limit the involvement of middle-income citizens in the political process, and discourage efforts to educate and engage the electorate. We urge you to oppose cloture on S. 1219, and should the Senate vote on the measure, to oppose it and its substitute.

Sincerely,

Mary Elizabeth Teasley,
Director of Government Relations.

Mr. McConnell. The National Rifle Association, in a letter dated yesterday, said:

We have examined the draft text of that possible substitute [the bill that is actually before us today] and our constituents are not only unabated—it is, if anything, stronger than before.

So the National Rifle Association also urges a vote against cloture because they believe it adversely affects their ability to participate in the political process.

I will not read further from that letter, but I ask unanimous consent the entire letter be printed in the Record. There being no objection, the letter was ordered to be printed in the Record, as follows:

National Rifle Association of America, Fairfax, VA, June 24, 1996.

Hon. Mitch McConnell,
Russell Senate Office Building, Washington, DC.

Dear Senator McConnell: We understand that an amendment in the nature of a substitute may be offered during this week’s debate on S. 1219, the Senate campaign finance bill. As you know, we have repeatedly expressed concern regarding S. 1219, as we believe it unjustifiably and unconstitutionally restricts the First Amendment right of organizations to communicate with their members and the general public in the political process.

We have examined the draft text of that possible substitute amendment and our opposition to S. 1219 is not only unabated—it is, if anything, stronger than before. The ban on advertising by political committees remains in the substitute, and would have a devastating effect on the ability of ordinary citizens such as our members to act jointly in support of candidates.

Additionally, the new proposed reporting requirements for independent expenditures, and the provisions intended to dilute the effects of such expenditures would have a chilling impact on the effectiveness of such communications. Coupled with the continuing efforts to broaden and “express” advocacy, Sections 241 and 242 represent one of the broadest attacks on free speech rights seen in years, affecting not only electoral but other legislative communications. Giving the Federal Election Commission a power to engage in prior restraint makes the attack even more serious.

We appreciate the support for the right to free speech which you’ve shown in your opposition to S. 1219, and we urge you to continue your work on this very important issue. If there is any way that we could be of assistance to you, please don’t hesitate to call.

Sincerely,

Tanya K. Metaksa,
Executive Director.

Mr. McConnell. Also, obviously the National Association of Business PAC’s, NAB-PAC, which would essentially be cut out of the political process because of the ban, would have a chilling impact on the effectiveness of such communications. The American Conservative Union and the Conservative Victory Fund oppose it as well, I will not read from those letters, but I ask unanimous consent the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Letters to the editor were printed in the Congressional Record, as follows:


Hon. Mitch McConnell,
Russell Senate Office Building, Washington, DC.

Dear Senator McConnell: On behalf of the one million members and supporters of the American Conservative Union, I urge you to oppose S. 1219, the McCain-Feingold campaign finance reform act.

As a party to the seminal Buckley v. Valeo decision, ACU has had a longstanding interest in our nation’s campaign finance system. Over the years, we have worked with many Members of Congress on both sides of the aisle to try to reform the system in a manner consistent with the principle of free speech, and the provisions intended to dilute the effects of such expenditures, would have a chilling impact on the effectiveness of such communications.

McCain-Feingold does just that. Its fundamental reliance on spending limits—whether “voluntary” or otherwise—is merely the latest of many wrong-headed provisions. The problem with our current system is not that too much money is raised and spent; as countless studies have shown, we are no different as a nation far as our efforts to advertise products such as soft drinks and potato chips in a given year than we do on all campaign spending combined. Do you really want to tell your constituents that as far as you’re concerned, their decision over which soft drink
June 25, 1996

CONGRESSIONAL RECORD — SENATE

5679

to purchase is more important than which leaders to choose.

Rather, the problem in our current system of campaign financing is that too much time is spent collecting the millions of dollars needed to compete effectively in a competitive marketplace. Because of the contribution limits enacted in the Federal Election Campaign Act, too many candidates spend too much time chasing too few dollars—which is what gives special interest groups a disproportionate influence over legislators. If what is needed is more money, it is important to reduce the influence of the special interests, simply lift the contribution limits.

But McCain-Feingold's reliance on spending limits is not its only fault. Other wrong-headed provisions include taxpayer subsidization of political action committees, Public Subsidies amount to partial taxpayer financing of political action committees. Public contributions are surely unconstitutional. They do not feel that their involvement in politics is a harmful thing. They think it is protected by the first amendment, and I think they are right. Also, just in closing, I see the Senator from Utah is ready to take a few moments, or more, if he would like. One of my biggest adversities on this issue, over the last decade, has been my hometown newspaper, the Louisville Courier-Journal, which is the largest newspaper in our State. I was astonished to pick up the morning and read an editorial in which they even think this is a bad bill. They even think this is a bad bill. This is the most liberal newspaper in Kentucky. I was astonished. Obviously, it made my day. I would like to read a couple of comments. They are predicting the cloture will not be invoked. They say, "This outcome would be more regrettable if the bill were better." They go on to say:

[Most] . . . of the rest of the package would be a step back from real reform, while making the election finance regulatory effort more complex and of less service to the public.

Further, they say:

The abolition of those endlessly maligned PAC's would make special interest money harder to trace while denying small givers a chance to participate. A limit on out-of-state contributions sounds good, but it could cut both ways. Indeed, it would probably be more damaging to candidates who challenge the local powers-that-be than to one who thrives on special interest support. Anyway, both provisions are surely unconstitutional.

For a scheme that is supposed to limit spending by offering them free TV time contributed by the networks, it's simply wrong to foist the cost of cleaner government on a handful of businesses—and viewers. If there's a cost to election reform, it should be borne by all taxpayers.

I would, in fact, demonstrate that Congress is incapable of devising workable change. And that may matter less and less.

The good news is that Kentucky and other states are experimenting with new approaches to paying for campaigns. To the extent that states are also developing solutions to welfare and other national problems—a positive trend in our view—a national political establishment wallowing in dollars was shocked with it by Philip Morris, R.J. Na- bisco and others becomes increasingly irrelevant.

NATIONAL RIFLE ASSOCIATION

OF AMERICA,

Fairfax, VA, June 24, 1996.

DEAR SENATOR: We understand that an amendment in the nature of a substitute may be offered during this week’s debate on S. 1219, the Senate campaign finance bill. As you know, we have repeatedly expressed our opposition to S. 1219, as we believe it is unfriendly and unconstitutionally restrains the First Amendment right of organizations to communicate with their members and the general public in the political process.

We have examined the draft text of that possible substitute amendment and our opposition to S. 1219 is not only unabated—it is, if anything, stronger than before. The ban on activities of political action committees remains in the substitute, and would have a devastating effect on the ability of ordinary citizens such as our members to act jointly in support of candidates.

Additionally, the new proposed reporting requirements for independent expenditures, and the provisions intended to dilute the effect of such expenditures, would have a chilling impact on the effectiveness of such communications. Coupled with the continuing effort to broadly redefine "express advocacy," Sections 241 and 242 represent one of the broadest attacks on free speech rights.
We urge you to oppose S. 1219's attack on the right of free political speech. If there is anything we can do to be of assistance to you, please hesitate to call.

Sincerely,

TANYA K. METAKSA, Executive Director.

The U.S. Chamber of Commerce has long promoted individual freedom and broad-scale participation by citizens in the election of our public officials.

We oppose efforts to eliminate or restrict the involvement of PACs in our political process. We believe that PACs are a critical tool by which individuals voluntarily participate in support of their collective belief.

In addition, there are other proposals contained in the bill that would greatly inhibit long-standing protected freedoms. These attempts to further limit the ability of individuals or collective political participation should be defeated as an infringement on the First Amendment.

We believe that an indispensable element of our constitutional form of government is the continued power of the people to control, through the elective process, those who represent them in the legislative and executive branches of government. Any attempt to reform the system through eliminating PACs or further restricting contribution levels has the consequence of unreasonably restricting the rights of American citizens.

We support efforts that promote the First Amendment by increasing the access of citizens to our political processes.

Therefore, we urge your opposition to S. 1219, as well as your opposition to any legislation on such legislation, which seeks to restrict the participation of individuals or PACs in the political process.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL RIFLE ASSOCIATION OF AMERICA, Fairfax, VA, June 19, 1996.

Dear Senator: It is our understanding that a cloture vote has been scheduled for June 25, 1996, on the Senate Campaign Finance Reform Act. We believe this will be the most critical vote that you will cast this year in protecting the constitutional rights of your constituents. Speaking for the more than three million members of the National Rifle Association (NRA), we strongly urge you to vote against bringing this measure to the floor. This legislation and the Senate debate on S. 1219 is a misguided attempt to limit participation in the political process, and represents a direct challenge to the right of free speech which we all should cherish and strive to protect.

Those who support S. 1219 have suggested that it will encourage or enhance participation in the political process. We believe those who promote this view are either misinformed or unaware of the consequences of this legislation. S. 1219 will not level the political playing field, but will rather increase opportunities for political manipulation by those who have access to national media outlets, at the expense of those who do not.

The main focus of the NRA is in protecting the right to keep and bear arms. However, we believe that our system of government depends on preserving all of our Constitutional protections. Associations like the NRA facilitate the active participation by concerned citizens who otherwise would not have the resources to speak out on a national level. By removing their ability to offer their views in independent forums by combining their individual resources you would, for all intents and purposes, eliminate their First Amendment rights.

As we have noted in previous correspondence (letters dated 01/25/96 and 05/7/96), in the Buckley v. Valeo decision of 1976, the Supreme Court stated that: "The central purpose of the First Amendment is to protect the 'right of petition,' and the civil liberties that are incident thereto." S. 1219 contains the same kind of restriction on advocacy of the election or defeat of any candidate. This, too, is contrary to the position taken by the U.S. Supreme Court in its 1976 Buckley v. Valeo decision: "In the free society ordained by our Constitution, the First Amendment right of individual citizens, sharing a common viewpoint on an important public policy issue, to pool their modest financial resources in order to participate effectively in the democratic process.

Therefore, we urge you to reject S. 1219 and all other ill-conceived attempts at limiting free speech and participation in the political process.

Sincerely,

TANYA K. METAKSA, Executive Director.

NATIONAL RIFLE ASSOCIATION OF AMERICA, Washington, D.C., June 18, 1996.

Dear Senator: We understand that the Senate is likely to vote on or about June 25 on whether to invoke cloture on the McCain-Fenigold bill (S. 1219), which would make sweeping changes in federal election laws. The National Right to Life Committee (NRLC) is strongly opposed to S. 1219. In banning PACs, the bill also bans independent expenditures—except by wealthy individuals.

The National Right to Life Committee believes that S. 1219 will not level the playing field, but will actually reinforce the already formidable power of media elites. backlighting the so-called "public interest" groups to pass campaign finance reform measures under the guise of "cleaning up the system." More specifically, it will allow them to support a floor vote on S. 1219, the McCain-Fenigold Wellstone bill.
We urge you to oppose S. 1219. Attorneys that span the ideological spectrum agree that S. 1219 would destroy free speech and grievously injure both the right to associa-
tion and the right to petition government.

It is a myth that the American public is clamoring for campaign finance reform. In a recent poll conducted by the Tarrance Group, only one out of ten voters believe enactment of a major campaign finance reform law. The vast majority of those who believe a major reform is needed believe it is due to "special interests" and not to "the people." The American public is not clamoring for major campaign finance reform.

S. 1219 defines "express advocacy" so broadly as to sweep in "issue advocacy." Thus, interest groups would no longer be prohibited from publishing voter guides or giving candidates' voting records. Several federal courts have already struck down attempts by the Federal Election Commission to do the same thing.

Free speech is essential to democracy. It is important not only for the press and wealthy individuals, but also for ordinary citizens. We urge you to take any steps necessary, including opposing cloture, to prevent S. 1219 or any similar measure that infringes upon the First Amendment rights of citizens from being approved by the Senate.

We also appoint the opposition of any unselected commission that has the authority to issue a final report on campaign finance reform that would not be subject to the regular amendment process on the Senate floor.

NATIONAL RIGHT TO LIFE COMMITTEE, INC., Washington, DC, November 8, 1995.

Senator MITCH MCCONNELL, Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: Campaign fi-
nance "reform" that destroys the freedom of speech is not in the best interest of sufficient magnitude to justify the governmental restrictions on core political speech. There simply is no government purpose that meets the high judicial standard for speech restrictions in the political area.

Current measures under consideration in the Senate would largely prevent citizen involvement in the political process. We realize the pressure from the "reform" the election process. However, limiting free speech for citizens, while it may please some elements in the press because it greatly increases their own power, is neither politically wise nor constitutional.

We have the three major objections to S. 1219, the "Senate Campaign Finance Reform Act of 1995." These objections are to Sections 251, 253, and 126, which would: 1) repeal the voluntary system for financing political campaigns by imposing a public funding system on all candidates for federal office. This system would require all elected and unelected commission that has the authority to be approved by the Senate.

2. The new definition of "express advocacy" under the Act would sweep in protected issue advocacy, such as voter guides which state the positions of candidates on issues or give candidates' voting records. The new definition goes far beyond what the United States Supreme Court found the "reform" of the election process is about to occur. The Act would sweep in protected issue advocacy, such as voter guides which state the positions of candidates on issues or give candidates' voting records. The new definition goes far beyond what the United States Supreme Court found to be permissible to regulate as electioneering in the case of Buckley v. Valeo, 424 U.S. 1 (1976).

In Buckley, the Supreme Court held that, in order to satisfy First Amendment (which is protected by the First Amendment), government may only regulate election activity where there are explicit words advocating the election or defeat of a clearly identified candidate.

This new definition would expand the umbrella of "express advocacy" so broadly that citizen groups other than PACs would also be effectively prohibited from informing the public about candidates' positions on issues as well as voting records. This curtailment of citizens' freedom of speech would not affect the major media whose political power would be vastly enhanced, since one balance of force in the public forum would be eliminated.

The new definition would, in effect, create a "broad new definition of express advocacy" sweep in protected issue advocacy, such as voter guides which state the positions of candidates on issues or give candidates' voting records. The new definition goes far beyond what the United States Supreme Court found to be permissible to regulate as electioneering in the case of Buckley v. Valeo, 424 U.S. 1 (1976).

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The Supreme Court would, again likely find this new definition of "express advocacy" unconstitutional. Any sponsors would find it exceedingly repressive.

S. 1219 AUTHORIZES UNCONSTITUTIONAL PRIOR RESTRAINT

Section 306 of the Act authorizes an injunction where there is a "substantial likelihood that a violation... is about to occur." The FEC would be authorized to seek injunctions against expenditures which, in the FEC's expanded definition of "express advocacy," would affect the major media whose political power would be vastly enhanced, since one balance of force in the public forum would be eliminated.

The Supreme Court would, again likely find this new definition of "express advocacy" unconstitutional. Any sponsors would find it exceedingly repressive.

S. 1219 would permit only individuals, or political committees organized by candidates or parties to make independent expenditures or make expenditures "for the purpose of influencing an election for Federal office."

Many political action committees (PAC), such as the National Right to Life PAC, exist because their members want to work together to elect candidates who share their views on the issues. Under the current system, citizens are free to coordinate activities through PACs in order to discuss issues, express their views on positions taken by candidates, and urge voters to support or oppose certain candidates. This dialogue is very important to the political process and very important to the voters who are informed by the campaign by PACs.

Under the Act, an individual can make independent expenditures, but a group of individuals cannot coordinate their activities. This opens the political process to wealthy individuals, but prohibits the vast majority of citizens from pooling resources to make independent expenditures. If citizen groups and their political action committees are eliminated, the only entities left that are freely able to discuss candidates and the issues are candidates themselves, a few wealthy individuals and the news media. That is not the intention of the First Amendment.

Another problem for you to consider is that many in the media have a bias against pro-life and pro-family candidates. If the media is allowed free speech and citizens groups are not, that will be a real disadvantage for pro-life and pro-family candidates.

There are several reasons the American public should reject the campaign finance reform in S. 1219, which has only 1% majority in the Senate and which is based on a public funding system.

1. The phase-out of the voluntary system for financing political campaigns would impose a public funding system on all candidates for federal office. This system would require all elected and unelected commission that has the authority to be approved by the Senate.

2. The new definition of "express advocacy" under the Act would sweep in protected issue advocacy, such as voter guides which state the positions of candidates on issues or give candidates' voting records. The new definition goes far beyond what the United States Supreme Court found to be permissible to regulate as electioneering in the case of Buckley v. Valeo, 424 U.S. 1 (1976).

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and who handled all press inquiries relating to it was paid by the taxpayer because he was on the Congressman's staff. I had to have people there to protect my interests. They were all paid for out of campaign funds because I had no congressional staff. I am not saying that he broke the law. I am not saying that he did anything improper. I am just outlining this is the way it is.

He had name recognition going back to 1982 when in the House of Representatives. I thought I had some name recognition because my father had served in the Senate. I figured everybody would remember the name "BENNETT" favorably in connection with the Senate. Boy, did I find out differently. In the first poll that was taken, I was at 3 percent, with a 4 percent margin of error. I could have been minus 1. How do I counteract that 8 years of name recognition that he has built up? I had to raise the money. How did I pay for the people who were there to counteract the people that he had on his congressionally supported staff? I had to raise the money.

Is it a fair fight? When you say the incumbent is at level x and the challenger must also be at level x, when the incumbent has all of these advantages that are worth money that the challenger has to raise money in order to produce? When you say let us get a fair fight and let us do it by saying that the challenger is unable to raise money to take care of the things that the incumbent does not have to raise money for, you are automatically creating a circumstance in favor of the incumbent.

Some political observers have said to me, "Why are you opposed to this now that you are an incumbent? We can understand that you were opposed to campaign reform while you were a challenger because as a challenger you were at a disadvantage in the face of campaign reform. But now that you are an incumbent, and particularly now that you have a majority of the incumbents, why isn't your party in favor of an incumbent protection act that will put all of these disadvantages on the backs of the challenger?"

Well, I go back to my statement yesterday. I have philosophical challenges with these attempts to do that which I consider would produce damage to our basic philosophical underpinnings in this country. I did not quote the Federalist Papers just to prove that I had read through that process to demonstrate that I have a philosophical objection to what it is we are trying to do here, even though, should this bill pass, I would be benefited as an incumbent. I was convinced, if this bill went through, that I would be benefited as an incumbent, that I would be in a circumstance where it would be impossible for anybody to challenge me. But I am willing to run the risk of having them challenge me because that is the way I run and saying what is in the Constitution that all of us have sworn to uphold and defend here in this body.

So, Mr. President, I am not going to vote for cloture. I am not going to vote to support a bill that is an incumbent protection act. I am going to say we will all stand exposed to the challenge of challengers who have the energy and the message necessary to raise the money behind limits that say that we can use the advantages of our offices and our challengers cannot. I believe it is as simple as that. I believe that honest fairness says we will oppose this bill, and, therefore, we oppose cloture on the bill. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FEINGOLD. How much time do the proponents have remaining?

The PRESIDING OFFICER. The proponents have 67 minutes 15 seconds.

Mr. FEINGOLD. I yield 10 minutes to the distinguished Senator from Florida, who has been one of the original supporters of this legislation and has helped us all through the difficult process of trying to get it up for a vote. I thank him very much.

Mr. WELLSTONE. Will the Senator yield me 5 seconds?

Mr. GRAHAM. I yield the Senator 5 seconds.

Mr. WELLSTONE. I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that David Haviar, who is interning with me, be allowed to be on the floor throughout the duration of this bill.

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

Mr. GRAHAM. Mr. President, I first will extend my commendation to Senators FEINGOLD and MCCAIN and the others who have worked so hard to draft what is truly a bipartisan proposal to deal with one of the serious cancers in the American democratic system, and that is the way in which we manage and finance campaigns for the Congress. This bill is another example that, if we are going to do the public's will, it must be done in a bipartisan spirit.

Mr. President, we have spent a lot of this year and last year talking about the creative energy of the States, the desire to return greater responsibility to the States for many of our most basic programs. We have acknowledged that the States, given that responsibility, given their flexibility to respond to the specific circumstances that they face, would unleash a new wave of innovation to bring us creative solutions to some of our most vexatious problems.

Mr. President, I say that we can take some encouragement as to the legitimacy of that position by looking at what States have done in the area of campaign finance reform. State after State have undertaken the process of taking control of the process of campaign financing in order to restore public confidence.

The experience of my State of Florida, I believe, is instructive in this regard. In 1991, the State legislature overhauled Florida's campaign finance system. It instituted overall caps on statewide races. It provided incentives to abide by the cap.

What has happened in the relatively brief period that Florida has had these campaign finance reforms? In 1990, there was an incumbent Governor running for reelection. That incumbent Governor spent $10,670,000. Four years later, there was a different incumbent Governor running for reelection. In that campaign he spent $7,480,000. I note that the incumbent in 1990 who spent almost a third more, lost. The incumbent in 1994, under the new standard of fairness, was reelected. Common Cause of Florida attributes the decrease in campaign spending directly to Florida's enactment of campaign finance reforms.

Mr. President, the States can control the rules and conditions of elections for State officials. I do not see why the States should not have the same responsibility to do likewise for the Congress. I applaud the effort that is before us today. It is a genuine, thoughtful response to a serious national problem. I do not pretend that it is perfect. We have already heard from several persons who, like myself, will vote to invoke cloture and support this bill, but who also are prepared to support modifications that we think would perfect it.

For instance, I do not believe that political action committees are a poisonous political evil that should be banned. But, Mr. President, if accepting some restraints on political action committees is necessary to achieve the bipartisan consensus for the passage of this sorely needed legislation, I am prepared to vote to do so.

Mr. President, there are many infirmities in our current system which have already been identified. Remedies have been prescribed. I wish to focus on one of those infirmities. That is, that the enormous amount of money in political campaigns has fundamentally changed the nature and purpose of congressional campaigns. What should be the purpose of a political campaign? In my opinion, it should include at least two dual relationships. First, there should be a duality of relationship in terms of education. Yes, the candidate is trying to educate the public as to who he or she is, what he or she stands for, which would be the objective of service in public office, what they would try to accomplish. But there is an equally important side of the education duality, and that is that the citizens are influenced by the process and the campaign should be a learning experience. The campaign should better prepare the candidate to serve in public office by...
the experiences, the exposure, that the campaign will provide.

There is a second duality, and that is the development of a democratic contract. The citizens should have some reasonable expectation that if they vote for a particular candidate, the policies that candidate has advocated will, in fact, form the basis of the candidate's efforts once in office, and the public official should have the right to expect that in office he would have the support of the public, the mandate of the public to achieve those policies upon which his or her campaign was predicated. These dualities, a duality of education and a duality of the forming of a democratic contract, these are essential elements of our system of representative democracy.

However, Mr. President, the excess of money in campaigns has changed the nature and the purpose of the campaign. It has, in fact, allowed candidates to hide from the voters rather than coming forward and more effectively communicate with the public. Candidates now move from the television studio to record 30-second sound bites, often of a highly negative character, to the telephone to solicit contributions for those 30-second sound bites. There is little time left to interact on a personal level with the voter.

By providing for spending limits, this bill would direct voters from the television studio back to the street to look for ways other than money to appeal to voters, by interacting with them, discussing issues, debating of the candidates, so that voters can make an accurate assessment of who they wish to represent.

I personally, Mr. President, would like to see a requirement that one who participates in the public assistance to a campaign, whether Presidential candidates participating for direct-cash infusion or Senatorial candidates who receive under this legislation, would benefit by preference in perks like postal and broadcast rates, that they would commit ourselves to participate in a stipulated number of public appearances with their opponents. I believe that is the truest way in which the public can form an opinion as to the qualities and capabilities of the persons who seek to represent others.

Mr. President, providing for a voluntary system of spending limits, while simultaneously requiring candidates to raise at least 60 percent of campaign funds from their home State, are positive steps toward bringing candidates and voters together. Passage of this bill would be a positive step toward realizing the goals of our political process, allowing the voter to truly understand, truly assess the candidate's view, and thus to make an informed judgment, while simultaneously helping to prevent politicians from becoming insulated and mitigate voters' disaffection.

Mr. President, by passing this bill today, we can restore a meaningful dialogue between the voter and the candidate. By doing so, we can all share in giving this country a great victory, and restoring the public's faith in the political process. I urge this bill's passage.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FEINGOLD. Mr. President, I yield up to 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I intend to vote for cloture today, I do not do so believing this is a perfect bill. There are some provisions in this measure I do not support. I do not support the complete abolition of PAC's, for example. But I believe we ought to be debating campaign finance reform. Therefore, I will vote for cloture to get a campaign finance reform bill on the floor of the Senate so we can offer amendments and see if we can perfect the bill in a way that will represent the public interest.

In my judgment, the financing of political campaigns is spinning out of control—more and more dollars in each campaign, more and more wealthy candidates financing their own campaigns. Campaigns have not so much become a competition of ideas—this is what campaigns ought to be—but a 30-second ad war. Not so much by candidates, but by the creators of the 30-second little "bomb bursts" that are put on television to try and destroy other reputations. These hired guns hardly serve the public interest, yet campaigns really have become a competition of 30-second ads.

When I last ran for the U.S. Senate, I was much better known than my opponent, so I made a novel proposal, which he did not accept, unfortunately. I wish he would have. I said: I am better known than you, but if we can agree to certain things, I think in many respects it will even things up. I proposed to put a cap on television advertising at all. Neither of us will do any radio or television ads, no 30-second ads, no ads of any kind. You and I will put our money together, and we will buy an hour of prime time television each week for the 8 weeks prior to the election, and each week we will show up without handlers, without research notes, at a television studio without a monitor, and for an hour in prime time, statewide on North Dakota television, with no candidates advertising at all. We will discuss whatever you want to discuss, whatever I want to discuss, as long as the truth was discussed. The future. We will discuss whatever you want to discuss, whatever I want to discuss, as why we are seeking a seat in the U.S. Senate, what kind of future we see for this country, what kind of policies we think will make this a better country.

I thought, frankly, 8 hours of prime time television, statewide, with both of us addressing each other and addressing why we were running for the U.S. Senate, might have been the most effective way to reach the public. My opponent chose not to accept that. Instead, we saw a barrage of 30-second ads. I do not think it provided any illu-

mination for the North Dakota voters in that campaign. I think it would have been a better campaign had we had 8 hours prime time, statewide television, without handlers, to talk about what we thought was important for the future of this country. We did not have this kind of campaign.

So, the question for the Senate now is, what kind of campaign finance reform would be useful in this country? There are wide disagreements about how this ought to be addressed. For instance, I saved this article, the headline of which quotes my friend Speaker Gingrich as saying, "Gingrich calls for more, not less, campaign cash." Speaker Gingrich gave a speech downtown, and he fundamentally disagrees with me that there is too much money in politics. He says there is not enough money in politics; there ought to be more money in politics.

I think that if we can find a way—and this bill provides one mechanism—and this bill provides one mechanism that I think will even things up, and require full disclosure on all contributions, at that point you will start ratcheting down the cost of political campaigns in this country, and I think you will do this country a public service.

Mr. President, as was at Monticello, the home of Thomas Jefferson, I was reminded again of the work and words of this great American in the early days of this country. It seems to me Tom Jefferson would view what is going on in political campaigns in America today as a perversion of democracy. Today's campaigns are not, as I said earlier, a competition of ideas about how to make this a better country. They are much more a 30-second ad war that does not serve the public interest.

I intend to vote for cloture. I hope we will obtain cloture and have this important piece of legislation on the floor, open for amendments. I yield the floor.

Mr. FEINGOLD. Mr. President, I yield up to 15 minutes to Senator THOMPSON of Tennessee, who has been one of the main authors of this bill and has been key to making this a bipartisan reform effort. I thank him for his good work on this bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Senator. I thank the majority leader for bringing this matter to the floor at this time. I thank my distinguished colleagues, Senator McCain and Senator FEINGOLD, for their leadership on this bill. I am proud to be one of the original cosponsors of this particular legislation.

Mr. President, after having listened to over a day of debate on this issue, I think the question now could be simply put. Are we satisfied with our current system of financing Federal campaigns in this country? Do we think it is a system that is serving the public interest? If we are not satisfied, are we willing to take at least the first step—perhaps not a perfect step—toward doing something about it?
I approach this from the standpoint of one who was recently a challenger and who is now an incumbent running for reelection in 2 years, having gotten the unexpired term of the Vice President for a 2-year term. I am now running as an incumbent for a full term. So I have seen it from both sides.

I also approach it from the standpoint of one who made a commitment to the people of Tennessee that I will try to change the system that we have now when I was running in Washington and that I was dissatisfied with the process by which our legislation is enacted. But I think it is fundamentally the business of the U.S. Congress to address how we elect our public officials, how long they stay, and what their motivations are when they get here. So I am delighted to be a part of this effort.

The system now—let us take a look at the system that we have now. I believe I can be objective in describing it. Elections certainly cost more and more and more. We see Senate campaigns now that cost $10, $20, and $30 million. The combined expenditures in one Senate campaign were over $40 million. We have a system where more and more and more time is taken by Members of Congress, at least, favor major change here. We see Senate campaigns now that cost $10, $20, and $30 million. The combined expenditures in one Senate campaign were over $40 million.

We have a system where money and any system that requires campaigns to cost more and more and more. More and more, we, the Members of, supposedly, the world's greatest deliberative body, wind up having no time to deliberate and more because of the fractured nature of our lives. For someone to run in a State such as mine, I have calculated that now it would be about $15,000 a week that I would have to raise, year in and year out, to run the kind of campaigns that would be traditionally raised in a State such as mine.

Mr. President, that is not why I came to the U.S. Senate. We have a system now where more and more of the perceptions and contributions are tied to legislation. Perhaps that was not a problem when the amounts were smaller. But now we see larger and larger contributions, usually soft money contributions, with regard to larger and larger issues, millions of dollars being spent, billions of dollars being decided by massive pieces of legislation in the U.S. Congress.

We have a system where it is no longer ideological. The money does not flow with the ideological stream. It is a money flow to ideas. The money flows to legislation. Perhaps that was not a problem when the amounts were smaller.

Mr. WILSON. Why not?

Mr. THOMPSON. Well, that certainly seems more reasonable. Another says, 'Big Money Talks.' Another says, 'Taste of Money Corrupts Politics.' This is from Texas. Another says, 'The Great Unsecret of Politics.' That is the relationship between contributions and votes. Another says, 'Legal Bribery Still Controls Congress.' I do not believe that, but a lot of people believe that, and we have to ask ourselves why. Another says, 'Campaigns up for Sale.'

Mr. President, how much more of this can we stand as an institution? How can we go before the American people with the tough choices that we have to make if we do not have the credibility of the people, with no credibility? Ten percent of the people in this country have a great deal of confidence in Congress. Twelve percent have a great deal of confidence in the executive branch. Eighty percent of the people, at least, have no confidence. We always want to be responsive to the American people, until it comes to something that affects us and our livelihoods—whether it is term limits, campaign finance reform, or some other issue that affects us directly as politicians. Then we come up with all kinds of excuses why it will not work.

We have a system where soft money, of course, has completely made a sham of the reforms that were put in place in the earlier years. We all know that. It is a bipartisan problem. Soft money is now up 100 percent—a 100-percent increase—with hundreds of thousands in contributions, in many cases that we see. So there has been a 100-percent increase since the last election cycle.

That is not the job of the President. I do not think it is a very good one. I submit that it is not a good system. Some opponents of reform say there is not enough money in politics. It is not a question of too much; it is not enough; that $700 million spent in 1994 is not enough. They say that more money is spent on soap detergent advertisement, or whatever kinds of advertisement, than on political campaigning. I hope that that analogy will fall on its face without serious analysis, not a lot of people use that. No. 1, we are not in the soap-selling business. No. 2, if Procter & Gamble were advertising in a way that undermined the credibility of the company, they would not be doing it. No. 3, these businesses have only one goal, and that is profit. I would like to think that we have an additional goal in the U.S. Congress.

Other opponents say that it restricts freedom and the ability to participate. This is, of course, a voluntary system, No. 1. And No. 2, we are not talking about mom and pop sitting around the kitchen table deciding how to distribute their $100 or $250 to a Presidential campaign or a senatorial campaign. They can still do that any way they want to do it.

With regard to the PAC issue, which I will discuss in a moment, it simply means that if this legislation were passed instead of somebody soliciting contributions, they would have to make a decision themselves as to which candidate they wanted to send it to. There is no restriction of freedom here on anyone except those in Washington who receive all these minicontributions from various people and make the political decision as to how to use that money. Their freedom will be restricted somewhat. There is no limit whatsoever in this legislation on anybody's ability to participate in the process. People need to understand that.

The current limitation we have is $1,000 on individual contributions, That is a limitation. That is the same limitation that we have here; no new limitation.

Many people say that certainly we will reform because everybody knows we need reform. "It is a broken system but not this reform. I would support it, if this particular feature was in, or out." or whatnot. I think that it is tempting to
want to have it both ways; to be for re-
form but never be for a reform mea-
sure. Some people say it is an incum-
 bent protection business, like my
friend Senator BENNETT. I take a dif-
ferent view from that. I think that un-
der what he is trying to do is correct. Incumbents have substantial
advantage. What this legislation would
do is, let us say, at least place some
limitation on the major incumbent ad-
vantage; and that is the ability to raise
unlimited amounts of money. The in-
cumbent is going to have advantages
advantages that they always had. But
at least you are saying to that incum-
bent if he voluntarily chooses to par-
ticipate that there will be some cap on
the amount of money that you spend.
You are an incumbent now. The money
is going to come to you not because
people believe in you in many, many
cases any more but simply because you
are an incumbent, and you have the
power and authority at that point. That
they restricts people from coming in and spending enough
money to overcome the incumbent."

How often does that happen in the real
world? When it happens, it is somebody
who is an extremely wealthy indivi-
dual. And it happens that sometimes.

So you wind up with professional
politicians on the one hand who are
able to raise large sums of money be-
cause they are incumbents, and wealth y individuals on the other. That
is what our system is becoming—those
two classes of people and nobody
in the middle.

This legislation would level the play-
ing field and let more people of average
means participate. This bill is vol-
untary. Under it campaigns will cost
less. I think that is the crucial feature.

A lot of us who support this legislation
have different ideas about that. To me
the PAC situation is not a crucial fea-
ture.

Opponents are certainly correct when they
say that the PAC's are a reform measure in and of themselves in
1974 in the aftermath of Watergate. We
thought that would substantially re-
form the process, and now PAC's are an
anathema to a lot of people.

The fact of the matter is—and both
sides should understand and know
this—that people, whether they be
businesses or labor unions or whoever,
individuals can still send money in.
They can still contribute. They can
still get together and decide that they
want to individually send contribu-
tions in.

In my campaign I ran against an
individual that did not accept PAC
money. He got all of the same kind of
money that he wanted. It is a little
more cumbersome. But we are not
eliminating special interest money if
we eliminate PAC's.

So to me that is more of a symbolic
measure than it is anything else. The
real change that is needed is limiting
the overall amounts of money—that $500
million that was spent in congressional
races in the last election time. It will
take less time. It will allow my col-
leagues to spend the time on the things
that they were elected to do.

I believe it would level the playing
field; 90 percent of all incumbents—in
this revolution that was supposedly
having all this turnover of all of those
in Congress—I believe that 90 percent
are reelected. For those of my friends
who always look and see who supports
a piece of legislation before they decide
whether they are for it or against it,
and all of them who decry the trial by
headline, well, believe me, when you
you found something that you
all agree on because they are all in
agreement with the opponents of this
legislation that this is a bad piece of
legislation. So maybe they will lay off
those groups for a little while in the fu-
ture.

Mr. President, this is not a division
any longer of business versus labor or
of Democrats versus Republicans. It is
a division of people who want to
change the system and those who genu-
inely do not believe that we ought to
have it. I would like to think that this
is reform time. I would think that this
would do more to assist in our attempt
to balance than to undermine it be-
tween because of the pressure that
this process has within, in it is pres-
sure to spend money. It would be a gen-
uine reform measure.

The lobbying and gift reform meas-
ures were something of an over due
needed to do it. But we are in a situa-
tion now where you cannot buy me a
$50 meal or a $51 meal but you can go
out and get together a few hundred
thousand dollars for me for my cam-
paign. So that does not make a whole
lot of sense.

I do not think that we ought to get in
a situation where we are for reform
until it affects us individually and our
lives. And it affects everybody else's livelihood on a daily basis.

I think it should not be viewed with
suspicion among my Republican col-
leagues. I think too often that we are
trying to figure out how this is going
to benefit them, or us. The fact of the
matter is we do not know. There is no
way to figure it. There is no way to
tell. It depends on swings. Sometimes
we are going to be in. Sometimes we
are going to be out. Sometimes a new
system might hurt us. Sometimes it
might help us. But the bottom line is
that we should not be afraid of fun-
damental reform that the American
people want, that we all know that we
need, and we should get back to win-
ning not on the basis of who can raise
the most money but on the basis of the
competition of ideas.

That is what we pride ourselves in.
That is why we think we were success-
ful last time. That is why we think we
will be successful again. Let us get
back to that concept.

It is for those reasons that I support
this legislation and urge my colleagues
to do so.

Thank you, Mr. President. I yield the
floor.

Several Senators addressed the Chair.
person other than an individual or a political committee may make a contribution to a candidate.” “No person other than an individual or a political committee may make a contribution to a candidate.” In other words, a newspaper association—something which had been the accomplishment of myriad purposes by voluntary associations, and we are seriously considering a bill that says no voluntary association can make a contribution to a candidate for the Senate.

Our opponents can read us 1,000 opinions of law professors to the effect that that does not violate the first amendment, but a third grader would understand that it does. It is a clear abridgment of the right of free speech. Moreover, that brief comment reflects the entire nature of this bill. Everything in it is designed to restrict political participation, to abridge the effective right of free speech in the political arena, to not restrict a person’s right of free speech in every fashion. No, it discriminates among methods of political speech. It imposes severe restrictions upon candidates who, while they may elect to stay out of the system, nonetheless are considerably penalized for being given to the opponent if they repudiate this outrage, this system. It not only prevents these voluntary associations from making any contribution but even an individual is likely to be prohibited from making a contribution to a candidate when that candidate has reached the rather modest maximum permitted under this law to gain certain other advantages.

It, of all things, severely restricts as a great evil political parties. For some reason, it is based on the proposition that both the Republican and Democratic Parties are highly undesirable organizations that must be severely restricted in their fundraising and prevented in many cases from providing support to their own candidates. Now, while candidates have their rights abridged, organized groups have their rights abridged, individuals have their rights abridged, and political parties have their rights abridged, whose free speech are not abridged by this bill? Well, first, television networks and stations and their reporters and their editorial writers can continue to say as much as they want to say and to be as biased as they wish to be with respect to any election campaign, and not only are no restrictions placed on their ability to engage in those activities but the candidates who are their victims, whom they oppose, are not granted any ability to raise money. From what they consider to be biased editorials or biased news stories. Newspapers fall into exactly the same category, whether in the reports of their political writers or the editorial support that they provide for candidates—no limitations there but severe limitations on the ability to respond to those newspapers. And one other important element. All organizations, all groups that are granted any ability to interfere with the fact that they are not endorsing candidates or promoting elections by simply reporting through 30-second commercials on their interpretation of the way in which candidates who hold office have voted, and all of the commercials, the tens of millions of dollars of commercials we have seen in the last 6 months paid for by labor unions attacking Members of the House of Representatives for their votes on Medicare reform and the balanced budget, none of those are restricted in any way by the proposals in this bill. All that is restricted is the ability of a candidate attacked by these millions of dollars effectively to respond to those attacks. Not that there is anything wrong with there being in place, I think, in the House of Representatives, the Senate, and the Constitutional Convention the power of the Federal Congress to enact legislation to deal with the way campaigns are conducted.

We have a great deal about how terribly prejudicial in favor of incumbents the present system is. But, then, why don’t we take the argument that we will not lift the restrictions that will always support a challenger in a race, the challenger’s political party? The Republican Party will support the challenger to a Democrat, the Democratic Party will support the challenger to a Republican, if they think that challenge is remotely viable. So this bill is not about incumbents and nonincumbents. If it were, it would encourage contributions to political parties. It would lift the restrictions on the amount of support that political parties can provide for its candidates. But, instead, it treats parties, if anything, as a greater evil than candidates themselves.

This is a huge bureaucracy, the design of which is to abridge the freedom of speech of candidates for the U.S. Senate, exactly what the first amendment tells Congress it may not do. The Senator from New Hampshire was a bit off the mark, and I thank him for his important contribution to this debate.

My friend and colleague from New Hampshire has been on the floor for a very long time. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 51 minutes remaining.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Senator from Kentucky. I also congratulate the Senator from Washington for his very thoughtful and concise discussion relative to this bill. I wanted to focus on a narrower issue which really plays out some of the points raised by the Senator from Washington. I heard a prior Senator’s statement, “This is a bill that levels the playing field.” I only perceive this as leveling if you perceive the north slope of some mountain in the Himalayas, Mount Everest, for example, to be level. The fact that the mountain is in fact, this bill, because it fails to address the independent expenditure issue, is a bill which, were this a teeter-totter, would have one side directly up in the
June 25, 1996

CONGRESSIONAL RECORD — SENATE

S6777

air and the other side directly on the ground.

We have to realize that under this bill one of the core elements of what I consider to be inappropriate activity in the political area, which others would call good politics, is that they are supported by it, is not addressed at all. It was in March, for example, that the AFL-CIO held a rather unique convention here in Washington, where they voted, as an institution, to levy an annual assessment on their membership, which assessment was meant to raise approximately $25 million of a $35 million goal dedicated to defeating Republicans. There was no other purpose. It was openly stated. They were going to spend $35 million for the purpose of defeating Republicans. So they had this special assessment of $25 million which went out against all their union membership.

Someone took a poll of the union membership, and turns out out the union membership, at least 58 percent of the union membership, did not realize they were going to have to pay this mandatory fee; 62 percent of the union membership opposed this mandatory fee; 78 percent of the union membership did not know they had the right to get the fee back; 84 percent would support making union leaders here in Washington, the big bosses, disclose exactly what their money is spent for; and only 4 percent thought that engaging in political elections was the most important responsibility of major unions.

So, what we have here is an instance where the AFL-CIO is going to go out, and they have the right to do this, and raise $25 to $35 million and spend it against people who they, the union bosses here in Washington, do not agree with. It happens that the rank and file membership to a large degree, do agree with the agenda of the Republicans here in Washington. In fact, 67 percent of the union members support welfare reform and 82 percent of the union membership supports the balanced budget amendment and 78 percent happens to support tax reductions and the $500-per-child tax credit, all of which happen to be Republican initiatives, all of which are opposed by President Clinton, all of which have been opposed by Democratic Members. But, once again, the big bosses here in the unions in Washington have decided to assess, essentially, a tax against the union membership, and that tax, raising $25 to $35 million, is going to be used to attack Republicans who happen to support philosophies which are supported by a majority of the union members.

Yet, this bill remains silent on this rather significant gap in the campaign elections laws. If you were in the process of addressing campaign elections laws, I think by the very fact it remains silent one must ask: Why? Why would such a colossal amount of money that is going to be poured into the political system be ignored by a bill like this?

Well, folks, I think it is called politics. I think it is called political influence. I think it is because the majority of the sponsors of this bill happen to be mostly related in their political philosophy to the bosses of the unions here in Washington. As a result, there is no desire to address something which might affront that group of political forces in this country, who are significant. They have always been significant in this country. They have a major role to play, and always should have had a major role to play, and unquestionably, a significant issue of credibility raised by the failure to address this issue. In fact, it is such a significant issue of credibility that I think it brings down the whole bill, because it draws the whole bill into question, as to its integrity, as to its purpose—not integrity, wrong word—as to its purpose, as to its legitimacy.

It could be corrected rather easily, actually. You could simply put language in which union members shall have the affirmative right, which shall have to be confirmed or which shall have to be—let me restate that. Union members will have to approve how their dues will be spent, how they are going to be used in the political actions and political activity.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Several Senators addressed the Chair.

Mr. MCCONNELL. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator has 2 additional minutes.

Mr. GREGG. I have an amendment which proposes that: the Union Members Protection Act. It essentially says that before union members' dues can be spent in the manner in which these $25 million to $35 million are going to be spent, the union member will have the right to affirmatively approve that or disapprove it. Approving it, the money will not be spent. That will bring into the process at least the ability of the union members to avoid this tax if they decide to avoid this tax; in the process, to direct the funds in a manner which they feel is appropriate to their own political position, not to those of a few bosses here in Washington.

That type of correction is not in this bill. Not only is it not in this bill, but were that amendment to be brought forward, this bill would be filibustered by the supporters of the bill, I suspect. Certainly, if there was a chance it was going to be passed, it would be filibustered by the proponents of this bill.

Why? Political interests.

So the credibility of this proposal, I think, is highly suspect, not only substantively on the grounds of constitutionality which was raised by Senator GORTON, but on the grounds of the political interest. The fact is you leave this large a gap, in the issue of how you are going to reform campaign financing, you basically are saying your intention is not to reform campaign financing; your intention is to tilt the playing field once again in favor of one political group which happens to have a significant amount of influence amongst the sponsors. Mr. President, I yield back the remainder of my time.

Mr. FEINGOLD. The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Very briefly, before I turn it over to the Senator from Massachusetts. I, too, listened to the congressional analysis by the Senator from Washington and the strong agreement by the Senator from Kentucky. The one suggested that any third grader would know that the PAC ban, with a backup provision, is unconstitutional. I am sorry, but I will say one thing about that. The Senator from Kentucky and the Senator from Washington voted for precisely that proposal 3 years ago under the Pressler amendment. So, apparently, at that time they did not understand, apparently, what any third grader understands, which is that this fact is constitutional, because it provides that, if the PAC ban is found unconstitutional, there is a backup provision. So that entire analysis disregards their own past position, which is that that is constitutional.

Mr. President, I yield up to 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, thank you. I thank the Senator from Wisconsin.

Mr. President, I was really fascinated to listen to our colleague from New Hampshire. I really never knew, but now I guess the Senate has learned something new, that the Senator from Tennessee, Senator THOMPSON, and the Senator from Arizona, Senator MCCAIN, are the tools of the union bosses. That is a rather remarkable concept. I am sure the Senator from Arizona will struggle, as will the Senator from Tennessee, for years to get out from under that moniker.

I think that both and the argument of the Senator from Washington just underscore what is really going on here today in the U.S. Senate. Every argument that can conceivably be laid out on the table in pretense on the merits is really just an effort to avoid what this vote today is really about. This vote today is about whether or not the U.S. Senate is willing to stay here and work to produce campaign finance reform or whether it is happier with the status quo. That is the vote. It is very simple.

Eighteen months ago we could have started doing campaign finance reform. I think it was 12 months ago there was a famous handshake between Newt GINGRICH and the President suggesting that there would be a commission to deal with campaign finance reform. But not only did Congress not follow through on the commission, as neither the
President nor the Speaker did, but at the last moment here we are on day one of consideration of this bill and we have to have a cloture vote. That tells the whole story.

This is not a serious effort to legislate. This is a last minute effort to try to force an amendment from the Senator from New Hampshire and deal with this problem of constitutionality or of union bosses. After all, they only have 53 votes last time I counted. It seems to me that if it is truly an issue of the unions or of the type of money that is quickly going to be summoned to the floor to vote against whatever union advantage is being built into this bill.

So let us cut the charade here. This is not a serious effort to legislate. This is, once again, the Senate's moment of tokenism to pretend or at least expose—because Senator Feingold and Senator McCain insisted on it—that there are a majority of Senators here who are unwilling to deal with the issue of campaign finance reform.

There is not even a serious discussion going on of an alternative. There is no alternative that has been proposed. There is no serious set of alternatives that have been put forward to try to say, well if we don't want to do your way, here's a better way of doing it. There is no better way on the table.

The Senate has been forced to bring one vote today, or its effort, one pathetic gasp to try to suggest that we are prepared to deal with what the majority of Americans want us to deal with, which is the putrid stench of the influence of money in Washington that is taking away democracy from the people of the country. Everybody knows it. Every poll in the Nation just screams it at us.

Ninety-two percent of registered voters believe that special interest contributions affect the votes of the Members of Congress. Eighty-eight percent believe that people who make large contributions get special favors from politicians. The evidence of public discontent just could not be more compelling. It is now spoken in the way in which Americans are just walking away from the system. Only 37 percent turned out to vote in the last election. They are walking with their feet away from what they perceive as an unwillingness of the Congress to deal with this.

The vote today, Mr. President, is very simple. Do you want to deal with campaign finance reform or do you want to play the game again and be content and pretend that there is some great constitutional issue?

I listened to the Senator from Washington raise the first amendment. My God, three-quarters of the people today talking about the first amendment and no curbs on free speech are the first people I hear here against the Supreme Court's decision with respect to the protection of free speech and the flag. So they choose it when it suits their purposes, and then they go protect it when it also suits their purposes. Selective constitutionalism.

Any third-grader does understand that if there is a voluntary system, purely voluntary, by which people participate in any restraint on free speech. Anybody who wants to go out and spend their millions of dollars and avoid accountability within the rest of the system can do so under this bill. There is no limit. If perchance the test to be some problem with the PAC's and constitutionality, because of the freedom of association, the House of Representatives, in their bill, has an alternative. It is perfectly legitimate for us to send this bill to a conference committee, work in the conference committee, come up with a reasonable alternative and come back here. It is really inconceivable that the Republican Party, which is the majority of the U.S. Senate with 53 votes, is going to be disadvantaged in any amendment on the floor of the U.S. Senate, because they can summon all 53 votes to beat back any amendment that does not draw away some measure of those who are reasonable on their side.

So this is not a good way to legislate. This is an effort to procrastinate once again. It is a vote on whether you desire to have campaign finance reform or whether you are content to suggest that there are problems with this bill sufficient that we cannot deal with it on the floor or work through the legislative process.

I have some problems with this bill. I do not like every component of it. I personally would like to see more free time available. I think there are a number of other options that we could work on. But I am content to live with what the majority of the U.S. Senate thinks is appropriate. I am content to have whatever advantage to our side or the other side be put to the test of the legislative process. That is what we are supposed to do. Instead, once again, the special interests are going to win here today. Probably most likely this issue will not be able to be seriously considered this year yet again.

I have worked on this since the day I came here with Senator Bradley, Senator Biden, Senator Mitchell, and Senator Boren. We have passed it in certain years here. But the game has been played in the House so it comes back at the last minute. Each side can blame the other for not really being serious about it or for filibustering it to death.

In the end, Mr. President, the American people lose again, because everyone knows that the budget deficit is partly driven by the interests that succeed in preventing any tough choices from being made. Everyone knows what the money chase and the money game in Washington is about. We would all be better off if we were to reduce that. I hope that colleagues today will come together in an effort to try to say, let us at least legislate through the week and see if we could engage in a serious effort to try to deal with one of the most pressing problems facing America's fledgling democracy.

Mr. President, I yield back whatever time I may have to the manager of the bill.

Mr. McConnell. Mr. President, how much time do I have remaining? The Presiding Officer (Mr. Gregg). The Senate has 43 minutes remaining.

Mr. McConnell. I yield to the distinguished chairman of the Rules Committee and we have listened to a great many hearings this spring on this matter—I yield 10 minutes.

Mr. Warner. Mr. President, I thank you for a floor managers, both floor managers, and indeed my colleague from Kentucky. As a senior member of the Rules Committee he sat side by side with me throughout what I am sure will be reviewed as a very prodigious, fair, and balanced series of hearings, in which I will cover, given that the Rules Committee has jurisdiction over this particular bill and like bills.

This morning, however, Mr. President, I make it very clear that while I support many areas of campaign finance reform, and I shall vote in those areas, this particular bill that is before the Senate is not one, in my judgment, which will solve any of the problems. Therefore, I shall be voting against it in accordance with the procedural vote.

I will start my comments by quoting from Thomas Jefferson. Virginians are very proud of our heritage of freedom which is reflected by Mr. Jefferson, who said: "To preserve the freedom of the human mind *** and freedom of the press, every spirit should be ready to devote itself to martyrdom; for as long as we may think as we will, and speak as we think the condition of man will proceed in improvement."

Jefferson's thoughts on the first amendment reflect my own personal concern that our constitutional right to speak out as individuals and as groups receive the utmost protection as we labor as a legislative body to make badly needed reforms to our campaign finance system.

The pending bill would amend our campaign finance laws applicable to elections to Congress. This bill, S. 1219, was referred to the Committee on Rules and Administration some time ago. In addition to S. 1219, 14 other bills that would amend our campaign finance laws have also been referred to the committee. These bills address myriad issues and offer a variety of potential solutions to the concerns many of us have.

I am well aware that the calls for campaign finance reform have been heard for many years. I am well aware, also, of the many proposals this body has considered over the past sessions. I also well aware these efforts were ultimately unsuccessful because they did not reflect the consensus of the American people. It is easy to label
something campaign finance reform and immediately find support from those across this Nation, like myself, who have a level of frustration with the current framework of laws. Ultimately, however, each of those bills must stand on its own merits. I will not merely vote for something called reform without being convinced that the proposals are constitutional and beneficial to our political process.

Our committee gave careful consideration to the totality of issues. First, our committee heard from Senators McCAIN of Arizona, FEINGOLD of Wisconsin, THOMPSON of Tennessee, WELLSTONE of Minnesota, FEINSTEIN of California, and BRADLEY of New Jersey. Members of the House of Representatives also appeared before our committee.

We then heard testimony from some of the foremost experts across our Nation on campaign finance reform, including Prof. Larry Sabato and Prof. Lillian J. Vale from the University of Virginia; Norman Ornstein from the American Enterprise Institute; Thomas Mann from the Brookings Institution; Bradley Smith from the Cato Institute; David Mason of the Heritage Foundation; Prof. Michael Malbin from the University of Southern California; Dr. Candice Nelson of American University; Prof. Michael Malbin from the Rockefeller Institute of Government; Ann McBride of Common Cause; and Joan Claybrook with Public Citizen.

We also heard from a number of citizens who participated in campaigns by contributing to political action committees—PAC's—or by making donations to be bundled. We heard these voters' worries that their voices would be greatly diminished if their ability to participate in PAC's and bundling were completely denied. In addition to these witnesses, we also asked the Chairmen of the Republican and Democratic National Committees—Mr. Haley Barbour and Mr. Donald Fowler to testify before our committee. Each party official testified to the need to strengthen—I repeat, strengthen—not weaken the political parties and enhance their links to their State counterparts.

Because several of the bills before the committee mandated some form of free or reduced-fee television time and reduced postage rates, as S. 1219 does, we also heard from representatives of the broadcast industry and parties affected by the health of the postal service. They advised us of the impact these proposals, pro and con, on their operations.

Further, because of my personal belief that we should not pass legislation that has a high degree of likelihood of being struck down by the Federal court system as unconstitutional, we asked a number of legal experts and scholars to address the constitutionality of some of the proposals before our committee, particularly the proposal to ban PAC's. Among those commenting on the issues were Joel Gora of Brooklyn Law School on behalf of the American Civil Liberties Union, Robert O'Neill of the Thomas Jefferson Center for the Protection of Free Expression, Archibald Cox of Harvard Law School, and Frederick Schauer with the Kennedy School at Harvard.

To date, the committee has held six extensive hearings on campaign finance reform—the most extensive, I repeat, the most extensive hearings on this subject of campaign finance reform, held here in the Senate since 1990. Two things of concern were reached, although not formally, by the individual Members. I shall speak for myself.

First and foremost is the overwhelming consensus that the PAC ban contained in S. 1219 is unconstitutional. There is little doubt on this, with near unanimous agreement from the legal experts. Mr. President, we should not pass legislation in the name of reform, knowing that the Federal courts will strike down the bill. There is always the urge to do something; we can't throw our constituents, "Well, we handled it—we handled campaign finance reform, but I personally cannot do that with clarity of conscience, knowing that there is a high likelihood that the Federal court system will strike it down.

A second point: in addition to the PAC ban, there are other serious constitutional concerns in S. 1219. One problem lies in the extremely broad definitions of "independent expenditures" and educational advertising which would serve to greatly restrict information about the candidates. According to the Free Speech Coalition which represents groups from far left to far right, "This extremely broad definition of 'expressed advocacy' would sweep in protected issue advocacy such as voter guides."

Perhaps even more startling, S. 1219 allows the Commission to obtain prior restraining orders against groups it suspects might violate the new, broader restrictions on presently-independent political activities. Let me emphasize this point. Federal bureaucrats would have the power to stop—repeat, stop—somebody from exercising their first amendment rights before they say or publish anything. One commentator called this result "a grotesque legislative assault on bedrock American freedom."

The PAC and bundling bans, combined with the breadth of S. 1219's coverage and restrictions on independent expenditures violate a maxim clearly articulated by our Supreme Court in Buckley versus Valeo when the Court stated, "The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment."

Make no mistake about it, S. 1219 would severely restrict the speech of many of our citizens, resulting in a terrific enhancement of others. This we cannot condone. Again, to quote Mr. Jefferson:

There are rights which it is useless to surrender to the government, and which government have yet always been found to invade. [Among] these are the rights of thinking, reading, and publishing our thoughts by speaking or writing.

He made this observation in 1789, but despite the transformation of our country and the changes in our Government, it is as true today as it was in 1789.

A third observation is that, while reduced-fee or free TV coverage and postage might serve to reduce the cost of campaigns, requirements such as these are not really free—they simply shift the costs from candidates to postal users, broadcast stations, and other television advertisers. To the extent candidates for political office are granted even more reduced fee postage rates than they already have, the postal user—virtually every American citizen and business—will bear the cost, for the Postal Service must make up the lost revenue from these users.

And, in addition to the lost revenues the TV broadcasters will face, there are extremely severe management problems associated with S. 1219's mandate for TV stations to provide coverage of political candidates. Not the least of these would be trying to offer television time to candidates in large population centers such as New York City where dozens of contested elections will take place in New York, New Jersey, and Connecticut—you might have more than 50 candidates each entitled to prime time TV coverage. And this doesn't even consider party primaries which might feature many candidates per election.

And, as I have noted in our hearings, how will local politicians react if they see candidates for local elections being offered extremely cheap ads and mailings. If we start down this road, how will we say no to the local sheriff or other State and local politicians who run for office? In sum, these reduced fee proposals—which are better described as cost shifting provisions—are not well thought out. More thorough analysis and understanding of the impact they will have on the postal and broadcast industries and the American people is necessary.

Mr. President, because neither the provisions of S. 1219 could result in less information being available to voters. Spending caps obviously might cause cutbacks in campaign activity, whether advertising, traveling, or get-out-the-vote activities. Bringing more independent expenditures under spending caps also could reduce the amount of information that is available. This concern has been voiced by others. David Frum of the Weekly Standard stated:

[Political reformers imagine that by capping campaign spending America could somehow purify its political and deceptive radio spots with lofty Lincoln-Douglas-style debates and serious-minded...]

June 25, 1996

CONGRESSIONAL RECORD — SENATE

S6779
presentations of positions in 30-minute un-
paid public service announcements on tele-
vision. The far likely effect of campaign ex-
penditure caps, though, would be to invite 
cheating and to deprive less attentive voters 
even of what little information they now get 
to guide their vote.

This discussion of present reform pro-
posals would of course be incom-
plete even after mentioning that the 
Federal Election Commission 
would need a veritable army of inves-
tigators and auditors to keep up with 
their new mandates. We know that the 
FEC has had difficulty winding up au-
dits of some political campaigns in a 
timely process, and I hesitate to think 
about the prospect of the FEC trying 
to keep up with hundreds of congres-
sional candidates every 2 years.

While these hearings result in the 
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CONGRESSIONAL RECORD — SENATE 
June 25, 1996

S6780

Mr. WARNER. Professor Sabato's 
main focus lies in broadening and 
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Spection. The American people are the 
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eral office and those who spend more to 
influence campaigns. Of course, we 
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and degree of privacy that should be 
afforded to individual donors, but this 
is clearly a subject that should be ad-
dressed in any campaign finance re-
form.

I have been impressed with other sug-
gestions which have been raised in our 
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CONGRESSIONAL RECORD — SENATE

June 25, 1996

S6781

much of what we see is appalling), then the public will be moved to demand change.

Moreover, a new disclosure regime might just prove to be the solution in itself. It is worth pointing out that stock-buying players, by and large, is happy with the relatively liberal manner by which the Securities and Exchange Commission regulates stock-markets. Companies and brokers (the candidates and consultants of the financial world) actually appreciate the SEC's efforts to enforce vigilant regulations of its domain, since such enforcement maintains public confidence in the system and encourages honest, ethical behavior, without unneces-
sarily infringing on the freedom of players. Again, the key is to ensure the availability of the requisite information for people to make intelligent decisions.

Some political actors who would rather not be forced to operate in the open will undoubtedly assert that extensive new disclosure requirements violate the First Amend-
ment. Political regulatory schemes go, disclosure is by far the least burdensome and most constitutionally acceptable of any political regime proposal. The Supreme Court was explicit on this subject in its landmark 1976 Buckley v. Valeo ruling. The Court found the overweening aspects of the Federal Election Act (such as limits on spending) violated the Bill of Rights, but disclosure was judicially blessed. While disclosure has the potential for substan-
tially infringing the exercise of First Amendment rights, the Court said, "there are governmental interests sufficiently im-
portant to outweigh the possibility of fringement, particularly when the free func-
tioning of our national institutions is in-
volved."

The Court's rationale for disclosure re-
main exceptions persuasive two decades after it was written:

First, disclosure provides the electorate with information "as to where political cam-
paign money comes from and how it is spent by the candidate" in order to aid the voters in evaluating those who seek federal office. It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party la-
beis and campaign speeches. The sources of a candidate's money can support or oppose a voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in of-
lice.

Second, disclosure requirements deter ac-
tual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes ei-
ther before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be solicitation. And full disclo-
sure during an election campaign tends to "prevent the corrupt use of money to affect e-
ections." In enacting these requirements [the Congress] may have been mindful of Mr. Justice Brandeis' advice: "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most effi-
cient policeman."

A new disclosure-based regime, to be suc-
cessful, would obviously require more strin-
gent requirements. Most important, the reporting rules would require groups such as organized labor and the Christian Coalition to disclose the complete extent of their in-
volvement. Another solution would be to require groups rely on a body of law that holds that under the First Amendment, broadly based "nonpartisan" membership organizations cannot be compelled to comply with cam-
paign finance laws, nor can groups that do not explicitly advocate the election or defeat of a candidate. Unless there is fairly clear expert observers of the current system, such as former Federal Election Commission chairman Trevor Potter, believe the Court made this judgment "with virtual certainty" for such groups extends only to limits on how much they can raise or spend, not to organizations that either there required to disclose their activities. The primary argument of the step is that it would formally bring into the political sphere groups that clearly belong there. The rules that make the Christian Coalition and labor unions to dis-
close, their role in elections can be more fully and fairly debated.

Another objection to broadening the disclosure requirements would be the fear that the rules would rule a huge number of politically active but relatively incon-
sequential players into the federal regula-
tory framework. Clearly, no one wants the local church or the Rotary Club taken to court for publishing a newsletter advocating religious and moral virtues. The Court supports candidates of their choice. To our mind, this is easily addressed by establishing a high re-
payment threshold between $25,000 and $50,000 in annual election-related expenditures per election cycle. After all, the concern is not with the small organiza-
tion, the term limits groups, and organized labor have all raised and spent millions of dollars annually and operated on a national scale. It is not hard to make a distinction be-
tween groups such as these and benign small-

Another necessary broadening of disclosure would involve contributions by indi-

cidually. While most political action commit-
tees already disclose ample data on their backers and financial activities, contribu-
tions to candidates from individuals are re-
ported quite haphazardly. New rules could mandate that each individual contributor disclose his place of employment and profes-
sion, without exception. The FEC has al-
ready debated a number of effective but not overly oppressive means of accomplishing this goal (although to date it has adopted proposals to do nothing). A solution that would be to prohibit campaigns from accepting con-
tributions that are not fully disclosed. Dis-
closure of campaign expenditures is also cur-
rently required, but many organizations fail to make a detailed state-
ment describing the purpose of each expendi-
ture. It would be no great task to require better reporting of these activities as well.

The big trade-off for tougher disclosure rules should be the loosening of restrictions on freedom of speech. For example, the liberal-
zation of limits on fundraising by individual candidates. This is only fair and sensible in its own right: there is a glaring disconnec-
tion between the artificial limitations on sources of funds and ever-
mounting campaign costs. One of the pri-
mary pressures on the system has been the declining value in real dollars of the maxi-
ummum legal contribution by an individual to a federal candidate ($1,000 per election), which is now worth only about a third as much as when it went into effect in 1975. This increas-
ing scarcity of funds, in addition to fueling the quest for loopholes, has led candidates (particularly incumbents) to do things they would normally shy away from for fund-

ing. Perversely, limits appear to have in-
creased the indebtedness of lawmakers to special interests that can provide huge infusions of money by means of "soft money" to the FEC, and that the purpose of all mon-
ies collected is to inform the public about more freedom to pick and choose their con-


ductors. Given the option, we hope more candidates would turn primarily to those contributors whose support is based on val-
ued information, not on the quest for favors seekers. By lifting disclosure and con-
tribution levels at the same time, politi-
cians' access to "clean" funds would rise instead of fall and the public would be in-
creased. The idea is to concede that we can-
not outlaw the acceptance of special-interest money, but the penalty for accepting it can be increased. So at the very least, the individual contribution limit should be restored to its original value, $25,000 and $50,000 in total election-
related dollars, with built-in indexing for future in-
flation. We would actually prefer a more generous limit of $5,000, which would put the FEC's contribution cap in line with the current PAC limit of $5,000 per election.

For political parties, there seems little al-
ternative to simply legitimizing what has al-
ready happened de facto: the abolition of all limits. When the chairman of a national po-

citical party bluntly admits that millions of dollars in "soft money" receipts mean that the future will be $50 million dollars in "hard money," it is time for ev-

erone to acknowledge reality. Moreover, such an outcome is not going to happen. Po-

tical parties deserve more fundraising free-
dom, which would give these critical institu-
tions a more substantial role in elections.

The new disclosure regime work? While the FEC has already moved to impose some tighter disclosure require-
ments, it lacks the resources as currently constituted to enforce the new rules across the board. However, the solution does not necessarily require a massive increase in funding. Under a disclosure regime, the agen-
ty would reduce its current efforts at repressive investigations and other infractions, devoting itself primarily to providing information to the public. The commission's authority to conduct elections randomly would have to be restored to ensure compliance, and sanctions for failure to disclose would have to be in-
creased substantially. In addition, the com-
mission should be given the power to seek emergency injunctions against spending by political actors who refuse to comply with disclosure requirements. And to move the FEC away from its frequent three-to-three political deadlock, the six political party commisioners (three Democrats and three Republicans) ought to be able to appoint a tie-breaking chairperson. Presumably anyone agreeable to the other six would have a stellar reputation for inde-
pendence and impartiality. Another remedy for predictable partisanship on the FEC would be a one-term limit of six years for each commissioner. Freed of the need to worry about pleasing party leaders, in order to secure reappointment, FEC commis-
sioners could vote their consciences more often and get tough with election scofflaws in both parties.

Finally, in exchange for the FEC relinqu-
ishing much of its police powers, Congress could suspend much of its power over the FEC by establishing an appropriate bud-
getary level for the agency that by law would be indexed to inflation and could not be re-
duced. Another way of guaranteeing ade-
quate funding for a disclosure-enhanced FEC would be to establish a new tax check-off on Form 1040 that would permit each citizen to channel a few dollars of her tax money directly to the FEC. This would have a double benef-
cial effect on Congress's appropriations process entirely. The 100 solicitation should carefully note that the citizen's tax burden would not be in-
creased, since such enforcement maintains public confidence in the system and encourages honest, ethical behavior, without unneces-
sarily infringing on the freedom of players. Again, the key is to ensure the availability of the requisite information for people to make intelligent decisions.
the sources of contributions received by political candidates. It is impossible to forecast the precise reaction of taxpayers to such an opportunity, of course, but our bet is that many more would flock to the box funding the Federal Election Commission than the box channeling cash to the presidential candidates and political parties. In today's political system, the people's choice is likely to be reliable information about the interest groups and individuals investing in officeholders.

CONCLUDING CONTENT

The purpose of these reforms is to make regulation of campaign financing more rational. Attempts to outlaw private campaign contributions or to tell political actors how much they can spend are simply unworkable. Within broad limits, the political marketplace is best left to its own devices, and when those limits are exceeded, violators would be punished swiftly and effectively.

Regarding the pro-incumbent bias of contributors, there is unfortunately no obvious practical solution. It is impossible to predict how a deregulated system would affect the existing heavy bias toward incumbents by contributors, both PAC and individual. In truth, there is no way to eliminate such bias without regulating the individual financial bias.7 However, it is possible that expanding private resources through deregulation will actually end up helping rather than hurting nonincumbent candidates. A substantial body of research shows that the amount an incumbent spends is less determinative of election outcomes than the amount a challenger spends.8 Simply put, challengers do not need to match incumbent spending, but need merely to reach a "floor" of financial viability. Deregulations' greatest impact will thus be in helping challengers reach this floor. If fears about the effects of a deregulated market will have on competition prove warranted, however, a modest federal subsidy in the form of discounts on mail or advertising might be tied to deregulation. However, it is impossible to predict whether such a scheme would work, since empirical evidence to show the effect is statistically significant. See Kenny and McNabb, "An Individual Tax Subsidy in the Form of Expenditure Effects in Contested House Elections." American Political Science Review 86 (September 1992): 269-277.

6 For a cogent review of the literature, see Frank Sorauf, one of the most astute students of campaign finance, has raised the possibility that campaign finance reform without debating the sources of contributions received by political candidates does not even disclose their soft money contributions.10 For instance, Christopher Kenny and Michael McBurnett argue that those who pay for pre-campaign travel, and openly promote their candidate-creator.2

7 They indicate that in Presidential elections, it is estimated that from $400 to $500 million in moneys go basically to candidates and political parties. They do not even disclose their soft money contributions, which amounts to millions. At this particular time, I would like to place in the Record a Congressional Research Service report for Congress entitled "Political Spending by Organized Labor: Background and Current Issues." This report is astounding. They indicate that in Presidential elections, it is estimated that from $400 to $500 million in moneys go basically to the Democratic Party. I ask unanimous consent that that report be printed in the Record at this point.
CONGRESSIONAL RECORD -- SENATE
S6783

JUNE 25, 1996

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

POLITICAL SPENDING BY ORGANIZED LABOR: BACKGROUND AND CURRENT ISSUES
(By Joseph E. Cantor) SUMMARY

Labor unions have traditionally played a strong role in American elections, assisting favored candidates through their direct and indirect financial support, as well as through manpower and organizational services. While direct financing of federal candidates by unions is prohibited under federal law, unions have found political action committees (PACs) to raise voluntary contributions for donation to federal candidates. This PAC money is also known as “hard money,” and is not limited by federal law and is not as hard to raise. Soft money is generally considered to be a formidable factor in organized labor’s political spending, largely unregulated, either because it is restricted to seeking to influence only its members and their families or because it does not advocate specific candidates as opposed to general political or philosophical goals. Soft money has aroused controversy because of the suspicion that spending can and does influence elections, subject to federal regulation, came to be known as “soft money.”

The FECA thus created a legal framework for unions to set up PACs to raise and spend money for communications, subject to federal regulation (hard money), and to use its treasury money for specified activities aimed only at its restricted class and not subject to federal regulation (soft money).5 CURRENT REGULATIONS

Under recently amended regulations, unions (and corporations) were acknowledged an pledge of latitude in communications with their restricted classes. Under these regulations, unions are exempt from FECA definitions of “contribution” and “expenditure” for communications on any subject, registration and get-out-the-vote drives, and costs of setting up, administering, and fundraising for any PAC. PACs may only be aimed at union members, executive or administrative personnel, and their families.6

New regulations, promulgated to implement Supreme Court decisions, also introduced the standard of express advocacy in deciding what types of communications are permitted by and to whom.

“Expressly advocating means any communication that . . . uses phrases . . . which in context can have no other meaning than to urge the election or defeat of one or more clearly identified candidate(s) . . . .” 10

Communications containing express advocacy are permitted by unions if limited to the restricted class; correspondingly, communications without express advocacy may be made to the public, if done independently of any candidate.

HARD MONEY ACTIVITY: UNION PACS

Given the rising costs of elections and the higher contribution limits for PACs than individuals in federal elections ($5,000 versus $1,000), PACs have become a growing source of campaign funds in the past 20 years.13 As the pioneers in the PAC field, labor PACs grew in both overall numbers and money contributed, although by both measures, they have been increasingly overshadowed by corporate and other types of PACs.

When the Federal Election Commission (FEC) first issued a regulation in January 1975, 201 of the 608 PACs (one-third) were labor PACs. As of January 1996, there were 334 labor PACs, only 8.3% of the total 4,006 PACs.14

Another common gauge of federal PAC activity is the money contributed to congressional candidates (chiefly to presidential candidates). In 1974, labor PACs contributed $6.3 million to congressional candidates, half of the $12.5 million overall. In 1994, labor PACs spent about $40.7 million, 23% of the $176.6 million from all PACs.15

While union PACs do not play as large a role as corporate PACs as they did in 1974, they have been able to remain competitive by giving larger donations than most PACs. While there are far fewer labor than corporate PACs, the average contribution of federal candidates in 1994 was twice the average for a corporate PAC. Given labor’s traditional ties with the Democratic Party, it is not surprising that labor PAC donations are largely directed the Democrats. In 1994, for example, 96% of labor PAC contributions went to Democrats, compared with 49% for corporate PACs, 60% for non-connected (unsponsored) PACs, and 54% for the trade (membership) health category.16

The revenue political uniformity among labor PACs, as opposed to corporate PACs, is viewed by some in a way in which labor maximizes its political power.

SOFT MONEY ACTIVITY: UNION TREASURIES

Although there are no complete, publicly available data on amounts of union treasury money spent, one press account expressed a widely held view: “Labor’s real importance to candidates, though, is not so much the PAC dollars that unions contribute directly to campaigns as the expenditures they make from their treasuries to lobby among their members. In each election, labor spends millions of dollars in attempting its preferred candidates before the union rank and file, but how many millions is unknown, and estimates vary widely.” 17

Forms of support

Two major types of activities are financed by union treasuries which promote labor’s political philosophy: (1) the exempt activities aimed at their restricted class (as described); and (2) non-express advocacy communications aimed at the public (also referred to as indirect advocacy or public education).

In the exempt activities category, unions have a ready infrastructure (phone banks, office space, etc.) and a ready pool of volunteers to make their internal communications reach their voter depository force. While these efforts may only involve a restricted class and while corporations have the same rights as unions in all soft money activities, the Bureau of Labor Statistics (BLS) reports that labor’s restricted class totaled 16.4 million people in 1995, plus families.18

In terms of public education and issue advocacy, unions engage in the same type of efforts as many other groups in the public arena. These often involve media ads to influence public opinion and to lobby Congress. By avoiding overt appeals to elect or defeat specific candidates, these groups may promote their political and philosophical goals without urging any federal campaign finance regulation.

Source of funding and compulsory dues issue

Union treasuries are financed in large part through dues paid by members. In addition, under some union security agreements, workers who do not join a union must pay a form of dues called agency fees. There are no available data on how many workers pay agency fees, but the evidence that some 2 million workers were represented by unions but who were not union members.

Footnotes at end of article.
Some portion of these workers pay agency fees as a condition of employment.

Due to the compulsory nature of agency fees, some workers have objected to the union’s use of their payments. Among several relevant rulings, the Supreme Court, in Communication Workers of America v. Beck, 367 U.S. 740 (1961), said that this may not, over the objections of dues paying nonmember employees, spend funds collected from them on activities unrelated to collective bargaining or other purposes. In 1992, President Bush issued Executive Order 12800, requiring federal contractors to post notices to employees informing them of “Beck” rights; this was rescinded by President Clinton on February 1, 1993 (Executive Order 12836). Bills have been introduced in recent Congresses to either prohibit the use of “compulsory union dues” for political purposes or to require greater notification of all workers (not just non-members’) rights regarding their dues and agency fees.

Dollar value of union soft money

The only soft money unions must disclose under the FECA are express advocacy communications with members, but only when they are made directly by the candidate, and excluding communications primarily devoted to other subjects. In 1992, unions reported $4.7 million on such activities. While unions are required to file financial reports under the Labor Management Reporting and Disclosure Act of 1959 (P.L. 86-279), the range of expenses (e.g., salaries, administrative costs) rather than by functional category (e.g., contract negotiation and administration, political activities). Under President Bush, the Department on Labor proposed regulations to change reporting to require functional categories (October 30, 1992), in a proposed rulemaking notice on September 23, 1993, the Department, under President Clinton, rescinded the change to functional categories.

Due to the limitations of public disclosure, one must look to estimates of the total volume of labor soft money. Such estimates, which amount to educated guesses and may be influenced by the political orientation of the observer, range from the $20 million labor supporters claim is its value in presidential campaigns, to the $400-$500 million critics of labor soft money. Such estimates, which amounts to hundreds of millions of dollars. That $35 million which we have all been reading about in the newspapers is really nothing. It is almost a wash compared to what they really spend. The unions pull in somewhere, it is estimated, around $4 to $6 billion a year, and up to 85 percent of that money, according to some estimates, is used for political purposes on local, state and federal levels.

The Supreme Court, in Beck versus Communications Workers of America, declared that workers were entitled to know how much of their dues were being directed to political uses and to receive a refund for that portion of dues paid.

I think a brief description of the Beck case is useful. Harry Beck was a telephone company technician working for the Bell Telephone System. He was not a member of the Communications Workers of America, but was required to pay agency fees to the union under the labor contract it negotiated with American Telephone & Telegraph Co. In 1971, including Mr. Beck, initiated a suit challenging the CWA’s use of their agency fees for purposes other than collective bargaining, contract administration, or grievance adjustment. Specifically, Mr. Beck and other workers alleged that the expenditure of these funds on activities such as organizing the employees of other employers, lobbying for legislation, and participating in political events violated the union’s duty of fair representation and section 8(a)(3) of the National Labor Relations Act.

The Supreme Court agreed that Mr. Beck and other objecting employees had a right to a refund from the union on the grounds it was used for political and other noncollective bargaining or representational purposes. This decision was, of course, significant for its holding that unions in the private sector are not permitted, over the objections of workers such as Mr. Beck, to expand funds collected from them for political and other activities unrelated to collective bargaining.

In that regard, the Beck decision was a logical and reasoned follow-on to prior Supreme Court cases regarding the rights of employees covered by the Railway Labor Act to object to that portion of their dues or fees expended for noncollective bargaining activities. See Machinists v. Street, 367 U.S. 740 (1961) and Ellis v. Railway Clerks, 466 U.S. 435 (1984).

The Beck decision was significant in its affirmation (1) that the federal courts properly exercised jurisdiction over such cases as a violation of the unions’ duty of fair representation and, (2) that such conduct was also prohibited under the National Labor Relations Act, enforcement of which is charged to the National Labor Relations Board.

The rest of the system really is this. Regardless of what the court ruled—and it took some 8 years before the NLRB even got around to issuing its first ruling on a Beck-related case in 1995—all of the burden is being placed on the employee instead of on the union. For an employee to be able to withdraw his or her dues and to require disclosure, the employee has to go to court, file a claim before the NLRB, and/or to go through all kinds of procedural maneuvers, and basically has to resign from the union to lose all of that employee’s democratic rights to vote for or against strikes, for or against contract ratification, etc. Etcetera. In the end, the employee is basically out of a lot of money, out of his power of representation, and out of his right to vote. Why? Simply because one employee, pitted against a powerful union, has sought a voice in how his or her union dues is being spent for political purposes.

I do not see how we can consider campaign finance reform without correcting this injustice.

Nothing should be a more fundamental American right than political expression. Those Americans whose union dues are diverted for political purposes—without disclosure and without an adequate rebate system—have been treated as second-class citizens.

The NLRB has not only failed to implement the Beck decision, but the execution of the case by the Bush Administration was rescinded during President Clinton’s first days in office. That is amazing to me. If we want true campaign finance reform, why wouldn’t we allow these
June 25, 1996

CONGRESSIONAL RECORD—SENATE
S6785

this injustice to individual workers all over America?

What is even more amazing to me is that
my colleagues on the other side of the aisle have fought any attempt to deal
with this issue. Several years ago, I offered a simple and straightforward amendment to campaign finance reform that would have merely required that unions disclose to dues paying members how their dues money is being spent. It was defeated.

I think Bill Bradley, on the other side, is a taking of property and
concerned about the prospect of us divid-
ing up broadcast time. It does seem to
indicate my highest praise and respect
improperly drafted.

1219, be withdrawn because they were
amendments 4108, 4109, as offered to S.

time I have.

Employees have a right to know how
much of their moneys are used for par-
tisan political activities with which
they disagree. That is what the Su-
preme Court said, and that ought to be
enforced. This bill will do nothing about
that.

Mr. President, I yield back whatever
time I have.

Mr. McCONNELL. Mr. President, I
yield the Senator from Colorado 2 min-
utes.

Mr. BROWN. I will take 1 minute. I
ask you to consider the following: we are
saying that unions come with good intentions
and an honest bipartisan effort. I am con-
cerned about the bill. I am con-
cerned about the prospect of us divid-
ing up broadcast time. It does seem to
me that that is a taking of property
without compensation, and I believe it is
a major flaw in the plan before us.

I yield the floor.

Mr. FEINGOLD. Mr. President, I
yield 30 seconds to the Senator from
Arizona.

Mr. McCAIN. Mr. President, not for
the first time I have heard complaint
about the power of unions and how this
bill does not address that appro-
priately. It just came from the Senator in
the chair. If do you not like it, come
to the floor and propose an amend-
ment and do something about it. There are 53
votes on this side. Do not refuse to
move forward with the bill. If you do
not like the bill—everybody comes
down here and says, "I am for cam-
paign finance reform, but just not this
one." If you are not for this one, come
to the floor after we invoke cloture,
and propose your amendments. We
have 53 votes on this side, 47 on that
side. If they share the view of the Sen-
ator from Utah, then you can amend it
and take care of it. But do not expect
the American people to accept this
story about "I am for campaign finance
reform but not this one," and then not
to vote to cut off debate because it is a
filibuster, and then we cannot move
forward with the bill.

Mr. HATCH. Mr. President, will the
Senator yield back 5 minutes?

Mr. FEINGOLD addressed the Chair.
The PRESIDING OFFICER. The Sen-
ator from Wisconsin.

Mr. FEINGOLD. Mr. President, let
me reiterate what the Senator said. It
was this cloture vote up front so there could not be amend-
ments. That was the idea of the other side. That is the only way we could get the
bill up for a vote.

I yield 5 minutes to the distinguished
Senator from New Jersey.

Mr. HATCH. Will the Senator yield
for 10 seconds?

Mr. BRADLEY. Not out of my time.
The PRESIDING OFFICER. The Sen-
ator from New Jersey.

Mr. HATCH. If it is on our time?

Mr. BRADLEY. I would be prepared
to yield on the manager's time.

The PRESIDING OFFICER. Mr. Presi-
dent, I yield the time out of my time.
The PRESIDING OFFICER. The Sen-
ator from Utah.

Mr. HATCH. Mr. President, let me
say this up front. If cloture is invoked,
that type of amendment would not be
germane and would not be permitted. If
cloture is not invoked, I intend to
bring up one.
The PRESIDING OFFICER. The Sen-
ator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I
think it says a lot if the Senate is not
able to move forward on this good piece
of legislation. I think this inability to
move forward says two things.

The first thing it says is that fund-
amental campaign finance reform will
not begin in Washington. It will begin
in the States. The opponents of this
bill like the status quo. They do not
want to move forward. They have not offered an alternative. They
have only picked at the bill. They want
to keep money and politics just as it is
today because they know how to work
the system.

The fact is the American people have
a different view. I am astounded how
much opposition to this bill is rooted in
a kind of Washington understanding
of this country. The people in this
country look at elected Representa-
tives and they think we are con-
trolled. They think we are con-
trolled by special interest money.
Some think we are controlled by par-
ties that blunt our independence. Some
think we are controlled by our oppo-
sition that prevents us from saying what
we really believe and only saying things
that will advance us to the next
level of office. Some even think we are
controlled by pollsters who give us
focus views and phrases and para-
graphs, that we do not think for our-
sestÐthey are the biggestÐspecial in-
terests in the electoral system, and
that their political capital was not al-
tways given away freely.

Unless this issue can be addressed, I
do not see how we can call this cam-
paign finance reform. It is more a con-
tinuation of campaign finance coer-
cion.

This is about the power of unions and how this
issue on people's minds is, how do I put
issue on people's minds.'' That is true. The No. 1
planet. Unless this issue can be addressed, I
issue on people's minds. The people in this
place, saying things because we have
shock views and phrases and para-
graphs, that we do not think for our-
selfs, saying things because we have
convictions in our heart.

The fact is that the opponents of this
provision do not get it. This year there
will be referendums in California, Colo-
rado, Alaska, Arkansas, and Maine,
and all of those referendums will be
sending one message: reduce the role
of money in politics; cut back on the role of
money in politics.

Those referendums will be followed in
the years to come by other referen-
dums, and maybe after another 2 or 3
years the people in this body who like
the status quo will change. I hope they
will, because I believe money and poli-
tics today distort democracy.

Capitalism is different than democ-
acy. The distinguished Senator from
South Carolina and I have offered such
an amendment for a number of years that
would say simply that the Con-
gress and the States may limit what is
spent in a campaign in total and what an
individual may spend on his or her own
campaign. Until we take that step, we
are going to be constructing Rube
Goldberg types of contraptions to try
to get around the central issue, which is,
money is not speech. Anybody who
believe that money is speech, in my
opinion—the Supreme Court said it
was, and, therefore, it is the law of
the land. That is why we need to amend
the Constitution. But I do not believe
that a rich man's wallet in free-speech
terms is the equivalent of a poor man's
soapbox. We have to confront that
issue directly. Otherwise, we are going
to be in these debates about antacid
and bubble gum. Even that debate is a
diversion from the central issue, which
is, changing the way we now do politics
in Washington, but even that issue is
based on a confusion.

Without question, money is distort-
ing democracy. And, indeed, we have
had other times in American history
where there have been distortions in
our democracy. We have changed it by
rejection of the constitutional amend-
ment.

Many people will remember earlier in
this century when women did not have
the right to vote. The absence of that
voice in the polling booths distorted
democracy. We passed a constitutional
amendment giving women the right to
vote in order to restore a broader par-

I believe today money is playing the
same role. The fact of the matter is
that until we confront this issue, skept-
ics are going to be high. People say,
"Well, it is not the No. 1 issue on peo-
lies' minds." That is true. The No. 1
issue on people's minds is, how do I put
broad on the table? How do I pay the utility bill? How do I send my kids to college? They are dealing with the eco-

nomic transformation which we are in. That is the No. 1 issue. But when they say, “Do any of the politicians have any kind of compelling issues,” people say no, because politi-

cians are controlled by money. That is why this is a lynchpin issue.

Mr. FEINGOLD. Mr. President, I thank the Senator from New Jersey.

Mr. President, I yield 3 minutes to the distinguished Senator from Con-

necticut.

Mr. DODD. Mr. President, I thank the Senator.

Mr. President, let us be very clear. I think we all get a sense of what is
going to happen here in about 3 hours and 45 minutes, and that is clout, in-
stead of being invoked, is not going to be invoked.

Everyone ought to understand this. This is the clout vote. This will be the vote in this Congress on campaign finance reform. It is going to come down to this. It will get obscured so much be-
cause it is a procedural vote. But how you vote on this will be determined on how you are judged on the issue of campaign finance reform.

The idea that we ought to reject the effort to invoke cloture here because we want to make perfect the enemy of the good, I think is a great tragedy. I think we are in a situation that anyone watching this will see right through it—to come up and say, “I don’t like this aspect or that aspect,” therefore denying the opportunity for cloture to be invoked. As I listened to our distin-
guished colleague from Utah suggest an amendment that might have some-
thing to do with whether or not organ-
ized labor would be able to participate with soft money, or that independent campaigns will not be allowable in a postcloture environment, it is ridicu-
los. It is silly.

So I want to commend our colleague from Arizona and our colleague from Wisconsin for bringing this up. I am proud to be a cosponsor of it. I have be-
lieved for years that we had to move directly and aggressively in this area of campaign finance reform.

Mr. President, in Connecticut, it is $16,000 a week. That is what you have to raise over a 6-year period every week, in and week out, if you are going to be successful in taking on or waging an effective campaign.

We know today—quite candidly, all of us in this Chamber know—that the respective leaders of our campaign committees are out recruiting affluent candidates so out and buy candidate who is well-heeled financially, and you have a pretty good candidate, someone who can write their own checks. Why seek those kind of candidates? Why? Because you understand that it is money. It is money that allows you to ante up and to get an entry fee into the contest.

There is a woman by the name of Linda Sullivan who a few weeks ago in Rhode Island—and I do not know much about it, what the issues are or what she stands for—said: “I took my race out of Congress because Mr. and Mrs. Smith can no longer be candidates of the Congress of the United States on an average basis in their financial clout.”

So we all know her situation. Every single one of us knows that the debates around here are directly affected by it. Positions people take are directly af-

fected by this issue.

This is the first step piece of cam-
paign finance reform legislation, but it is the first effort we are going to have to make a difference in this area. After years of talking about it we now have a chance to do something about it.

Mr. President, I am general chairman of the Democratic National Commit-
tee. I just want to say, while not every-
one in my party agrees with this, that I happen to believe this is important. This is the one opportunity we are going to have to have a truer difference on how we wage campaigns in this country.

I plead with our colleagues on both sides of the aisle. We have never had a bipartisan proposal here before. It has always been partisan. This is a chance to go on record. This is a vote on cam-
paign finance reform.

Mr. President, I rise on the floor today for what I believe is a truly his-

toric debate.

As America’s elected leaders we play a critical role as guarantors and pro-
tectors of our Nation’s democratic in-

stitutions.

And with this legislation today, we have a unique opportunity to fulfill that mandate as leaders—by beginning the long and arduous process of restor-
ing the American people’s faith in their Government and their democracy.

The McClellan Committee report of last year made clear that we must take a critical role as guarantors and pro-
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ing the American people’s faith in their Government and their democracy.
Representative body shall represent all the people rather than any one class of the people * * * *.*

But today, not only are we becoming more responsive to one class of citizens, but the reins of leadership are increasingly in the capable hands of a select few Americans. Throughout my more than 21 years of public service, it has been my great privilege to serve the people of Connecticut in the U.S. Congress. Even at this time, I come to the floor of this body I am humbled by the great men and women who came before me: Daniel Webster, Henry Clay, Everett Dirksen, Lyndon Johnson, Richard Russell, and the list goes on.

But today, in America, I genuinely fear that the next generation of Clays, Westers, Doles, and Byrds will be excluded from a process that favors the privileged few.

This is not just partisan rhetoric. There are real Americans who are being thwarted from seeking public office. Just a few weeks ago, I read about Linda Sullivan, president of the Warwick Town Council in Rhode Island. Ms. Sullivan considered seeking the Democratic Party's nomination for the seat of Congressman Jay J. Reed, who is running for the Senate.

But, she decided against it because she simply couldn't raise the $450,000 needed to seek the nomination.

And I want everyone to hear what she said, because it says a lot about our current campaign system.

Unfortunately, my campaign has come face to face with the financial reality that governs today's politics in America. Sadly, Mr. and Mrs. Smith cannot go to Washington anymore.

Now, I do not know Ms. Sullivan personally. I do not know anything about her ideas, her policy prescriptions or her capability as an effective legislator.

But, what I do know is that the exclusion of an entire segment of the population from the political process threatens to undermine the whole notion of participatory democracy in this country.

What is more, it fundamentally limits the choices of the American people to politicians who, more and more, are incapable of understanding the problems of working class Americans.

Aristotle once said that; "Democracy arises out of the notion that those who are equal in any respect are equal in all respects."

But, when it comes to political campaigns in this country and the access that working Americans have to their lawmakers, those words ring hollow.

Mind you, there are no silver bullets for ending the American people's inherent cynicism or feeling of disempowerment toward their government.

But, the legislation we are debating today is the foundation by which we must begin this process of change.

First of all, by limiting overall campaign spending, the McCain-Feingold bill would allow candidates to focus less time on raising money and more time on tackling the issues that truly affect the American people.

Now, I know some of my colleagues argue that this provision of the bill is contrary to the 1976 ruling that political campaign spending is a form of political speech, and thus protected by the First Amendment.

But, this legislation imposes only voluntary limits on campaign spending. No candidate would be mandated to accept them.

In fact, no provision in this legislation would prevent a candidate from spending as much money as they wanted to.

However, if they chose to abide by these voluntary limits, candidates could receive free television time, could purchase advertisements at lower rates, and could send out mail at cheaper rates.

Additionally, the bill would tackle the issue of millionaire candidates by exempting candidates from the bill's benefits if they spend more than $250,000 of their own money.

Ms. Sullivan says that the McCain-Feingold bill is by no means perfect. In particular, we need to be sure that working people are not restricted from participating in the political process and that grass-roots and volunteer activities are not constrained.

However, it is an excellent place to start in reforming the means by which we fund political campaigns in this country.

Let me be clear on one point: I am not a Johnny-come-lately to this debate. In 1965, I sponsored one of the first legislative proposals to reform campaign financial laws.

And as a Congressman, Senator, and now, general chairman of the Democratic Party, I have fought within the framework of the current system.

But, after 20 years of public service I am more convinced than ever that the current approach to funding political campaigns in this country is broken and desperately in need of reform.

Time after time, we have talked about reform—particularly when it is an election year—but in the end we have done nothing. We have appointed commissions, we have proposed legislation, we have ordered reports, analyses and studies, and yet in the end, it seems that it is just business as usual.

Well today, I call on all my colleagues to chart a new course, to put aside their partisan differences, to ignore how this bill affects our re-election chances and put first and foremost in our deliberations the good of the Nation.

Let us not forget that a Government that is viewed with suspicion and mistrust by its own people cannot sustain our Democratic institutions.

As Henry Clay, a former Member of this body once said:

"Government is a trust, and the officers of the government are its trustees; and both the trust and the trustees are created for the benefit of the people.

Let us remember that: our democracy exists for the benefit of the people—and not their elected leaders.

As leaders, we must not shirk our responsibility to do all we can to restore that sense of trust to the American people. The McCain-Feingold bill begins that process and I believe that as a body we have a solemn responsibility to embrace this legislation.

Mr. FEINGOLD. Mr. President, I yield 30 seconds to the Senator from Arizona.

Mr. mccAIN. Mr. President, I ask unanimous consent that in the event that cloture is invoked, that two amendments be made in order and germane, one on the Beck decision and the other on allowing unlimited spending on campaigns.

The PRESIDING OFFICER. Is there objection?

Mr. mcCONNELL. Mr. President, I have no objection.

Mr. mccAIN. Mr. President, I withdraw the unanimous consent request, but I want to make it clear that in the event that cloture is invoked, that this unanimous consent proposal made would make those amendments germane to this bill. But I withdraw the unanimous consent request.

The PRESIDING OFFICER. The request is withdrawn.

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

The PRESIDING OFFICER. There are 24 minutes and 23 seconds.

Mr. mcCONNELL. I yield to the distinguished Senator from Oklahoma 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding. I do not think I will even take that much time. I know time is very precious right now. I have been listening to the debate, and I am the first one to say I am not on any of the committees that deal with this, so it is not that I have been entrenched on this issue. I agree with one thing the Senator from Connecticut said, and that is it is very transparent, the things that are going on around here.

The Senator from Utah was very specific and I think very articulate in the way that he addressed how this would affect labor unions. It is my understanding that even in the reporting aspects of soft money each local could give up to $10,000 without even reporting it. So let us try to report accurately and that someone who says that a local says it is contributing less than $1,000 is in fact correct. I am not ready to accept that. But let us assume that is right. If you have a hundred locals, you are talking about a million dollars. No one will ever know where it came from. This is money that is used very effectively in campaigns.

So as far as I am concerned, one of the big areas that should be regulated is soft money. I think we should get rid of the thing, and that is labor organizations. And then there is trial lawyers. I have to tell you that every time I run for office there are thousand-dollar checks coming from all...
over, from trial lawyers from all over America because I am the one who has on his agenda a desire that I am going to fulfill to see to it we have real meaningful tort reform in this country, to make us competitive again. So we have reports from all over the United States, that with the ability to send in, on their own contributions of $1,000 apiece, maybe there are 100 of them who are out there. All you have to do is look at an FEC report and you can see that they are doing it. Let me make one comment about PAC's. Everyone assumes that political action committees are something evil. Political action committees allow small people to get involved, people who are of low incomes to get involved in the process, and there is not any other way they can get involved. I have been a commercial pilot for I guess 38 years. I have been active in aviation. I believe that aviation makes a great contribution to the technology of aerospace and many other things and consequently I am supported by the Aircraft Owners and Pilots Association, AOPA, 340,000 members. Each one puts in about $5 and they do contribute to people who are supportive of the industry that they believe in.

The NRA, they have taken a lot of hits recently. Who are the NRA? When you sit up here, you are looking at millions of dollars in Washington, but if you were with me last weekend in Hugo, Oklahoma, in Lone Grove, Sulphur, those are people who belong and they might give $5 a year because they honestly in their hearts believe in the second amendment rights to the Constitution. I do, too. They contribute. These are not big fat cats, wealthy people. So I think to categorize PAC's as being something that is evil in our society is wrong.

The third thing I do not like about this legislation that is coming up, and I will be opposing it, is the arrogance of the people who are of low incomes to get involved. There is not any other way they can get involved. I have been a commercial pilot for I guess 38 years. I have been active in aviation. I believe that aviation makes a great contribution to the technology of aerospace and many other things and consequently I am supported by the Aircraft Owners and Pilots Association, AOPA, 340,000 members. Each one puts in about $5 and they do contribute to people who are supportive of the industry that they believe in.

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I yield the floor.

Mr. COVERDELL. I yield my colleague from Georgia for his important contribution to this debate.

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

The PRESIDING OFFICER. The Senator has 19 minutes.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the Senator from Kentucky for his diligent and dedicated efforts to this debate for a long, long period of time—probably longer than he wishes.

I know it has been said many times but I think everybody should see a caution flag go up when the Republican National Committee, the National Taxpayers Union, the National Right to Life Committee, the National Rifle Association, the American Civil liberties Association, the Christian Coalition, Direct Marketing Association, National Association of Broadcasters, National Association of Business PAC's, National Education Association, the complete political spectrum, all are opposed to this legislation. Why? Because it is an infringement on the first amendment of the Constitution of the United States. It is that simple.

Just moments ago I was at a hearing where a former Presidential candidate, Gov. Lamar Alexander, said it best. He said these efforts to regulate and restrict have left labor with full constitutional rights of the first amendment, political parties with full constitutional rights of the first amendment, the United States with the full rights of the first amendment, and only one category is being denied their rights under the first amendment, and who is that? It is the candidates, the candidate for President, the candidate for Senate, the candidate for Congress. The only class for which we restrict first amendment rights, the people who will ultimately represent America are the single class we carve out to deny first amendment rights.

Mr. President, this kind of legislation envisions a very narrow sanitized environment, almost like a prize fight with two contestants inside a defined ring, and there are rules that define how that combat will be conducted. But in the case of American politics, vast resources affect the outcome of the election. Take my State. The largest newspaper in the State is the Atlanta Constitution, with a circulation of a half a million, on Sunday 750,000, and they can say anything they choose and meddle in every political race, and with everybody's acknowledgment, and even theirs, with a very biased and fixed agenda.

A potential seeking office a candidate who might not agree with that agenda is not simply dealing with his or her opponent; they are dealing with the extraneous factors—the media itself, the State's largest daily newspaper. Why is it that this corporation, the Atlanta Constitution—it is a corporation, I might add—is not restricted under campaign finance? Why are their first amendment rights protected but Ace Hardware's are not? They can say anything they choose. They can put an editorial in their editorial page every day for a month. They can comment, as they do, on the fortunes of a political campaign every day. To buy an ad in that paper might cost, one page, $14,000, or a half a page $7,000. So think of the enormouse resources that are being invested in meddling or commenting, however you want to put it, on the outcome and fortunes of a political race.

So in seeking office a candidate who might not agree with that agenda is not simply dealing with his or her opponent; they are dealing with the extraneous factors—the media itself, the State's largest daily newspaper. Why is it that this corporation, the Atlanta Constitution—it is a corporation, I might add—is not restricted under campaign finance? Why are their first amendment rights protected but Ace Hardware's are not? They can say anything they choose. They can put an editorial in their editorial page every day for a month. They can comment, as they do, on the fortunes of a political campaign every day. To buy an ad in that paper might cost, one page, $14,000, or a half a page $7,000. So think of the enormous resources that are being invested in meddling or commenting, however you want to put it, on the outcome and fortunes of a political race.

Frankly, I think it is the candidate that should be the freest to express himself or herself, to talk about and interpret his or her beliefs. The idea of restraining that candidate's capacity only enforces the forces of those who do not ultimately represent the people—the journalists, the media. Would it not be far better to let the person seeking to represent the American people, the person who is going to represent the people from the good State of Georgia, to be on equal footing with all these other resources? The answer to that question is yes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COVERDELL. I ask for 1 additional minute.

Mr. McCONNELL. I yield my colleague from Georgia for his important contribution to this debate.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I think the Governor of Tennessee said it best. The first amendment is protective for the labor movement, for the media, for special interest groups, and one class in American politics has been carved out for denial of first amendment rights: the candidates. That is not appropriate.

I yield the floor.

Mr. McCONNELL. Mr. President, I said today they have heard a special thanks for a superb presentation.

I just want to make one additional comment to follow on. The proponents of this kind of legislation have said
over the years they wanted to level the playing field. I would say to my friend from Georgia, he and I compete in the political arena in the South. In order to level the playing field in my State, not only would you have to get a number of newspapers and others to help fund the kind of campaign that would make competitive elections that are essential to our democracy. The effort to raise the money needed to run for election ends up making it more difficult to make needed reforms in a whole range of areas. This system must be reformed.

The effort needed to raise the average of $4.3 million per Senate race in the last election decreases the time Senators need to meet their obligations to all of their constituents. Furthermore, when voters see that the average amount contributed by PAC’s to House and Senate candidates is up from $12.5 million in 1974 to $178.8 million in 1994—a 400-percent rise even after factoring in inflation over that period—then we know that lawmakers are too reliant on special interests to make public policy that serves the national interest. More and more voters believe that Members of Congress only listen to these special interests, while failing to listen to the very constituents who put them into office.

That is part of the reason why there is overwhelming public support for reform. And make no mistake, there is a real public consensus that reform is needed—now. Ordinary Americans want—and deserve—Government that is responsive to their needs and problems. The way to do that is through spending limits. Spending limits will make our system more open and more competitive. Spending limits can help focus elections more on the issues, instead of on advertising.

Unfortunately, however, for all of its strengths, S. 1219 does not cure all the flaws of our current campaign finance system. The legislation has gaps, and in some areas, it has made mistakes, mistakes that deserve the Senate’s attention before this bill becomes law.

When the Senate considered campaign finance reform in the 103rd Congress, I quoted a column by David Broder. He made the point that many of the reforms that resonate strongly with the public “have a common characteristic: they would all increase the power of the economic and social elite that most vociferously advocates them. And they might well reduce the influence of the mass of voters in whose name they are being urged.”

I think that we need to take Mr. Broder’s warning to heart. We must be sure that we don’t have a process that only further empowers political elites that are already empowered. We want campaign finance reform that allows candidates more time to talk to voters. But if it is time to kick the system works for ordinary Americans and not just those few who can devote substantial time and money to politics. They deserve better than the present system.

The inordinate effort required to raise massive amounts of money within the strictures of contribution limits make fundraising a continuous and time consuming condition of elections. It is also worth keeping in mind that campaign finance reform works for every American unless it also works for every candidate, including minority candidates and women. Minority and women candidates currently have less access to the large sums needed to run for elected office than other candidates. That financial inequity is one of the primary reasons both women and minorities have long been under-represented in both the Senate and House. The spending limits in S. 1219 are very important in addressing their concerns, but reform will only be truly successful if it increases opportunities for candidates from all walks of life and our society. Campaign finance reform will be counted as a failure if the numbers of women and minorities in Congress, rather than up, under a new system.

S. 1219 attempts to level the playing field for all competing candidates. It establishes a voluntary system by which candidates who agree to limit their overall spending on certain benefits, including 30 minutes of free broadcast time, television and radio time at 50 percent off of the lowest unit rate, and reduced postage rates. If a complying candidate’s non-complying opponent spent 10 percent more than the State spending limits, then the complying candidate can spend 20 percent more than the spending limit and still be in compliance with the bill. If a noncomplying candidate raises or spends 50 percent more than the spending limits, the complying candidate’s limits increase 50 percent without penalty.

Furthermore, complying candidates cannot spend more than the lesser of 10 percent of their overall spending limit, or $250,000, from their personal funds. When a candidate declares their intention to spend more than $250,000 of personal funds, the $1,000 contribution limit for individuals is raised to $2,000 for complying candidates, and the non-complying candidate does not qualify for any of the bill’s benefits.

These steps represent real progress, but the problems here are very serious, and need much more attention. Those who are independent, have unequal access to the political system, and if reform is to work, we have to do something about that.

Self-financing candidates are a rapidly growing phenomenon in our current political system. In 1994, one candidate for the Senate spent a record setting $27 million, almost all of which was his own money. And over the last year, a Presidential candidate spent $30 million of his own money for the primary election. Large, workable spending limits that apply to every candidate, those who can break the limits by dipping into their own deep pockets will end up dominating.
our politics, even more than is the case now. Talented, but less wealthy candidates will have it tougher than ever. The trend toward a Congress comprised disproportionately of millionaires does a disservice to representative democracy, especially the important aspect of the loss of confidence in our system. This bill does not resolve that fundamental flaw.

Imposing spending limits on millionaires is a difficult issue, given the Supreme Court's decision in the case of Buckley versus Valeo, which used a first amendment justification to invalidate a congressional attempt to impose limits on the amount a candidate can contribute to his or her own campaign. However, there are things that Congress should consider that might be able to bring self-funding candidates into a campaign spending limit's regime, or at least provide enough disincentives so that these candidates will no longer profit politically by using their own resources to finance their campaign cash flow.

The relevant provision of the 1971 Campaign Act that was invalidated in Buckley provided that a Presidential candidate could spend no more than $50,000 of personal resources. It is at least possible that with a much more generous, though not unlimited, opportunity for candidates to spend their own money, the infringement of individual freedom would be less severe, and perhaps not substantial as stated by the Court in Buckley. After all, it is one thing to tell a candidate that he or she can't spend more than $50,000 of personal money; it is quite another to say he or she can't spend more than $1 million—and that the rest must be raised from small contributors in order to demonstrate broad political support.

If candidates were required to seek and demonstrate support from a broad range of individuals—an important component of the democratic process—the Supreme Court might see the first amendment issue somewhat differently. An appropriate analogy would be the laws that require candidates to obtain a certain number of signatures in order to get on the ballot. This bill also needs another component of the democratic process: the treatment of groups such as EMILY's List and WISH List. EMILY's List and WISH List have helped bring women into politics. EMILY's List and WISH List are one of the main reasons there are now 33 Democratic and 16 Republican women in the House, 8 women Senators instead of just 1, and 2 Democratic women governors.

The American people have lost faith in the governmental system. This bill goes a long way toward making some real changes to our current system. It is far from perfect, but it is a work in progress. This bill brings a long way toward making some real changes to our current system. It is far from perfect, but it is a work in progress. The American people feel alienated and distant from the very people who represent them. There are several reasons for this. But, the biggest—and probably what all others boil down to—is the way we fund our elections: the influence of money; the influence of special interests; the influence of everyone, it seems, except the average middle-class American.

A middle-class American does not make a $1,000 contribution. A middle-class American does not hire a lobbyist to wander the Halls of the Capitol and spend $1,000,000 on lobbying campaigns. A middle-class American does not ask a Congressman to hand out campaign contributions on the floor of the House of Representatives.

No. A middle-class American walks into the voting booth on election day, if he or she has not been turned off by that time, and engages in the most important exercise in a democracy. He or she casts a ballot for a person to represent them.

There are several reasons for the American people have lost faith in the governmental system. There is a major crisis of confidence in the American electorate, and it puts at risk everything else we attempt to do. That is why I believe campaign finance reform is the crucial issue of our time. I feel like I am driving a race car around a track and no matter how long and how far I drive, the checkered flag just never seems to come down. We never seem to reach the finish line. We are never able to finish what we start.

And, now, today, the question before us is whether we will even be allowed to start—whether we will even be allowed to debate the issue of campaign finance reform.

I have been on this track for almost 24 years now. One of the first things I did as a new Senator back in 1973 was to testify before the Senate Rules Committee on the need for campaign finance reform—on the need for spending limits and public funding of congressional campaigns; on the need for equal competition based on ideas, not money, between challengers and incumbents. Let me tell you, I did not make many friends in 1973. But, I believed then—and I believe as strongly today—that campaign finance reform is the single most significant thing Congress could do.

The American people have come to believe the system has failed. The American people have lost faith in their leaders and in their Government. The American people feel alienated and distant from the very people who represent them.

I want to conclude, Mr. President, by returning to where I began. I think that it is long past time for Congress to reform the campaign financing system. This bill goes a long way toward making some real changes to our current system. It is far from perfect, but it is a work in progress. This bill brings a long way toward making some real changes to our current system.

I feel like I am driving a race car around a track and no matter how long and how far I drive, the checkered flag just never seems to come down. We never seem to reach the finish line. We are never able to finish what we start. But, I believed then—and I believe as strongly today—that campaign finance reform is the single most significant thing Congress could do.
And, to do that, we must have comprehensive campaign finance reform.

Unfortunately, today, we are not even voting on a campaign finance reform bill. This is a vote on whether we will be allowed to vote on the bill. And, you know, the American people are so sick of this system.

The special interests have circled the wagons. They are on the warpath to kill campaign finance reform.

So, I implore my colleagues: stand today with the American people. Let us take up this bill—the first bipartisan campaign finance reform bill in nearly a generation. Let us debate the issue. And, let us decide the issue on the merits, not on inside-the-beltway maneuvering.

The American people demand no less.

Mrs. MURRAY. Mr. President, this past February, over 4 months ago, I took the Senate floor to announce my cosponsorship of S. 1219. As I spoke about this bill, I informed my colleagues of the only truly bipartisan attempts to reform campaign laws in two decades—I could not help thinking to myself, “here we go again.”

I have only been a Senator for a little over 3 years. Yet, Senator Tom Daschle is not very long. But I have been here long enough to see campaign finance reform come up, and be killed. In the 103rd Congress, shortly after the 1992 elections, I proudly cosponsored campaign finance reform legislation. I was eager to answer the electorate’s cry to repair an electoral system that had created so much cynicism and mistrust among the voters.

So when I endorsed S. 1219, I thought “here we go again” because I was embarking on my second attempt to reform campaign laws. But this time, instead of thinking we could simply pass a bill and send it to the White House, I knew we had our work cut out for us.

Now it is June, and the 104th Congress, in a few days, will have 90 days left. While we are only now taking up campaign reform, I am still encouraged. For the first time in a long time, the Senate is considering a truly bipartisan campaign finance reform bill. It has not been drafted by one political party, but rather by two parties: the majority leader, a Republican, and a Democrat, JOHN McCAIN and RUSS FEINGOLD, because they know that until the two parties come together and focus on common sense reforms we can all agree on, nothing will get done. It is supported by thoughtful new Senators like FRED THOMPSON of Tennessee and CAROL MOSELEY-BRAUN of Illinois who, like me, were elected to make changes in the political system.

We have a very narrow window of opportunity today. It is narrow because we have only a few months left in this Congress, and we have a lot of work to do. It is narrow because it is a bipartisan bill, free of taint, and maybe—just maybe—capable of restoring some faith to the people. In light of this, it is critical that we move quickly.

I urge my colleagues to stop, look, and listen. Listen to people at the coffee shops. Talk to friends, to family members. Walk through a neighborhood. A basic, fundamental lack of faith in Government lays at the root of peoples’ concerns about the future. Until something dramatic happens to address public confidence in the political system, 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 poor and small-time players, it benefits the incumbents, at the expense of challengers. And most of all, it fuels the special interest, inside-the-beltway machine at the expense of the average person back home.

The average person feels like they can no longer make a difference in this system. Earlier this year, 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 willing than ever to try to make a difference.

We see her problem when people like Ross Perot or Steve Forbes are able to use personal wealth to buy their way into the political class. It benefits the incumbents, at the expense of the average person back home. But that ignores the reality in Main Street America. Ninety-nine percent of the people in America could never even imagine making that kind of splash in politics. Should we rely only on the benevolence of a few wealthy individuals to ensure strong democracy in this country? I don’t think that is what the Founding Fathers had in mind.

The political consultants will say negative ads work, because they quote, “move the numbers.” They will say it is necessary to raise millions of dollars because that is what it takes to get a message out.

But that ignores the reality in Main Street America every day. The very campaigns they say we need to run to win are bleeding the life out of our political system. Every time we go through an election with expensive, negative campaigns, we pay a severe price in voter participation and citizen apathy.

Add up election, after election, after election in the modern political era, and elected officials are facing a huge bill for accountability they may not be able to pay. I fear that once lost, citizens may never re-engage in their democratic system.

During this debate, I have heard Senators take issue with certain provisions in S. 1219. I have heard colleagues question the constitutionality of spending limits. I have heard them make the case that this bill takes the wrong approach. I have heard them argue for reform, but not this way.

Mr. President, these arguments miss the point entirely. The upcoming vote is not about whether you agree with every provision of S. 1219. It is about whether this Senate is willing to step up and pass campaign reform legislation this year.

I myself am not completely satisfied with S. 1219. The McCain-Feingold bill is very broad, and does something about 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 tightens restrictions on independent expenditures; and it reforms the process of soft money contributions made through political parties.

Mr. President, there are very strong, positive steps, especially the ones addressing independent expenditures. Over the past few years, through the so-called Gingrich Revolution, we have seen an explosion of campaign spending by special interest groups, many from Washington, DC, attempting to sway elections in their own favor. These expenditures are ideologically driven, often highly partisan, and serve only to manipulate voters in the most sinister way. They corrupt our elections. They are not disclosed, so we do not know who makes them, and they violate the spirit of every disclosure requirement in law today.

If enacted as a package, all the steps I just mentioned would make our system of electing Federal officials more open, competitive, and fair. I feel strongly that we must take such steps to re-invigorate 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 60 percent of a candidates’ donors to reside within his or her 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.

I also question the ban on PAC’s. Under the right regulations, I believe PAC’s have a legitimate role in the process, 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 individuals like women and workers and teachers 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 focus on closely in this debate.

Finally, I am deeply concerned about how this bill would effect organized fundraising by the of the political process. Groups like EMILY’s List and WISH List support pro-choice women candidates of both parties, though they do not actually lobby Congress on legislation. This kind of modest means like me an opportunity to compete on the electoral playing field. For too long, this field has been dominated only by wealthy, well financed candidates, establishment candidates, or incumbents. In my 1992 campaign I was put out nearly three-to-one. Without the support of groups like this, I would not have even been able to make the race.

By banning these groups, S. 1219 would send a signal to people everywhere: do not even think about playing this game unless you can afford the price of admission.

However, as I said a moment ago, this vote is not about every little detail. This is something—this whole debate—arguments for and against—comes against the backdrop of a campaign finance system that has not been reformed since Watergate, over 20 years ago. Public faith in government today has sunk below what it was in 1974. So in spite of my personal concerns, I will vote to invoke cloture on the McCain-Feingold bill. And after cloture is invoked, I will support amendments that address the issues I have raised since this bill was introduced.

Right now, we need to move forward. People in this country want to feel ownership over their elections; they want to feel like they, as individuals, have a role to play and can make a positive difference. Right now, for better or worse, not many people feel that way, and the trend is going in the wrong direction. Real campaign reform will be the strongest, easiest step this Senate could take to begin restoring peoples’ faith in the process.

I also have some concerns about the legalistic, technical arguments for a moment. Get out from behind all the procedural maneuvering. Put aside partisan leanings. We have an opportunity right now, today, to show the voters something. We can put pressure on the other body to act on similar legislation. We can actually move reform efforts forward in a credible way, and get something done this year.

A citizen from New Hampshire, Frank McConnell, made a good case just the other day. He came to Washington to push this bill, and he said if Congress wanted to, if it really wanted to, it could do the work and have a bill to the President’s desk in a couple weeks.

We know the President would sign it, because he said so in his State of the Union Address earlier this year. Frank McConnell was right: if we want to, we can just do it. Here we are again. We are considering campaign reform legislation. There is not much time left. I thank the two sponsors of this bill, Senator MCCAIN and Senator FEINGOLD, and urge my colleagues to step up and support this measure.

Mr. BINGAMAN. Mr. President, I rise today to speak briefly on S. 1219, the Campaign Finance Reform Act and to discuss two amendments I intend to offer to the bill if the Senate invokes cloture on that bill tomorrow.

As a cosponsor of S. 1219, I am pleased to join with my friend and colleague from Arizona, Senator MCCAIN, and my friend and colleague from Wisconsin, Senator FEINGOLD, in supporting this legislation. I want to commend Senators MCCAIN and FEINGOLD for their efforts in bringing this measure to the Senate for its consideration. They have been tireless champions of the need to reform our campaign finance system and I am encouraged by the way they have worked together to develop a bipartisan approach to a problem that has escaped solution for so many years.

As my colleagues know, 2 years ago I completed my expenses and negative campaign. The only positive thing that I brought from that experience was the time I was able to spend listening to the concerns of New Mexicans and traveling around the State.

Unquestionably, one of the most significant recollections I have of the campaign is the enormous amount of money that I was forced to raise and spend to defend against a wealthy opponent who attacked early and continues with every campaign until the votes were counted.

That is one of the reasons why I support S. 1219 and why I have supported every serious attempt to fix our campaign finance system. Clearly, Mr. President, the system is broken and anyone who thinks otherwise simply has not looked at the facts. More and more of our time is spent raising money, special interest groups have too much influence at the expense of the individual American, and, most importantly, the American voter, have lost confidence in their elected officials because they no longer believe that we have time to listen to them. Instead they believe that only the wealthy can serve in Congress and that we are engaged in an endless pursuit of special interest money. While this is not true in all cases, I am very concerned that if we do not reform the current system sooner the future of average Americans will become real.

Mr. President, we need to change the system and I believe that the bill offered by Senators MCCAIN and FEINGOLD offers us a chance to regain the confidence of those who sent us here.

If cloture is invoked tomorrow, I intend to offer two amendments to this legislation. These amendments are contained in legislation I offered earlier this year with my friends and colleagues Senator PELL and Senator CAMPBELL, S. 1723.

The first amendment requires that if a qualified candidate for Federal office references his or her opponent in a TV advertisement they do themselves if they want to take advantage of the lowest unit-rate charge provided to candidates for Federal office under the Communications Act of 1934. If the candidate voluntarily chooses not to make the reference herself, or himself, then the candidate would be forced for the lowest unit rate for the remainder of the 45-day period preceding the date of a primary or primary runoff election or during the 60 days preceding the date of a general or special election. The second amendment, of course, continues to have access to the broadcast station and would be able to air whatever advertisement they wish, but they would not be eligible for the special benefit that Congress has provided under the Communications Act.

The second amendment requires that broadcasters who allow an individual or group to air advertisements in support of, or in opposition to, a particular candidate for Federal office, allow the candidate in the case where a candidate is attacked, the same amount of time of the broadcast station during the same period of the day.

Mr. President, these are not new concepts. In the 99th Congress, Senator Danforth offered, a bill to require a broadcast station that allowed a candidate to present an advertisement that referred to her opponent without presenting the ad herself, to provide free rebuttal time to the other candidate. Since then, other variations of what has become known as talking heads legislation have been incorporated in overall campaign finance reform bills and introduced as free standing bills.

In a little over a month, both national parties will be holding their conventions. After that the race will be on, not only for the White House but also for 435 House seats and 33 Senate seats and untold number of State and local elections. I can say in all honesty that I do not envy my colleagues here in the Senate, whether they are Republican or Democrat, because I now that they will soon be subjected to the same...
type of negative attacks ads that I had to face in my last election. Many of these ads will contain misrepresentations, distortions, and outright untruths. A voice will appear on the television but it will not be the candidate himself making the attack, but it will not be the candidate’s either. Instead, the candidate will be hiding behind the message and that message will undoubtedly be negative.

Mr. Frist told that public opinion polls show that politicians are held in only slightly higher esteem than lawyers and journalists. While that may be true, I know that my colleagues, regardless of their political affiliation, are honorable men and women who care about their respective States and our Nation. They are also courageous. It is not easy putting your reputation and privacy on the line to run for public office at any level. Unfortunately, the negative perception persists. I believe that one of the reasons for that is the trend in today’s campaigns to attack, attack, and attack, to go negative early and stay negative until the votes are counted. As Senator Dole noted, legislation requiring the candidate himself to present ads that reference his opponent would serve the purpose, “to open up speech, open up the ability to respond, the ability to defend oneself. In the case of a candidate making a negative attack, we try to improve the sense of responsibility and accountability by making it clear that the candidate who makes the attack should appear with his own face, with his own voice.”

I believe that the amendment I am discussing today, just like the legislation by Senators MCCAIN and FEINGOLD, will begin the process of restoring the confidence of the American people in their government as an honorable and worthwhile endeavor and in the election process as one where ideas and platforms, not the candidate’s personalities, are debated.

Mr. President, I would again like to commend my colleagues Senators MCCAIN and FEINGOLD for their commitment to bringing this legislation to the floor of the Senate and I hope that we will all vote tomorrow to allow debate and votes on amendments and the underlying legislation. The American people deserve nothing less.

Mr. FRIST. Mr. President, I rise to discuss the important issue of campaign finance reform. I applaud the efforts of my colleagues on both sides of the aisle who are bringing this issue to the forefront of our public policy debate.

The sole objective of any serious campaign finance reform must be to open up the political process—to make it easier for Americans, at the ballot box, to have more competitive races, to increase the free exchange of ideas and debate, and to make our elections more reflective of the will of the people.

To that end, I strongly support the following steps and believe they are a sound foundation for campaign finance reform:

First, we should insist on full disclosure of all campaign spending, by candidates, parties and nonprofits alike. Currently, many special interest groups have a huge impact on elections yet are not required to and don’t disclose their political spending. Full and fair disclosure will let the voters weigh the relative influence of all who participate in the process.

Second, we should place PAC’s and individuals on an even footing by increasing the individual contribution limit to $5,000 and indexing it for inflation. This will reduce both the influence of PAC’s and the amount of time elected officials must spend fundraising.

Third, we should ban the use of franked mass mailings by incumbents in the calendar year of an election—although I would ban them completely.

Fourth, we should require candidates to raise a stated percentage, for example 60 percent, of their individual contributions from people residing within their home State. This will reduce both the influence of PAC’s and the amount of time elected officials must spend fundraising.

Second, limits on campaign spending would overwhelmingly benefit incumbents. Congressional spending limits are subject to manipulation that sets the spending threshold just below the amount that the challenger must spend to win. This would overwhelmingly benefit the incumbent. In testimony before the Senate Committee on Rules and Administration, Capital University law professor, Bradley A. Smith, said that in the 1994 Senate elections, the successful challenger spent more than $1.2 million more than would be allowed under the legislation currently being debated by this body. S. 1219. Thus, the spending limits proposed in S. 1219 would have worked to the incumbent’s advantage in each case. Overall, every 1994 Senate challenger who spent less than the ceiling set in S. 1219 lost; every incumbent who spent less than that ceiling won.

Finally, spending limits reduce the ability of campaigns to speak directly to the voters, without the filter of the media. The news media play a critical role in the election process, but further increasing their control over the flow of political information is not positive reform.

Similarly, a limitation on contributions, like spending limits, is inherently biased in favor of incumbents. Incumbents with high name recognition and existing voter data bases are able to raise necessary campaign dollars in small amounts, with far more ease than no-name challengers. Therefore, challengers must look to a small number of large contributors to launch a campaign. This initial seed capital is essential for challengers to get their name and message out to the voters. The limits on contributions imposed by the 1974 amendments to the FECA have limited the ability of challengers to raise seed capital.

I believe that further restrictions on contributions will force candidates to spend more time meeting voters and discussing the issues. Contribution limits are a significant cause of the drain that fundraising has become on a candidate’s time. Instead, I favor placing PAC’s and individuals on an even footing. The existing $1,000 limit placed on individuals should be raised to $5,000—the same level as PAC’s—and indexed for inflation. The $1,000 contribution limit established by FECA in 1974, had it been indexed for inflation, would be worth approximately $3,000 today. Raising the individual contribution limit will help level the playing field between challengers and incumbents. It will put individuals on an even par with PAC’s, reduce the time candidates need to spend raising campaign funds, and reduce the emphasis on a candidate’s personal wealth.

Yesterday and today, I’ve heard the arguments concerning other aspects of the underlying legislation. But I believe there are sound proposals that mandate free air time and greatly reduced postage rates to candidates. I am opposed to those provisions, however good intentioned.
they are, because they would place a greater burden for funding Federal campaigns on the backs of American taxpayers.

Proposals to force American businesses to give away their products free of charge by the general and private broadcasters to a free-market society. Accordingly, I oppose attempts to mandate that private broadcasters be forced to give free air time to candidates. Similarly, allowing deep discounts in postal rates is merely a subsidy for candidates and the General Taxpayers. These are not sound reforms.

As I mentioned earlier, strong campaign finance reform should also mandate the complete and full disclosure of all unions and other special interest groups spend for political activity. This is a critical point. We cannot outlaw special interest money, but the potential penalties for accepting it can be raised via the court of public opinion.

We are all aware of the current multimillion dollar effort by organized labor to spend upward of $35 million to try and buy back control of the House for the Democrats. They are getting the money for this massive, partisan campaign through compulsory union dues, even though 40 percent of their membership voted for Republicans in 1994.

No union member should be forced to make compulsory campaign contributions to support a candidate unless they freely choose to do so. That is the foundation for our constitutional form of government and the first amendment freedoms we enjoy as citizens. To be forced, as a condition of employment to do otherwise, is wrong.

As unfair as this is to union members, it is even more poisonous to our political process. There is no disclosure or reporting of the sources or the expenditures paying for these activities. Under current law, the unions are not required to do not file and disclose to report these political expenditures. This should be changed.

In closing, I would like to quote a section of the 1976 decision by the Supreme Court in the Buckley versus Valeo decision:

In the free society ordained by our Constitution it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Our system is not perfect, and we do need meaningful campaign finance reform. But, placing artificial limits on spending, change are misplaced and run counter to a free-market society. Accordingly, I oppose attempts to mandate that private broadcasters be forced to give free air time to candidates. Similarly, allowing deep discounts in postal rates is merely a subsidy for candidates and the General Taxpayers. These are not sound reforms.

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time increasing disclosure and accountability in political advertising.

Every election year, in addition to the millions of dollars in undisclosed contributions, there are the hundreds of millions in unreported, undisclosed contributions by special interest groups. Independent expenditure campaigns and issue advocacy funded by soft-money contributions to national political parties.

Where out-of-State special interest groups are any amount of money they choose, none of which is disclosed, all in the name of educating voters—when, in fact, their only purpose is to influence the outcome of an election. More times than not the seeing-saw 30-second sound bites do more to confuse than to educate.

This lack of accountability is dangerous to our democracy. These independent expenditure campaigns can say whatever they wish for or against a candidate—and there is little that candidate can do—short of spending an equal or greater amount of money to refute what are often gross distortions and character assassinations.

However, with all of that, the bill is not perfect. As currently written, it fails to address critical issues in campaign reform.

WHAT'S WRONG WITH THIS BILL

I am concerned that this bill forces an unfunded mandate on television broadcasters by requiring them to donate up to 30 minutes of free prime time advertising air time to each candidate who abides with the limits in the bill. While I believe this free and reduced cost air time is critical to encouraging campaigns to accept spending limits, I don't believe that broadcasters should be forced to bear the entire burden.

I'm pleased that the sponsors have included a provision to prevent broadcasters with an exemption in the case of economic hardship, however, it is my belief that we should do more.

Last, but perhaps most importantly, this bill does not contain the strong enough voluntary provisions that are critical to ensure that individuals who promise to abide by the spending limits don't dump large sums of money into the campaign weeks or even days before the election.

Since 1985 I have fought to limit the spiraling cost of Federal elections in this country by cosponsoring five different campaign finance reform proposals, as well as supporting efforts to amend the Constitution to allow the Congress to set reasonable spending limits.

I remain committed to this cause and will do everything in my power to ensure that the Congress passes meaningful campaign finance reform this year.

Mr. DOMENICI. Mr. President, those who follow campaign finance reform are well aware of my thoughts on this issue. I have long advocated four very straightforward and specific changes in campaign finance laws:

First, a flat-out prohibition on House and Senate candidates raising money outside their home State;

Second, the abolition of PAC's as we know them;

Third, the creation of a strong disincentive to super-wealthy candidates throwing masses of family money into a campaign;

Fourth, the elimination of "soft-money" contributions to political parties for activities such as voter registration drives and political advertising which indirectly—but intentionally—help one particular candidate;

I am pleased to see that this year's legislation includes campaign finance reform ideas I initiated many years ago, specifically, a limitation on the amount of personal or family funds a wealthy candidate may contribute to his or her own race; and a limitation on the acceptance of out-of-State contributions.

Unfortunately, this year's legislation also includes deeply problematic provisions. These provisions, so-called voluntary restrictions on spending, are based on the premise that spending caps are the solution to the problems with our current system. However, with all of that, the bill is not perfect. As currently written, it fails to address critical issues in campaign reform.

The taxpayers will end up helping finance these campaigns because by accepting spending caps under this bill, candidates would receive steep discounts from the Federal Government in postal rates, as well as free television and radio broadcasters for advertising time. In addition, once candidates exceed voluntary spending limits, the Federal Election Commission [FEC] would raise the contribution limits for the opponents of these candidates.

These spending caps threaten first amendment free speech rights. Moreover, these voluntary spending limits create burdensome new regulatory responsibilities and powers for the FEC. If enacted, the legislation before us today will create a quagmire of new regulatory requirements.

I believe that the best way to reform our system of campaign finance is to find ways in which to encourage more participation by private entities—such as the American people. I am proud to say that in my political campaigns over the years, I have been supported by many thousands of small contributors.

I also strongly support the current system under which congressional campaigns must disclose the sources and amounts of financial contributions from all entities—large and small. I believe that the public has a right to this information.

I believe that a responsible and meaningful package of campaign finance reform legislation can and should be developed and passed by the Congress. I support that effort.

Mr. ABRAHAM. Mr. President, I rise today to express my concerns regarding S. 1219. I am proposing the elimination of political action committees [PAC's], I have voted for this reform in the past.

I believe that the best way to reform our system of campaign finance is to find ways in which to encourage more participation by private entities—such as the American people. I am proud to say that in my political campaigns over the years, I have been supported by many thousands of small contributors.

I also strongly support the current system under which congressional campaigns must disclose the sources and amounts of financial contributions from all entities—large and small. I believe that the public has a right to this information.

I believe that a responsible and meaningful package of campaign finance reform legislation can and should be developed and passed by the Congress. I support that effort.

Mr. ABRAHAM. Mr. President, I rise today to express my concerns regarding S. 1219, the Campaign Finance Reform Act of 1996, and to explain my vote against the cloture petition.

Let me begin by stating that I support campaign finance reform. However, reform would be even more important to be found in S. 1219. In my view, the biggest problem with the way our political campaigns are financed is that it gives rise to the perception that special interest donations are dominating the political agenda. Instead, as a citizen, I believe that special interest money is the source of great corruption in our political campaign system.

While we should try to address this problem statutorily, I feel it is unnecessary to wait for legislation before those of us concerned act. To that end, when I ran for the Senate in Michigan in 1994, I personally imposed my own limits on the amounts I would accept
from both out-of-State sources and political action committees, and they were as strong or stronger than those in S. 1219. I lived up to that pledge and still won my seat.

Now I recognize that not everyone will agree with me generally, so I do believe we must seek to achieve a similar outcome legislatively. Unfortunately, S. 1219 is overly broad and, if anything, likely to tilt the field even further in the direction of special interest influence.

In my view the central question we must address in reforming campaign financing is “whose voice shall be heard during the campaign?” The proposals set forth in S. 1219 would have the ironic effect of limiting the speech of the special interest groups. The proposed legislation would encourage candidates to abide by certain expenditure limits, thereby restricting their ability to communicate with the voters. Conversely, it does little, if anything, to curb the ability of special interest groups to spend their money independently of any restrictions. This allows interest groups to define the central issues of the campaign. It forces candidates to abide by the limits of special interest groups, preventing the voters from hearing directly from the candidates and judging for themselves which candidate has the proper positions on the issues.

I believe that the solution begins with limiting the amount of out-of-State/district contributions and PAC donations as I did in my own campaign. By limiting out-of-State/district contributions we can address the perception that House and Senate Members are not primarily focused on the priorities of their own constituents. Similarly, by placing a limit on the amount of PAC contributions a candidate may receive, we can address the concern that public officials are unduly influenced by special interest groups.

Mr. President, I am also concerned about provisions in S. 1219 which shift resources from the private sector to the candidates. These provisions, in effect, allow candidates to do as they please with other people’s involuntarily extracted money. The idea that taxpayers, through special postage rates, who abide by “voluntary” spending limits, should subsidize complying candidates, is evidence of that. A Tarrance Group survey in April found that just a year ago thousands of taxpayers identified campaign reform as the country’s most pressing problem. Voters are justifiably skeptical of political reform proposals by incumbent politicians.

This is not to say that nothing can be done. We are attracted by the realistic ideas of Larry Sabato and Glenn Simpson in their new book “Dirty Little Secrets.” They conclude that individual limits on campaign contributions, which haven’t been indexed for inflation in 22 years, should be raised and a regime of full disclosure on all political spending should be created. That will let the voters both hear from candidates other than incumbents and let them know the relative influence of everyone participating in the process.

The current effort at campaign finance reform is a lot in common with the failed Clinton health-care plan, which sought to “fix” the problems created by government involvement in health care by having the government micromanage the entire health-care sector. The Senate should vote down the McCain-Feingold bill before it does to American democracy what Clinton-Care would have done to medicine.

American Civil Liberties Union, New York, NY, June 25, 1996.

Dear Senator:

The American Civil Liberties Union had the privilege of testifying before the Senate Rules Committee on February 1, 1996 and at that time we elucidated our objections to the “reform” proposals set forth in the Feingold-McCain bill, S. 1219. Throughout the current Senate debate our opposition has been repeatedly referenced. Rather than reiterate all of our objections in detail in this letter, I encourage you to read the testimony prepared on our behalf by Professor Joel Gora, of the Brooklyn Law School.

Congress is endeavoring to reform current campaign finance laws and regulations in an effort to minimize the impact of monetary contributions on federal elections. The call for reform is also punctuated

S6796 CONGRESSIONAL RECORD — SENATE June 25, 1996
by cries of corruption. If there is corruption then Congress does have the obligation to correct systemic problems, and to ensure that the Federal Election Commission is exercising consistent enforcement of the existing laws. But influence is not synonymous with corruption, and labeling certain monetary contributions as such perpetuates the notion of corruption that has not been, in our view, adequately borne out by the hearings before the Senate Rules Committee.

While rooting out corruption is a worthwhile objective, S. 1219 goes much further than merely attempting to eliminate perceived perceived expenditures or the perception that an amendment to the Constitution in Tashjian v. Republican National Convention also does not satisfy the minimum scrutiny standard of a "compelling" state interest in the federal electoral process. The bill gives unacceptable new powers of political censorship to the Federal Election Commission. The FEC would be permitted to go to court and seek an injunction on the allegation of a "substantial likelihood that a violation . . . is about to occur." This would encompass the kind of essential issue advocacy which Buckley has held to be completely immune from government regulation and control. The bill's "voluntary" expenditure limits are constitutionally suspect and are less compelling concerns. After all, Congress is our national legislature, and its representatives are elected from state support they may need. As long as citizens in the affected district are the ones who support ideas and principles. The bill requires the receipt of matching funds without unconstitutional conditions attached, institution of public financing to all legally qualified federal candidates by limiting access to public financing and avenues for receiving private donations.

Constitutionally acceptable campaign finance reform proposals could include the following elements:

- Public access and timely disclosure of contributions.
- Public financing of campaigns, not ceilings to limit them, the overall amount of speech allowed during a campaign.
- Contributions limits from individuals and groups will face "gag orders" until a determination of wrongdoing is made.
- Public financing of candidates that agree to spending limits and therefore fiscally punish those candidates who wish to maintain their constitutional right to unlimited spending.

The contribution limits from political action committees are a violation of freedom of association and in opposition to the Buckley decision. A constitutional amendment would encompass the kind of essential issue advocacy which Buckley has held to be completely immune from government regulation and control. The bill's "voluntary" expenditure limits are constitutionally suspect and are less compelling concerns. After all, Congress is our national legislature, and its representatives are elected from separate districts and states, the issues it debates and votes on are of concern to citizens all over the nation.

The bill's disclosure requirements and regulations on "soft money" do not take into consideration the constitutional divide between coordinated expenditures, which are subject to some regulation, and all other non-partisan, political and issue-oriented speech, which are not. This restriction does not live up to the most compelling government interest standard in regards to electoral advocacy as required by the Supreme Court in Buckley v. Valeo, 424 U.S. at 14-15, 78-80. The restriction also does not satisfy the minimum scrutiny of a "compelling" state interest in the regulation of political parties as required by the Supreme Court in Ashjian v. Republican Party, 479 U.S. 206 (1986).

The bill's new provisions governing the right to make independent expenditures unconstrained by the absolute protected area of issue advocacy. By broadening the definition of "express advocacy" the bill would encompass the kind of essential issue advocacy which Buckley has held to be completely immune from government regulation and control. The bill's broadly defines "coordination" that virtually an individual who has had any interaction with a candidate or any campaign officials, in person or otherwise, is barred from making independent expenditures against the candidate, for, ironically, they will be deemed a contribution.

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The bill's ban of Political Action Committees is a violation of freedom of association and in opposition to the Buckley decision. A constitutional amendment would encompass the kind of essential issue advocacy which Buckley has held to be completely immune from government regulation and control. The bill's "voluntary" expenditure limits are constitutionally suspect and are less compelling concerns. After all, Congress is our national legislature, and its representatives are elected from separate districts and states, the issues it debates and votes on are of concern to citizens all over the nation.

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Finally, there are unintended consequences of well-intentioned reform. After all, the present system we are attempting to change is a product of earlier "reforms" from the post-Watergate years.

Mr. President, specifically, I have concerns that spending limits function as an incumbent protection act. Further, the spending limit, as those with a primary, look at the recent Presidential election. Senator Dole spent the maximum to get the GOP nomination—and is now virtually out of money with respect to the spending limits.

If we really want to change our system, we should have enacted term limits. Members of Congress should be more concerned with the next generation than the next election but the constant pressure of re-election affects vote. Mr. President, any reform system should be tilted more in favor of public disclosure of campaign contributions. The Federal Election Commission's main mission should be to publicize federal campaign finance information to the people.

Finally, contributions limits from individuals should be adjusted to keep pace with inflation. The declining value of real dollars of the $1,000 contribution from an individual to a Federal candidate is now worth only about a third as much as when it went into effect in 1975. This change would lessen reliance on political action committee contributions and shorten the time candidates must spend asking for money.

Remember, State candidates in North Carolina can accept $4,000 contributions per election while Federal candidates can only receive $1,000. Adjusting the contribution limits for individuals coupled with greater disclosure would be a significant improvement.

For this reason, Mr. President, I cannot support the McCain-Feingold bill in its present fashion. We share the goal of reforming the campaign finance system but there is a difference in the details. My suggestion for reform includes term limits, greater public disclosure of contributions, and increasing the limits on contributions from individuals to lessen reliance on political action committees.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, to make concluding remarks, and later Senator McCaIN will make other concluding remarks, let me again clarify the point about constitutionality. The Senator from Virginia said clarity of conscience prevents him from working for this bill because of the PAC ban. But the fact is that the Senator from Kentucky and the Senator from Virginia and the Senator from Washington all voted for the Pressler amendment 3 years ago that does exactly what our
The speech of candidates should not be restricted. That is an extremely important principle. After all, if we make the candidates shut up and if we make the people who want to support them shut up, who controls the discourse, the debate? Why, someone else. Where will this transfer of power go? It will go to the newspapers, most of whom love this legislation because they realize it will enhance their power as the campaigns’ power to communicate is diminished. So they think this is a terrif-ic bill.

Many of the large membership interest groups are not particularly worried about this legislation because they know you cannot constitutionally restrict their ability to communicate with their own members, what we call nonparty soft money, or in any real way restrict their ability to communicate with the public, what we call independent expenditures, both of which, or the latter of which is certainly protected by the Constitution.

So what this is all about, Mr. President, is who gets to speak and how much—who gets to speak and how much—and whether or not private citizens can continue to band together and support candidates of their choice. It is said that too much is spent, which means to say there is too much speech in the American political system. My view is that it is not appropriate to ask, when you say too much is being spent—compared to what? In the last cycle we spent about as much on political speech as we did on bubble gum. Put another way, $3.74 per voter in the last cycle. I would argue, Mr. President, that is not too much political speech—not too much political speech.
June 25, 1996

CONGRESSIONAL RECORD — SENATE

S6799

interest in this all depends on how you ask the question. If you ask the question: Do you think it is a good idea to restrict my right to participate in the political process? Obviously, people are not in favor of that.

Thence comes the debate about whether this is constitutional. Let me say maybe the other side has been able to scrape up a few people with a law degree calling this constitutional, but the heavies in this field do not think it is.

The American Civil Liberties Union—sometimes we love them; sometimes we hate them; but, boy, do they know a lot about the first amendment and have had a lot of success over the years in this country. They believe this matter is clearly and unambiguously unconstitutional.

Assuming it could get past the constitutional problems, Mr. President, pushing all these people out of the process and putting a speech limit on the campaigns, how would those speech limits work? By, of course, the Federal Election Commission, which would soon be the size of the Veterans Administration trying to restrict the free speech of not only 535 additional political races, but also a bunch of outsiders who might inadvertently band together and try to speak. So the FEC is given injunctive relief, so it can go to court and shut people up who are engaging in speech that the Government does not want to be expressed.

This is also about building a massive Federal bureaucracy to restrict the speech of candidates and of groups in this country. This is one of the worst ideas we have debated around here since the last time a proposal like this was up on the Senate floor.

The Court said very clearly, if you want to try to entice campaigns into shutting up, and the Government wants to say it is not good for candidates to speak more than a certain amount, that’s what the Government system and the nightmare that has become, as Senator Gorton pointed out yesterday, there is only one person in America who is told to shut up at that point, and that is one of two candidates who is running for President, Bob Dole. That is what we ought to be reforming, the Presidential system.

But the Court said, if you want to entice people into shutting up, not speaking, and to offer them some kind of subsidy, a Federal subsidy. So the Presidential system says to the candidates running for President: You can only raise $1,000 per person. So, when looking at that difficult task of trying to put together a nationwide campaign at $1,000 a person, every candidate virtually, except Ross Perot and John Connally, has said, “OK, I’ll shut you up. You bought me off. There is no way I can possibly raise enough money to run at $1,000 a person.” Then they get the Federal subsidy.

In this bill, in order to allow the sponsors to claim that there is no taxpayer money in it, they shift the subsidy to a couple of private industries. They say, we are going to call on the broadcasting industry to reduce the prices for political ads by 50 percent. What will happen? Why, of course, they will pass on the cost of that to all the rest of us.

So, for the average taxpayer, they are going to have to pay more for their product because of the Government-mandated program.

There is a second industry that is affected by this as well, Mr. President. That is the people who use the mails. They believe this is not only unconstitutional but it is a violation of the First Amendment calling this constitutional. It would create a massive Federal bureaucracy that is designed to ensure good government. One of their concerns is that money is the root of all evil, so they seek salvation in the Sisyphean task of eliminating its influence. The chief result of this is a rule outlawing individual political contributions of more than $1,000, and a bureaucracy called the Federal Election Commission to count angels on pinheads in deciding, for example, what counts as a contribution.

A serious Presidential campaign is likely to cost $20 million. This means a potential Presidential candidate has to start by persuading 20,000 different people to pony up $1,000. And ask for money and then spending all that money wasn’t attractive.” Mr. Kemp was similarly explicit in not wanting to undertake the fund-raising exercise, and it no doubt inhibited Mr. Cheney as well. On the Democratic side, finding 20,000 donors to challenge an incumbent is an even more daunting challenge; Senator Bradley and Senator Nunn decided to quit rather than fight.

For no accident that the dropouts are precisely the types the goo-goo crowd would like to keep in politics, which is to say, those motivated by principle instead of sheer money. In 1988, to take one example, the exploratory field included Don Rumsfeld, who had been a Congressman, White House Chief of Staff, Defense Secretary and a spectacularly successful corporate chief executive. But he threw in the towel rather than run up possibly unpayable debt—as a matter of principle, I will not run on a deficit.

The doleful effect of such limitations were entirely predictable; indeed, they were predicted back in 1974 when the Supreme Court partly upheld the 1974 Federal Election Campaign Act. The punishment was this: The law “will really act like the Frankenstein monster it truly is. It will be awfully hard to kill, and the more you wound it, the more havoc it will create.” In the face of honest experience, of course, the goo-goo’s prescription more of the same, to the point where “campaign finance reform” has become the Holy Grail.

To be fair, the Wertheimer coven hasn’t had its way entirely. The logic of the goo-goo impulse is public financing of political campaigns, an idea mostly hooted down by the political class. Term limits—though in Presidential campaigns public finance serves as the carrot...
getting candidates to accept the FEC nitpicking. And the Supreme Court, while backing away from the obvious conclusion that limiting political expenditures is prima face an infringement of free speech, couldn’t bring itself to say someone can’t spend his own money on his own campaign.

Thus the millionaire’s loophole. Mr. Perot was able to spend $150 million to confuse the last Presidential elections, going in, out and back in at will. So long as he doesn’t accept public money, he can spend as he likes.

Mr. Forbes has been an interesting case, since he was chairman of Empower America, the political roost of both Mr. Kemp and Mr. Bennett. Who would have guessed he’d better ask that the Empower America candidate would be Steve Forbes. On the issues Mr. Forbes is perhaps an even better candidate than his opponents—backing term limits where Mr. Kemp opposes them, for example—and without his message his money wouldn’t do much good. Still, to have a better chance at ultimately winning, it would have been logical to bankroll one of his better-known colleagues. But that’s against the law, thanks to Mr. Wertheimer, so Mr. Forbes has to hit the stuffing himself.

With widespread disaffection with the current field, and especially in the wake of the Powell decision, the lint of the current rules is coming to be recognized. The emperor has no clothes, think tank scholars are starting to say—notably Bradley A. Smith of the Competitive Enterprise Institute who published his Oct. 6, following Mr. Smith, Newt Gingrich said last weekend we don’t spend too much on political campaigns but too little. This heresy was applauded this week by columnist David Broder, who may herald a breakthrough in goo-goo sentiment itself.

Verdictable special interests, of course, remain opposed to change in the current rules. Notably political incumbents who want campaigns kept as quiet as possible and have learned to milk other special interests who decide to spend money on their interests. They work for a candidate without showing his fingerprints. Mr. Wyden even took the beauty of these “independent expenditures”: They work for a candidate without showing his fingerprints. Mr. Wyden even took the high road earlier this month and announced that both candidates should stop negative campaigning, while his allies kept dumping garbage on Mr. Smith through the mail and on the airwaves.

Now, we understand that Republicans do this, too. The NRA doesn’t play beanbag, and as a business owner, Mr. Smith was able to spend enough of his own money to answer this stuff in his campaign. But candidates who aren’t millionaires have to spend money which means from people and interests that have money. Yet if Mr. Wertheimer and Common Cause get their way, nonrich candidates would find their ability to raise that money drastically limited. The special interests would still be able to sling their junk, while a candidate would lack the cash to respond.

Something very much like this probably cost Republicans the governorship last year in Kentucky, where the AFL spent lavishly for the Democratic candidate who was hammed by spending limits. And, of course, operations such as the AFL or the teachers unions have an unlimited supply of money from forced union dues, while other liberal special-interest groups get taxpayer subsidies that Republican Senators like Vermont’s JIM Jeffords are refusing to kill. (Question: Who benefits, does Mr. Jeffords have against electing other Republicans?) If Congress tried to restrict such “independent” spending in some new reform, the Supreme Court would likely strike down as a violation of the First Amendment. The bigger point here is that John McCain, Fred Thompson, Linda Smith and other Republicans have to work for Common Cause to need to rethink their allegiances. They’re lending credibility to an exercise that is sure to backfire on their party, if not on them, and probably on our democracy. How ironic it would be, if in the name of controlling special interests, our sanctimonious reformers use money even more effectively.

Mr. MCCONNELL. I ask unanimous consent to have printed in the Record testimony on the constitutionality of the broadcast provisions in the bill prepared for the National Association of Broadcasters.

No objection, the material was ordered to be printed in the Record, as follows:

CONSTITUTIONAL INFIRMITIES OF PENDING POLITICAL BROADCASTING LEGISLATION

[Prepared for National Association of Broadcasters by P. J. O’Rourke (Kopta, Robert W. Lofton, of Davis Wright Tremaine)]

SUMMARY

Pending Congressional campaign finance reform legislation would substantially expand federal political candidates’ “reasonable access” to broadcast time, raising fundamental issues under both the First and Fourteenth Amendments to the United States Constitution. Several bills would require broadcasters to provide free and/or heavily discounted time to political candidates as an incentive for candidates to comply with campaign spending limits. The goal of this legislation apparently is to reduce the cost of federal election campaigns for House and Senate seats and thereby enhance the integrity of the electoral process.

By requiring broadcasters to finance political candidates, the pending legislation would compel broadcasters to engage in protected speech. Such a requirement could only be justified by compelling necessity, and then only if precisely tailored to the government’s interest. Mandating that broadcasters, rather than candidates, pay to communicate partisan political messages would not advance the government’s interest in enhancing the integrity of the electoral process. In addition, the government could advance that interest more effectively through numerous alternatives that do not involve encroachments on First Amendment freedoms.

Broadcasters historically have been subject to no more restrictions than other media on their constitutionally protected editorial discretion, but the traditional rationale of spectrum scarcity no longer justifies the government’s production of First Amendment protection, particularly in light of the multiplicity of other outlets for diverse viewpoints. The pending legislation nevertheless could not survive even the “ intermediate scrutiny” requirements of narrow tailoring to a substantial government purpose. Compelling broadcasters to finance political campaigns as a relationship to broadcasters’ public interest duties, and would upset the delicate balance between their journalistic freedoms and their obligations as licensees of the public airwaves. By singling out broadcasting from other media and usurping broadcast facilities and time, the proposed legislation also denies broadcasters equivalent protection of the law and takes their property without just compensation, in violation of the Fifth Amendment.

For all of these reasons, it is our view that those aspects of the pending legislation that require broadcasters to provide free or subsidized time for political candidates’ speech were unlikely be held unconstitutional by the courts.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to have printed...
in the Record a constitutional analysis conducted for the National Right to Life Committee.

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

**BOPP, COLESON & BOSTROM, ATTORNEYS AT LAW, Terre Haute, IN, November 7, 1995.**

Re: Senate Campaign Finance Reform Act of 1995 ("S. 6801").

Based on our evaluation, we recommend that NRLC oppose the Act because of the effects it would have on NRLC activities. These are set forth below.

**SECTION 201.**

Section 201 would abolish connected political action committees ("PACs"). The Act prohibits membership corporations, such as National Right to Life, from having a connected PAC. This would abolish National Right to Life PAC. This would severely affect the ability of NRLC to influence federal elections because NRLC would not have a connected PAC.

Section 201 also permits only individuals or political committees organized by candidates and political parties to solicit contributions or make expenditures "for the purpose of influencing an election for Federal office." This appears to do two things.

First, it appears to prohibit independent PACs, so that persons associated with NRLC couldn't create an independent PAC to do expenditures that are being opposed by candidates.

Second, it also appears to bar nonprofit, nonstock, ideological organizations—which under FEC v. Massachusetts Citizens for Life, 479 U.S. 238 (1986), could do independent expenditures—from making such independent expenditures on behalf of or in opposition to candidates.

**SECTION 202.**

Assuming that under the Act independent expenditures can be done by someone other than an individual, so that NRLC still could have a PAC capable of making contributions and expenditures to influence federal elections because NRLC would not have a connected PAC. This would abolish National Right to Life PAC. This would severely affect the ability of NRLC to influence federal elections because NRLC would not have a connected PAC.

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The aggressive regulation of political giving and spending began in 1974, in the aftermath of Watergate. Congress, itching to "do something" about political comportment, put limits on candidates' spending by candidates—even of their personal wealth. Furthermore, limits were placed on total campaign spending, and even on soft money by any groups unaffiliated with any candidate or campaign. In 1976 the Supreme Court struck down the limits on unaffiliated groups, on candidates' spending of personal wealth on mandatorily licensed broadcast air time, and on campaign spending ceilings. The Court said these amounted to government stipulation of the permissible flow of political expression and therefore violated the First Amendment.

But in a crucial inconsistency, the Court upheld the limits on the size of contributions, by liberals—those of contributors to candidates, where the Court intones, that American politics is awash in special-interest money. Thus, with today's limits having second thoughts—especially one in which his position would guarantee denunciation from all respectable quarters.

Nonetheless, when Gingrich testified the other day at a congressional campaign finance hearing, he deliberately committed heresy. He argued that too little money—not too much—is going into campaigns. "The reforms" had become a blend of cynicism and paternalism—attempting to rig the rules for partisan advantage or the advantage of incumbents' or to protect the public from the "unchecked power of the media elites." As regards spending limits, the lower the better are for incumbents: incumbents are already well known and can use their public offices to seize public attention with "free media" news coverage.

"When reformers say money is "distorting" the political process, it is unclear, as Smith says, what norm they have in mind. When reformers say "too much" money is spent on politics, Smith replies that the annual sum is half as much as Americans spend on yogurt. The amount spent by all federal and state candidates and parties in a two-year election cycle is approximately equal to the annual sum. The sector's total advertising budgets (those of Procter & Gamble and Philip Morris). If the choice of political leaders is more important than the choice of detergent and cigarettes, it is reasonable to conclude that far too little is spent on politics.

The $680 million spent in the two-year election cycle that culminated in the November 1994 elections (the sum includes all spending by general-election candidates, and indirect party spending by both parties and all indirect political spending by groups such as the AFL-CIO and the NRA) amounted to approximately $1.75 per year per eligible voter—only a sum of $350—or about what it costs to rent a movie. In that two-year cycle, total spending on all elections—local, state and federal—was less than $10 per eligible voter, divided among many candidates. And because of the limits on the size of contributions, much of the money was not spent on the dissemination of political discourse but on the mechanistic technique of raising money in small amounts. Furthermore, the artificial scarcity of money produced by limits on political giving and spending has strengthened the influence of political expression that delivers maximum bang for the buck—harsh negative advertising.

Does a money advantage invariably translate into victory? True, they testified, to Forbes, who spent $440 per vote in finish-
actually serve the interests of voters and of governing.

Do that, he said, and you may find that the best remedy is not to legislate limits on contributions, but to ensure better activity by the political parties—Republicans, Democrats and any third force that may emerge to challenge them.

The biggest problem in our campaign finance system, he said, is the gross disparity between what House incumbents can raise and what most challengers can muster. The PACs are a big part of this problem for they use their contributions to ensure access to legislators handling their issues. The PAC systems are said, "has been an arm of the Washington lobbyists" and needs to be reduced in significance.

But limiting PAC contributions is likely to be an empty gesture. Increasingly, organized interest groups are mounting independent expenditure campaigns, boosting their friends and targeting their enemies, which they can do without limit.

Since we cannot effectively stifle these special-interest voices, Gingrich said, let us submerge them in appeals from the parties. Increase substantially the limits on what people can give to political parties, he said. And allow those parties to contribute far more than would normally be allowed to help candidates offset the many advantages incumbents enjoy—not only greater leverage on the PACs but all the staff, office and communications services that are provided at taxpayers' expense.

Barring such changes, Gingrich rightly said, we are almost certain to see a continuance of the trend to millionaire candidates. Because the wealthy are allowed (by Supreme Court decision) to spend whatever they wish on their own campaigns, the Senate has been given over to the wealthy. The House is moving in the same direction.

All of this was a challenge to conventional wisdom, he said. It's not the Republicans, but the Democrats who have become a millionaires' club. The Democrats don't want to risk the advantage wealth confers on a politician in his newly published memoir, "Time Present, Time Past." Bradley recounts how he decided he could afford to give or lend a quarter-million dollars to his first Senate campaign in 1978—about one-fifth of his budget. "It assured me that I could compete even if I didn't raise as much as I had. It gave me a self-generated cushion, I was able to raise more. When potential contributors see a campaign with money, they assume it's well-funded, it's well-run. Everyone likes to be with a winner, whether in basketball or politics."

Bradley points out that he was a piker compared with many of his colleagues. "Four years later in New Jersey, Frank Lautenberg, a wealthy computer executive with no political experience, spent over $3.5 million of his own money to win a U.S. Senate seat. . . . In Wisconsin in 1988, Herb Kohl promised to spend primarily his own money in his Senate campaign; $7.5 million later, he won."

Financial disclosure statements show that at least 28 of the 100 sitting senators have a net worth of $1 million or more—many of them much more. Michael Huffington, a Texas oil man, spent $28 million of his own money in trying for a California Senate seat in 1984. He was soundly defeated, but he didn't go home. Wealth is not a determinant of votes in the Senate. There are liberals like Rockefeller and Ted Kennedy, conservative Republicans. But wealth confers an unfair advantage in the campaigns for the Senate, and makes it much harder than it should be for people of talent, but not wealth, to enter politics. The main reason for this disadvantage is the unrealistically low limit on individual contributions. The law, as Bradley notes, provides that "whereas a candidate could contribute as much of his own money as he chose, he could accept individual contributions of only $2,000 from others—$1,000 of it for the primary and $1,000 for the general election."

The contribution limits were set 22 years ago and never have been adjusted; inflation has eroded their value by two-thirds since then. Raising contribution limits is far down the list of proposals of most campaign finance reformers to many wealthy people to reduce or limit them.

But all the contribution limits are accomplishing, he said, is to give a giant advantage to self-financed candidates. The 1996 candidate lists are full of them.

In Georgia, for example, all three Republican candidates for Senate are men of substantial means. In Minnesota, former Republican senator and now wealthy retired business man, is trying to reclaim the seat he lost to populist professor Paul Wellstone six years ago. And in a half-dozen other states, Republicans are self-financing or trying to outspend court challengers who can afford to pay their own way.

What is more striking is the extent to which the Democrats—the self-styled party of the people—have begun to rely on affluence as the criterion for picking their Senate candidates.

In California, New Hampshire, South Carolina and Virginia, the favored candidates for Senate are men of independent means, and in many cases, without wealth would not be considered to be Senate candidates. In Illinois, North Carolina, Missouri, Louisiana and similar backgrounds are given a chance of winning nomination because of their bankrolls. It is not a new pattern. Among the Democratic nominees in 1988 was Robert D. (J.) Rockefeller IV of West Virginia, who spent more than $10 million of his own money to be elected in 1984.

Retiring Sen. Bill Bradley (D-N.J.), a bank-er's son who earned big money as a New York Knicks basketball star, writes about the advantage wealth confers on a politician in his newly published memoir, "Time Present, Time Past." Bradley recounts how he decided he could afford to give or lend a quarter-million dollars to his first Senate campaign in 1978—about one-fifth of his budget. "It assured me that I could compete even if I didn't raise as much as I had. It gave me a self-generated cushion, I was able to raise more. When potential contributors see a campaign with money, they assume it's well-funded, it's well-run. Everyone likes to be with a winner, whether in basketball or politics."

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and the Heritage Foundation's Robert Recor
tor have had more influence in the last decade
than any fund-raisers or contributors,
because candidates have turned to them for policy.

John Rother of the American Association
of Retired Persons and Ralph Reed of the
Christian Coalition work for organizations that
are part of a trend of nonpartisan and third-party
campaign contributions at all. But their
membership votes—so they have power.

The American political system is much more
open to influence by anyone who choose to engage in it—than the
proponents of the "auction" theory of
democracy understand, or choose to admit.

By exaggerating the influence of money, they send a clear message to citizens that
the game is rigged, so there's no point in
playing. That is deceitful, and it's dan-
gerously wrong to feed that cynicism.

Especially when they have nothing to sug-
gest when it comes to changing the rules for
the money game.

At one point, Phillips said that the post-
Watergate reforms succeeded only in having
"forced them [the contributors and politi-
cians] to be wiser." That personnel.

Those reforms, which mandated the disclo-
sure of all the financial connections on
which the program was based, also created
publicity which, according to Krulwich and Co. ad-
mitted, foiled the "plots" of some contribu-
tors. And Krulwich, for his part, suggested very
helpful: the, besieged Congress to enact
agreement that some things have got to change.

Change the limits. Change the rules. Change
the primaries. Change the ads. Change for-
corse, and change something.

How about changing the kind of journalism
that tells people that politicians are bought-
and-paid-for puppets and you're a sucker if you
vote for them. What thing you can do to make
your voice heard?

Mr. McConnell. Mr. President,
over the years working on this issue
I have written several pieces which I ask
unanimous consent to have printed—
one in the Washington Post and one in the
USA Today—in the RECORD.

There being no objection, the mate-
rial ordered to be printed in the
RECORD, as follows:

[From the Washington Post, Feb. 21, 1996]

JUST WHAT IS A SPECIAL INTEREST?

(By Mitch McConnell)

President Clinton, in his State of the
Union address, besieged Congress to enact
reforms to reduce the "special interest" influence. Campaign finance re-
forms that the president favors would
strike fundamental democratic freedoms to
participate in the political process. In other
words: speech would be limited and some
citizens' freedom to participate in elections
beyond the "reformed" fundamental of
everyone's right to exist based on their alleged status as
"special interests." But if "special interest"
is not defined, how are we to know just
who their influence should be curbed?

Judging from the fervent bipartisan (and
third party) scorn heaped on "special inter-
est," the usual observer would logically as-
sume that it's a catchall term to make some case.

The Congressional Record, newspaper editorials and campaign
speeches are replete with diatribes against the "special interest." A recent
search of newspapers on the Nexis database found
more than 60,000 articles and editorials con-
taining the phrase "special interest.

"Special interest" is the most pejorative phrase in the American political lexicon since "communist-pinko." I judg from the

The campaign finance reform debate, in particular, is advanced on the premise that special interest influence is pervasive, cor-oborative, and must be abated at all costs. But the costs would be staggering in terms of con-
stitutional freedom for all Americans is
high. And the special interest premise is
deepest flawed. So the next time you hear
someone hails campaign finance reform as the
answer, ask them what the question. And
when they say special interest influence is the
problem, ask them: What is a special inter-

[From USA Today, June 11, 1996]

DISASTER FOR TAXPAYERS, CANDIDATES

(With Mitch McConnell)

The most talked-about campaign-finance
schemes are unconstitutional, undemocratic,
bureaucratic boondoggles. Further, their
sponsors think taxpayers should foot the
bill. And for good measure, these "reform"
schemes also would greatly increase the
power of the media.

Perhaps that is a fortunate happen-
stance for the liberal newspapers pushing them. In any event, the media clearly have a
"special interest" in campaign finance "re-
forms" which would increase their power by
limiting the speech of every other partici-
 pant in the political process.

Because political campaigns exist to com-
municate with voters, the U.S. Supreme
Court ruled two decades ago that campaign
spending must be accorded First Amendment
protection. Ergo, campaign spending limits are unconstitutional speech limits.

The simple fact is that communication with America's nearly 200 million eligible
voters is expensive. For instance, one full-
page color campaign ad in a Friday edition
of USA Today would cost about $12,000. Tele-
vision and mail are also essential means of
communicating with voters.

These are expensive venues, but they are the only way to reach all the voters in large,
modern electorates. Limiting campaign
spending would limit political discourse by candidates, thereby enhancing the power of
the media. That is bad public policy.

For all the whining about the fact that congressional campaign spending (less than $4
per eligible voter in 1994) is paltry relative to
what Americans spend on consumer items like
bubble gum and yard grass, who probably

What we should do is adjust the individual
contribution limit for inflation.

The contribution limits candidates must
abide by in 1996 were set over two decades
ago (when a new Ford Mustang cost $2,700).
These inflation-eroded limits benefit the
wealthy (rich candidates who can fund entire
campaigns out of their own pockets) and the
well-known (principally incumbents) who
have a large base from which to draw contr

Enhanced public disclosure of all camp-
aign-related spending is also a worthy reform
that would enable voters to make in-
fomed decisions on Election Day.

By comparison, the so-called "good govern-
ment" groups' campaign-finance schemes
would be disastrous. Delayed, or preferable to the enactment of such constitutional monstros-
ties.

Mr. McConnell. Mr. President,
some information about the cost to the
Postal Service, estimated by this post-
center's ongoing cost study, is also a

The campaign finance reform debate, in particular, is advanced on the premise that special interest influence is pervasive, corrosive, and must be abated at all costs. But the costs would be staggering in terms of constitutional freedom for all Americans is high. And the special interest premise is deeply flawed. So the next time you hear someone hails campaign finance reform as the answer, ask them what the question. And when they say special interest influence is the problem, ask them: What is a special interest?
DEAR SENATOR MCCONNELL: I am writing to voice my concerns about campaign finance reform legislation, S. 1219, which would place an unfair financial burden on the Postal Service and its ratepayers.

Let me first say that the Postal Service takes no position on the general merits of campaign finance reform. This issue appropriately rests with the Congress. However, S. 1219, as well as several other campaign finance reform bills in the House and Senate, provide for reduced postage rates for eligible candidates. These bills do not contain a funding mechanism through which the Postal Service and its customers would be reimbursed for the difference between regular rate postage and the reduced rate used by the candidates. In essence, the legislation creates an unfunded mandate, and the costs would have to be absorbed by our customers, the postal ratepayers. Testimony at campaign finance reform hearings estimated the reduced postage costs for S. 1219 to be $5 million per election. Estimates for other campaign finance bills with reduced postage provisions range from $350 million to $3 billion per election.

I would also like to point out that it is very unlikely that the Postal Service and its customers would be made whole even if a funding mechanism were included in campaign finance reform legislation. After years of underfunding our annual appropriation for Congressionally mandated reduced rate mailings, Congress enacted the 1992 Revenue Forgone Reform Act. In eliminating future funding for reduced rate mailings, this law mandated that the Postal Service receive a series of 42 annual appropriations of $29 million as partial reimbursement for past funding shortfalls. Even this "partial" relief is now in jeopardy as the House Treasury, Postal Service, and General Government Appropriations Subcommittee proposed that this appropriation be reduced by over $5 million during their markup of our FY '97 appropriations bill.

I recognize the importance of the campaign finance reform issue in Congress this year, and it is with reluctance that I express these concerns to you. Nonetheless, S. 1219, as well as others, would offer political candidates relief at the expense of the Postal Service and its customers. I urge you and your colleagues to identify alternate provisions that would not require ratepayers to bear the burden of campaign finance reform.

Best regards,

MARVIN RUNYON.

DIRECT MARKETING ASSOCIATION, INC.,

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: First, I would like to thank you for the leadership role you have taken in opposing S. 1219, the campaign finance reform legislation introduced by Senators John McCain and Russ Feingold. As originally introduced, this legislation would require broadcasters to offer qualified Senate candidates an additional 50% discount on the discounted television advertising rates candidates currently receive. The legislation further requires broadcasters to give candidates free advertising time. We believe these provisions are unconstitutional and impose significant financial burdens on local broadcasters and we must oppose the legislation.

We understand Senators McCain and Feingold have introduced a substitute to S. 1219. At your request we have reviewed the broadcast provisions of the substitute. We have done so and have determined that for the most part the broadcast provisions are the same as those in S. 1219. There is, however, one provision in the broadcast section which causes us great concern.

The new provision would give to the U.S. Court of Federal Claims exclusive jurisdiction over challenges to the constitutionality of the broadcast rate and free time provisions. Further, by its terms it precludes any injunctive relief, providing only for money damages. It is unclear whether this is an attempt to somehow deny us the opportunity to bring a First Amendment claim against these provisions. The ACLU, which has recognized the importance of the broadcast rate and free time provisions are given a different avenue for judicial review.

We must oppose the substitute to S. 1219, and we continue to support your efforts in opposition to this legislation. If you require further assistance, please do not hesitate to phone.

Sincerely,

EDWARD O. FRITTS,
President.

Mr. MCCONNELL. Mr. President, calling the McCain-Feingold voluntary does not make it so, its proponents concede. Anyone who dared not to comply with its voluntary limits would have to: pay twice as much as their opponent for TV ads and more for postage; with half the contribution limit; and forgo 30 minutes of free time.

All this and their complying opponent’s spending limit would be increased up to 100 percent to counteract any excessive spending. Moreover, the spending limits could spend unlimited amounts to counteract—dollars-for-dollars—independent expenditures.

So I say again, technically, mugging victims had options, too. That does not mean that handing over their wallets to muggers were voluntary acts. And I should stress here that the essential point in regard to the voluntariness of the candidate spending limits is not—as the Senator from Wisconsin stated yesterday—that candidates who did not comply with spending limits would be giving up benefits they do not currently enjoy such as the 30 percent discount and the free time. What makes the provision unconstitutional is the severe handicapping candidates would experience if they did not comply with the limits.

This is a crucial distinction from the presidential system. Steve Forbes did not have to pay twice as much for TV ads and the complying presidential candidates. He did not forego free time and Bob Dole’s spending limit did not increase when independent expenditures were made against him. And his spending limit did not increase when Forbes spent over the limit. Had the presidential system had the inducements of the McCain-Feingold bill, Steve Forbes might very well have elected not to get into the race, at all.

It simply would not make sense for a candidate not to comply with the McCain-Feingold bill if she were so extraordinarily wealthy they could spend many times the spending limit for their own wallet. So you could have two extreme types of campaigns under McCain-Feingold—very low spending ones complying with the limits and extremely expensive campaigns. What would disappear is the middle ground—not as cheap as the McCain-Feingold model but not at the extreme high-end, either.

If you looked long and hard enough and had common cause and public citizen helping, even a tiny needle in a giant haystack could be found. And so it is that at long last—after a decade of debate on this scheme—some people with law degrees have been located to say the McCain-Feingold model is constitutional. How expert they are remains to be seen and their submittals on the subject will certainly be scrutinized.

In any event objective liberals and conservatives agree that the American Civil Liberties Union is the repository of expertise on first amendment issues. The ACLU led, and triumphed, in the fight against mandatory spending limits 20 years ago in the Buckley versus Valeo case. And the ACLU will be in front again—along side me—should anything resembling the McCain-Feingold bill ever become law. The ACLU is singularly focused on constitutional freedom and has probably articulated just about everything at sometime with unpopular stands. But they have a remarkable record of success in this area.

At this point I will read excerpts from the ACLU’s testimony—given by attorney Joel M. Gora—before the Senate Rules Committee on February 1 of this year.

The provision for “voluntary” spending limits in Senate campaigns violates the free
speech principles of Buckley v. Valeo. The outright ban and severe fall back limitations on PACs violate freedom of speech and association, as do the limitations on ‘bundling.’ The use of controls on raising and spending ‘soft money’ by political parties and even non-partisan groups intrude upon First Amendment rights in a manner well beyond the permissible limits of government inter- est. The revised provisions governing the right to make independent expenditures both improperly obstruct that core area of elec- toral speech and associations and impose on the absolutely protected area of issue advocacy. The reduced record-keeping threshold for contributions, from $10,000 down to $50, invalidates associational privacy. And the new powers given to the Federal Election Commission to go to court in the midst of an election ‘vacate’ a core of this Act’ pose an ominous and sweeping threat of prior restraint and political censor- ship.

S. 1219 suffers from many of the same flaws as the original statute at issue in Buckley v. Valeo. There the ACLU contended that the Federal Election Campaign Act of 1974 was bad constitutionally because it cut to the heart of the First Amendment’s protections of political freedom. It limited the ability of groups and individuals to get their message across to the voters. The very essence of the First Amendment is the right of the people to speak, to discuss, to publish, to join to- gether in defense of issues of public and public concern. This constitutional protec- tion of the right of the people to join to- gether to form groups and organizations and societies and associations and unions and corporations to articulate and advocate their interests is the genius of American democ- racy. And this is particularly vital in con- nection with the election system when issues, arguments, candidates and causes swirl together in the public arena. Yet, the 1974 Act imposed sweeping and Dra- conian restraints on the ability of citizens and groups, candidates and committees, par- ties and partisans to use their resources, to make political contributions and expendi- tures, to support and embody their freedom of speech and association.

The ACLU also insisted the Act was poorly crafted ‘political restructuring’ rather than real reform. It simply transferred the inequality of political opportunity, enhances dependence upon money and moneyed interests and groups and pressures the power of incumbency as the single most significant factor in politics. Limits on giv- ing and spending make it harder for those subject to the restraints to raise funds and easier for those outside the restraints to bring their resources to bear on politics. Limiting individual contributions to $1,000 per candidate, while allowing PACs, made legitimate by the “reforms,” to contribute $5,000 per candidate, would make it harder to raise money from individuals and make can- didates more dependent on PACs. Often representing entrenched interests, would be more likely, though far from inevit- able, to prefer incumbents to challengers as beneficiaries of their largesse. The Act would stifles not expand political opportunity. What you had, we warned, was an unconstitutional law, enacted by Congress, approved by the President, and enforced by the Federal Elec- tion Commission, beheld to each, and designed to restrain the speech and associ- ation of those who would criticize or chal- lenge the protected establishment. Talk about the powers of incumbency. That’s why we called the Act an ‘Incumbents Pro- tection Act.’

In Buckley v. Valeo, the Supreme Court held that any government regulation of po- litical funding—of giving and spending, of contributions and expenditures—is regula- tion of political speech and subject to the strictest constitutional scrutiny. The Act’s limitations on political expenditures—by the candidates and by committees, no matter how wealthy—flatly violated the First Amendment. Nothing can justify the government telling the people how much of their money to spend on their can- didates or causes. Not in this country. Nothing. ‘In the free society ordained by our Constitution it is not the government, but the people, who fund campaigns and candi- dates and collectively as associations and political committees—who must retain con- trol over the quantity and range of debate on public issues, and over the richness of public debate.’ Buckley v. Valeo, 424 U.S. L. 176 (1976).

Nor could the Congress try to help ‘equal- ize’ political speech and the ability to influ- ence the outcome of elections by imposing restraints on some speakers: ‘... the con- cept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.’ Buckley v. Valeo, 424 U.S. at 48-49.

Unfortunately, in Buckley the Court upheld the Act’s contribution limits of $1,000 for individuals and $5,000 for political com- mittees. The Court did this because of its stated concern that giving to can- didates was a recipe for corruption, a ruling that ensured the two decades of frustration and unfairness that have ensured. With no limits on overall spending or on the amount of money given to wealthy candidates, and with independent campaign committees, issues groups and the press free to use their resources to comment on candidates in the candidate’s neighborhood, but with less well-funded candidates hampered in their ability to raise money from family, friends and supporters, the stage was set to make two factors dominant: the advantages of incumbency and the dependency on PACs. The advantages of incumbency meant that public resources such as franking privileges, government funded newsletters and free tele- vision coverage (C-Span) made it easier for Members of Congress to communicate with the voters, while challengers have to spend restricted amounts of money in order to achieve the same visibility.

The dependency on PACs resulted from sev- ere limitations of neutrals that individuals can contribute directly to candidates, coupled with the markedly increased cost of campaigning, which made PACs a critical source of campaign funding. And the individual con- tribution limit was kept at $1,000, which, ad- justed for inflation, is probably worth about $400 in real dollars today.

That is why for twenty years candidates have had to look more to PACs order to raise funds and incumbents, in particular, have had an easier ability to do so.

And for twenty years, the ACLU has sug- gestioned the way to solve these various dis- parities and dilemmas is to expand political participation and open public financing or support for all legally qualified can- didates, without conditions and restrictions, not to restrict contributions and expendi- tures which enable individuals to communicate their message to the voters. Unfortunately, in all of its critical aspects, S. 1219 makes worse the problems the campaign finance reform of 1995 fails to facilitate broader political participation and it also unconstitu- tionally abridges political expression.

Mr. President, the proponents of this bill are very mistaken if they believe the spending limits are constitutional. The ACLU differs.

Title I of the bill, providing ‘spending lim- its and benefits’ for Senate election cam- paigns, is an attempt to coerce what the law cannot command: limitations on overall campaign expenditures and on the use of per- sonal funds for a candidate’s own campaign. The bill makes it absolutely impossible to limit overall campaign spending limits—which inevitably benefit in- cumbents—in violation of the essential free speech principles of Buckley v. Valeo and the Fifth Amendment’s open market. And it should be observed that what triggers ben- efits for some candidates and burdens for others is not that a candidate approaches or spends relevant spending limits, but simply refuses to agree to be bound by them.

The ACLU believes that the receipt of pub- lic subsidies or benefits can never be condi- tioned on giving up First Amendment rights. To do so would be to penalize the exercise of those rights. See Perry v. Sindermann, 408 U.S. 593, 597 (1972); FCC v. League of Women Voters, 465 U.S. 364 (1984). Since candidates have an unequivocal right to spend as much as they can to get their message to the vot- ers, and to spend as much of their own funds as they can, and to raise funds from support- ers all over the country, they cannot be made to surrender those rights in order to receive public benefits.

But the Court suggested that Congress could establish a system whereby can- didates would choose freely between full public funding with expenditure limits and pri- vate access to funds without limits as the candidate remains free to engage in unlim- ited private funding and spending instead of limited public funding.” Republican National Committee v. Federal Election Commission, 487 F. Supp. 280, 284 (S.D.N.Y.), aff’d mem., 445 U.S. 955 (1980). See Buckley at 57, n. 65. Con- trary to its supporters’ claims, S. 1219 does not establish such a regime of voluntary campaign spending limits. Rather, the bill denies significant benefits to and imposes burdens on those candidates who refuse to agree to limits their futures, while conferring a series of advantages upon those candidates who agree to the limits.

First, by banning PAC contributions en- tirely, the bill makes it more difficult for candidates to raise and spend money at all, which will make them more susceptible to accepting the expenditure and other limita- tions. Candidates who choose to accept the spending limits have to work harder to raise funds because the limits on contributions to their opponents are raised automatically from $10,000 to $20,000. And the spending limits have to work full rates for broadcast- ing and postage. Finally, the expenditure ceilings of their opponents are raised by 20% to make it easier to counter the messages of “non-complying” candidates.

In short, this scheme does everything pos- sible to help the candidate who agrees to spending limits to overwhelm the candidate who does not. That is not a level playing field.

Indeed, in Buckley the Court upheld public funding of ‘Presidential candidates’ because its purpose was “not to abridge, restrict or censor speech, but rather to use public money to facilitate and enlarge public dis- cussion and participation in the electoral process, goals vital to a self-governing people.” 424 U.S. at 92-93. S. 1219 fails this test, for its purposes and effect is to limit speech, not enhance it. Recent cases have in- validated other schemes for making can- didates “voluntarily” agree to expenditure and other restraints by penalizing those who choose to accept public funding. See Shrink Missouri Government PAC v. Maupin, — F. 3d —, 64 Law Week 2409 (8th Cir. 1995) (restricting funding sources of those who refuse to agree to abide by expenditure ceilings). The facts (‘We are hard-pressed to discern how the interests of good government could possibly be served...’).
by campaign expenditure laws that necessarily have the effect of limiting the quantity of political speech in which candidates for public office are allowed to engage."

Moreover, even if the Act did create a level playing field, the incumbent starts the game 10 points ahead in a level playing field. Any law which imposes financial penalties and disincentives on speech because of the interaction between the status of the speaker and the content of the speech is similarly suspect. See Simon & Schuster, Inc. v. Members of the New York State Crime Victims Board, 502 U.S. 105 (1991) (law improperly escrowed profits from writing Colonel Bobbitt's book, which the government claimed were an illegal "political campaign"

The only conceivable purpose of the First Amendment's protection of freedom of political speech and association is to give a permanent monopoly to political parties and to allow political parties silence those groups that want to support or oppose those parties and candidates. PACs' of course have become a political dirty word. By virtue of the revenue from Billo-e-state PACs or the Trial Lawyers' PAC or the insurance and medical PACs or the tobacco-related PACs. But the ACLU's first encounter with a PAC was when we had to defend a handful of old-time dissenters whom the government claimed were an illegal "political committee."
The small group had run a two-page advertisement in The New York Times, urging the impeachment of President (and re-election candidate) Richard Nixon for bombing Cambodia and praising those who had voted him out of office. In the summer of 1972, before the ink was dry on the brand new Campaign Act of 1971, the Justice Department used that "political reform" law to haul the little group into court, label them a "political committee" and threaten them with jail and fines. But they complied with the law--all for publicly speaking their minds on a key political issue of the day. The Court of Appeals quickly held that group was not an organization, not a covered "political committee." But we got an early wake-up call on what "campaign reform" really meant.

Of course, insofar as, i.e., those that give or spend money to or on behalf of federal candidates, come in all sizes and shapes. They can be purely ideological or primarily self-interested, or both simultaneously. And we span the political spectrum. Labor PACs were organized first, in the 1940s, usually to provide funds, resources and personnel to assist political candidates, usually Democrats. Corporate PACs came on line in the early 1970s, usually on the Republican side. Both corporate and labor PACs were limited by the "re-forms" of the FECA, which allowed those and all other PACs to contribute five times as much money to federal candidates as individuals. Finally, the Federal Election Campaign Act into the PAC Magna Carta Act.

We think all that PAC activity is simply a reflection of the myriad groups and associations that make up so much of our political life. And so many of them are an effective way for individuals to maximize their political potential. We give them PACs of their choice. While many PAC contributors and supporters probably do fit the stereotype of the glad-handing, Washington-based influencer or the家伙 supporting cause of their choice is a fundamental political act, second in importance and meaning only to voting.

Proposals to restrict, restrain or even repeal PACs would defeat the purposes of those PACs which suggests that the Court would uphold a total ban on PAC contributions to federal candidates. Political contributions are fundamentally protected by the First Amendment because they are expressive speech and association. PACs do amplify the political voices of their contributors and support across the entire spectrum of American politics, and the Court is not likely to let you still all those voices.

Moreover, banning PAC contributions is futile as a reform. All the PAC money that candidates could lose from restricting PAC contributions will go instead into an upsurge of independent expenditure campaigns for favored or against disfavored candidates.

WHR NAM THE UTE QESTIONS
The Supreme Court made it clear that independent PAC expenditures are at the core of the First Amendment and totally off limits to restrictions. Federal Election Commission v. National Conservative Political Action Committee, 470 U.S. 480 (1985). It may be a little less tidy to run an independent campaign, since your money deprives them of a major source of resources, without providing any alternatives. Candidates of moderate means will be particularly vulnerable to campaigns by personally wealthy opponents.

The "fallback" provision, which goes into effect when the flat ban is ruled unconstitutional, as it surely will be, would lower PAC contribution limits from $1,000 to $500 per candidate per election. This might be a closer constitutional question. But the Court threw out a $250 limit on contributions to a referendums campaign committee. Citizens Against Rent Control v. Berkeley, 454 U.S. 290 (1981). Indeed, just recently the Eighth Circuit likewise invalidated a $300 contribution limitation for donations to statewide candidates. Carver v. Nixon, -- F.2d --, 64 Law Week 2407 (8th Cir. 1995). And Meyer v. Grant, 486 U.S. 414 (1988) held that people had a right to spend money to help the candidate, but PACs will adapt. They're good at that. And little will have been gained except making it harder for candidates to raise money since your money deprived them of a major source of resources, without providing any alternatives. Candidates of moderate means will be particularly vulnerable to campaigns by personally wealthy opponents.

Mr. President, earlier I mentioned PACs, the EMILY's List member who is quiet certain the first amendment protects her right to participate in elections via bundling. Colonel Bobbitt's instincts are right on the mark as the ACLU testimony observes.

BUNDLING
The same objections pertain to the ban on "bundling" of individual PAC contributions. This fallback proposal would abridge freedom of association which the Supreme Court has recognized as a "basic Constitutional freedom." Kusper v. Pontikes, 414 U.S. 51, 57 (1973). And the Court has pointedly observed that "the practice of persons sharing common views banding together to achieve a common end is deeply embedded in the American political process." Citizens Against Rent Control v. Berkeley, 454 U.S. 290, 294 (1981). The practice reflects broad issue support to a candidate, indicating that continued support is dependent on
continued adherence to the views represented by the group. The proposed bill would severely restrict ideological groups like Emily's List, which have made a critical contribution to political competition, by taxing contributions and opening up political doors to candidates and groups so long excluded.

RECEIVING PAC CONTRIBUTIONS

The fallback provision would also prohibit any PAC in a contribution that raises a candidate's PAC receipts above 20% of the campaign expenditure ceilings applicable to that election. But this restraint also seems redundant. A contribution ceiling becomes very attenuated in this setting, and the rationale for the overall 20% limit seems weak against First Amendment standards. Once spent, public funds are not necessarily retained by PACs, in effect, would be banned totally from political interaction with one another, which would seem as constitutionally vulnerable as a total ban and have the effect of a limitation on campaign expenditures. And what of new groups that wanted to support a candidate after the candidate's PAC quota had been reached, especially if the campaign turns on an issue—abortion for example—of great moment to that group?

Finally, the proposal to resemble yet another backdoor effort to limit overall campaign expenditures, in violation of Buckley's core principles.

LIMITING OUT-OF-STATE POLITICAL CONTRIBUTIONS

Somehow, I have always found particularly troublesome those proposals to limit the amount of out-of-state or out-of-state contributions. Candidates, Section 401, do not seem to operate as a direct ban on out-of-State contributions. Rather it provides that a candidate must receive not less than 60% of their contributions from state individuals in order to remain in compliance with the spending limits and receive the statutory benefits. Obviously, this is a backdoor effort to limit PAC contributions to candidates, since so many PAC contributors come from States different from the candidates their PACs contribute to, as do the PACs themselves. It also seems to be an effort to insulate incumbents from well-funded challenges supported from another State.

Any potential justification for this ban seems highly unlikely to pass constitutional muster. Analogizing this restriction to a voter's residency requirement fails short after Mclintock v. Arkansas, 411 U.S. 164 (1973) (holding that restrictions on political speech about candidates or referenda cannot be upheld on the grounds that they are merely ballot or electoral regulations, because, in reality, they are free speech limitations). Indeed, a federal court in Oregon recently so held in overturning a requirement that state and local candidates had to raise all their campaign funds from individuals who resided within their election districts. Vannatta v. Kesling—F. Supp.—(D. Ore. 1995).

Moreover, in-state limitations could de

principal kinds of underfinanced, in

surge the kind of out-of-state support they need. Just as much of the civil rights movement was funded by contributors and supporters from other parts of the nation, so too is the kind of new and growing candidates supported by interests beyond their home states. This proposal would severely harm such candidates. Perhaps, that is its purpose.

Finally, Congress is our national legislature, and although its representatives come and are elected from separate districts and states, we deal with an interrelationship, national issues that transcend district and state lines and may be of concern to citizens all over the nation. When such issues become central in certain campaigns, people and groups from all over the country should be entitled to have their views and concern heard. This other approach takes a disturbingly insular and isolated view of political accountability and the obligations of a Member of Congress.

5. The new restriction on the "soft-money" contributions and expenditures are unprecedented and unjustified restraints on political parties. Moreover, any regulation of political parties is also for the first time subject to comprehensive regulation, with reporting, disclosure and notification requirements. The provisions of this section of the bill should await the Supreme Court in an important case in which certiorari was granted in early January. See Colorado Republican Federal Campaign Committee v. Colorado Democratic Party, 494 U.S. 409 (1990). But at the very least, any action on this section of the bill should await the Court's resolution of those cases. For your information, the ACLU plans to file an amicus curiae brief in support of the Colorado Republican Federal Campaign Committee.

4. The new provisions governing the right to make independent expenditures improperly intrude upon that core area of electoral speech and are impermissibly intrusive an absolutely protected area of issue advocacy.

Two basic truths have emerged with crystal clarity after twenty years of campaign finance regulations. First, independent electoral advocacy by citizen groups lies at the very core of the meaning and purpose of the First Amendment. Second, issue advocacy by citizen groups lies outside the permissible area of government regulation. In Buckley the Court upheld the speech and association rights of individuals expressing independent campaign expenditures expressly advocating the election or defeat of political candidates. In Federal Election Commission v. National Conservative Political Action Committee, 470 U.S. 480 (1985), the Court upheld the $1,000 limit on independent expenditures in part because there would be so many other ways in which people and organizations could bring their financial resources to bear on politics. See 424 U.S. at 28–29. For your information, the ACLU plans to file an amicus curiae brief in support of the Colorado Republican Federal Campaign Committee.

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cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.'

Coordinated expenditures are treated like and limited like contributions to a candidate, discounting the cost of broadcast time, and reforming the soft money system.

Organized interests have too much power in the halls of government. Oftentimes, representatives from such interest groups operate without accountability and are granted special privileges that ordinary Americans don’t even know exist. In addition, elections have been hijacked by an opportunity in which ordinary voters should have the loudest voice but have become so expensive that these voices are sometimes drowned out by big money.

Let us capitalize on the progress made in the last three years. In 1993, we repealed the tax loophole that allowed lobbyists to deduct the cost of their activities. In 1994, I signed a law that applies to Congress the same laws if imposes on the general public. Last year, Congress answered my call to stop taking gifts, meals, and trips from lobbyists, and I signed that into law.

We now have an opportunity to finish the job by addressing campaign finance reform.

As we work to reform campaign finance, we must refuse to let everything in our power to ensure that we open, not limit, the political process. Our goal is to take the reins of our democracy away from big special interests, from big money, and return them to the hands of those who deserve them—ordinary Americans. Real reform is now achievable. I urge the Senate to pass this legislation and give the American people something we can all be proud of.

Sincerely,

BILL CLINTON.
With respect to the 50-percent discount, it should be noted that this provision is really the linchpin of the legislation. Without public financing, there must be some alternative incentive to encourage candidates to voluntarily limit their spending. Such an incentive could be similar to that of public funding in the Presidential system—that is, to lower campaign costs so the candidate can spend less time on the phone raising money and more time running a statewide broadcast campaign.

As we all know, the great proportion of a Senate candidate's campaign budget is devoted to broadcast advertising. And therefore, the most sensible solution for lowering campaign costs is to cut the costs of running television advertisements.

Keep in mind, Mr. President, current law already recognizes a public trustee standard with respect to broadcasters. Under current law, broadcasters must provide all Federal candidates with the lowest rates and any costs they charge to commercial advertisers for similarly run advertisements.

That is current law. All we are doing is providing an additional discount to that special price.

This is entirely consistent with the Supreme Court's 1969 ruling in Red Lion Broadcasting Company versus Federal Communications Commission decision. In the Red Lion decision, the Court upheld the congressional determination of 1934 that the airwaves belong to the American people, and this decision has subsequently been used to require the broadcasters to provide services such as lowest unit rate and equal time to qualifying Federal candidates.

To suggest that the provisions embodied in the McCain-Feingold bill are somehow a violation of the broadcasters' first amendment rights is a proposition that has already been tossed out by the courts.

Let me quote from the legal analysis of this issue prepared by Law Professor Fred Schauer of Harvard University. Professor Schauer writes:

As long as Red Lion remains the law, Congress may within limits consider broadcast time to belong to the public, and to be subject to allocation in the public interest. In this respect, therefore, price restrictions on advertising, and direct grants of broadcast time, will not violate the First Amendment as it is presently interpreted.

So it is clear that what we are requiring in this campaign finance reform bill is not only sound public policy, but completely within the confines of first amendment principles.

So now we come to the question of how this provision will affect the financial viability of the broadcast industry. Mr. President, when we talk about what sort of costs the broadcasters are going to incur as a result of this legislation, there are several important factors to keep in mind.

First, with respect to the free time provision, we are only talking about general election candidates who agree to voluntarily limit their spending. In any given State, where only two Senate elections occur every 6 years, this will have a nominal impact on broadcasters. Even if all general election candidates do agree to comply with the provision, it is estimated that that means that all of the broadcasters in a particular State will only have to provide 2 hours of free time over a 6-year period.

I ask unanimous consent that the text of this report be placed in the Record at the conclusion of my remarks.

According to CRS, assuming all general election candidates were eligible for and used the discount, this provision would cost the broadcast industry a maximum, a maximum Mr. President, of about $6 million per Senate election.

Figures provided by the National Association of Broadcasters show that total political advertising revenues in 1994 were $24.7 billion. That means that the free time provision in the McCain-Feingold proposal, scored at a maximum of $6 million by CRS, would cost the broadcasters about 1.6 percent of their annual political advertising revenues, and less than three-hundredths of 1 percent (.025 percent) of their total annual advertising revenues. And of course, this would only occur in a brief period of time every 2 years.

And what about the 50-percent discount provision, that has been purported to be potentially catastrophic for the broadcast industry. According to CRS, the total cost of the 50-percent discount provision in the primary and general election would be $48 million, again, assuming all candidates were eligible for the discount.

So the most this provision would cost the broadcast industry according to CRS's independent analysis is less than $50 million.

Again, how does this compare as a percentage of the industry's revenues, both political and commercial?

Using the NAB's numbers on political advertising revenues and all other advertising revenues, this $48 million provision in S.1219 would cost broadcasters, at most, about 13 percent of their political advertising revenues, and less than half of 1 percent (.19 percent) of their total advertising revenues. Again, this would only be every 2 years.

Mr. President, we are talking about less than one-half of 1 percent of the industry's revenues. And that is a maximum, it is likely to be much less than this.

And as you can see from this chart, the broadcast provisions in the McCain-Feingold proposal would cost the broadcast industry less than two-tenths of 1 percent of their total advertising revenue in 1994. And again, these nominal costs would only have to be incurred twice every 6 years.

So I think it is clear, Mr. President, that not only does the broadcast industry have a legal obligation to contribute to the political process, such a contribution would have a minimal effect on their overall revenues.

The benefit to the public of cleaning up our congressional elections, in contrast, would be enormous.

Mr. President, it has been suggested that the bipartisan proposal put forth by myself and the Senators from Arizona and Tennessee would somehow further entrench incumbents and make it more difficult for challengers to run for office.

Mr. President, this is yet another argument put forth by the defenders of the status quo that does not pass the straight face test.

First of all, let us remember what sort of campaign finance system we currently have and how it affects challengers and incumbents. I don't think that anyone can dispute that the current campaign finance system confers significant benefits on incumbent Senators that provides incumbents an overwhelming advantage over challengers.

Incumbents start out with more name recognition. Incumbents are permitted to send out free mass mailings to the voters of their States, which often are little more than thinly disguised campaign newsletters.

And most importantly, as virtually every legitimate study has shown, the campaign cash overwhelmingly flows to incumbents. Whether it is hard money, soft money, bundled money—you name it. The campaign money always flows to incumbents.

To suggest that spending limits will somehow make it more difficult for challengers to run for office is to suggest that challengers have access to the kind of money that incumbents have access to.

That assertion is just factually false. Challengers cannot raise millions of dollars as incumbents can. The few challengers that are able to mount credible campaigns are those few challengers that are millionaires, and that is why more and more Senate campaigns are turning into races between an incumbent and a millionaire.

As this first chart demonstrates, money does matter. In 1990, 1992, and 1994, the Senate average winning candidate not only outspent the loser in that particular race, but far outdistanced them.

In fact, in most cases, the winning candidate doubled—doubled—Mr. President, what the losing candidate spent. That means that for every television
spot the losing candidate was able to run, the winning candidate was able to run two television spots—in some cases, three or four or five times as many spots.

Now the fact that money is clearly the most determining factor in influencing the outcome of Senate elections is troubling by itself. It is a harsh indictment of the current limitless-spending campaign spending that the junior Senator from Kentucky is defending.

But if we know that the candidate who spends the most money is likely to be the winning Senate candidate, the next logical question is, who's getting the money?

As you can see, Mr. President, incumbents are getting the money. Not only are they getting the money, they are blowing challengers out of the water.

That is the current campaign finance system—a system in which the candidate who spends the most money is the likely winner, and a system in which the money flows overwhelmingly to incumbents. The current system is rigged to protect incumbents, and our proposal, for the first time ever, will provide challengers who do not have access to millions and millions of dollars to run a fair and competitive campaign.

We have spending limits in the Presidential system, Mr. President. Have they protected incumbents? They didn't protect President Ford. They didn't protect President Carter. And they didn't protect President Bush. The Presidential system, thanks to voluntary spending limits, has produced fair and competitive elections for 20 years now. The congressional system, with unlimited campaign spending, has produced the opposite.

The evidence is clear, Mr. President, and I am hopeful my colleagues will see through the phony and absurd argument that spending limits hurt challengers.

THE CONSTITUTIONAL ARGUMENT

Mr. President, I have listened to the arguments of the Senator from Kentucky, the Senator from Washington, and others, with respect to the constitutionality of this campaign reform proposal.

I share his concern that we should not pass legislation that would be a clear violation of the first amendment. I stand behind no one when it comes to defending amendment A and the principles it stands for. That is why I will not support a constitutional amendment that would allow us to impose mandatory spending limits. At one time, I did vote for a sense of the Senate regarding public financing as an amendment but I have come to believe that we should respect the Supreme Court's rulings on this issue, and that these rulings have provided enough guidance and direction that we can write a constitutional proposal that would be upheld by the Supreme Court.

I have to say that what the Senator from Kentucky is suggesting, that the voluntary spending limits might be found by the courts to be unconstitutional, is unfounded. Mr. President, this argument is a giant red herring meant to divert attention away from the real issues.

Let us be very clear about what the Supreme Court held in the Buckley versus Valeo decision in 1976. The Court said two very important things in the Buckley decision:

First, the Court made a distinction between mandatory limitations on expenditures by candidates, and mandatory limitations on contributions to candidates. The Court said that we cannot place mandatory spending limits on all candidates, because that would infringe on the first amendment rights of those candidates who may wish not to abide by the spending limits.

Second, the Court upheld mandatory limitations on campaign contributions, declaring that such contributions could have, or appear to have, a corrupting influence on the recipient of those contributions, and contributions could therefore be limited.

Now, I have heard the Senator from Kentucky say on many occasions that the Supreme Court has said that money equals political speech and that since we cannot limit political speech, we cannot limit the flow of money. As the Senator from Kentucky just asserted, money is speech and we can't limit it.

However, Mr. President, the Supreme Court did not, in fact, say that money is speech and cannot be limited, and saying it over and over again doesn't make it any more true.

The Court did say that money is a form of speech, and can only be limited by the Government in certain circumstances. And as I said, one of those circumstances is in the form of limits on campaign contributions. If the Supreme Court had held that money equals absolute speech, then they would not have upheld limitations on campaign contributions.

Besides contribution limits, the Supreme Court said that there are other ways we can constitutionally limit the flow of campaign money, including campaign expenditures.

As the Court said in the Buckley decision:

"Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. A candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding."

In short, the Presidential system is a completely voluntary system that offers incentives in the form of public financing to candidates who agree to limit their spending. That, the Court said, was perfectly constitutional.

And that sort of voluntary system, specifically upheld by the Supreme Court in the Buckley decision, is what the McCain-Fenigold-Thompson legislation is modeled after. We provide a voluntary system of spending limits and benefits. No one is forced to participate, no one is coerced into participating, and there are no penalties, not a single one, for candidates who choose not to voluntarily comply.

The assertion that the Senator from Kentucky is making, that voluntary spending limits tied to the offering of cost-saving benefits is unconstitutional, is a challenge that has been specifically rejected by the courts. Let me repeat that Mr. President. The argument that the Senator from Kentucky is making, that voluntary spending limits tied to benefits is unconstitutional, has specifically been rejected by the Federal courts.

The case was Republican National Committee versus Federal Election Commission, and in that case a three-judge Federal panel specifically upheld the constitutionality of voluntary spending limits and rejected the argument put forth by the Senator from Kentucky. That decision was summarily affirmed by the U.S. Supreme Court.

It is true that unlike the Presidential system, the McCain-Fenigold-Thompson proposal does not have public financing. It would have been my preference to have public financing, but I joined my colleagues in opposing public financing as a part of this compromise proposal.

Instead, we offer broadcast and post-age discounts that will substantially reduce the costs of running for a Senate seat. And the outlandish suggestion has been made by a few—very few indeed—that this distinction, between public financing and advertising discounts, is what makes our legislation unconstitutional.

Mr. President, that is an absurd proposition. The only way the voluntary system could possibly be unconstitutional is if the system were not truly voluntary, or in other words, if candidates were essentially coerced into participating. How do you coerce a candidate into participating? By making the benefits so incredibly valuable and by imposing tough penalties against those who choose not to comply, so that there really is not choice for a candidate to participate or not.

This is what happened to the public financing system in Kentucky. Senator McConnell—argument completely falls apart. The court in the Buckley case that public financing was not coercive. So for our bill to be unconstitutional, the benefits would have to be even more valuable than direct public financing.

Mr. President, the benefits in our bill are very valuable. The 50 percent broadcast discount alone will cut a candidate's advertising costs in half. But these benefits do not even come close to the value of direct public financing.

Suppose you are a Federal candidate running a $1 million campaign. And
suppose you had a choice of two benefits; you could either have a 50-percent discount on your broadcast advertising, or you could have a check for $1 million. Which benefit are you going to take?

The question is obvious, Mr. President. Every candidate in America faced with such a choice would clearly favor the public financing. Public financing is a far more valuable benefit, and for the Senator from Kentucky to suggest otherwise flies in the face of the reality of our campaign finance system.

I find it interesting that during the course of the many hearings that have been held in the Senate Rules Committee, much testimony was heard from several constitutional experts. However, only one of those experts, Law professor Fred Schauer of Harvard University, made it clear that he had no position on the policy aspects of the McCain-Feingold bill. Every other expert called by the committee—on both sides—made clear that, in addition to their legal views, they also has a bias as to either being in favor or opposition to the reform bill.

And how did Professor Schauer respond to the Senator from Kentucky’s claim that the voluntary structure of spending limits in our bill was unconstitutional? After pointing out that the arguments asserted by the Senator from Kentucky were the same arguments rejected in the RNC decision, a decision that was summarily affirmed by the Supreme Court, Professor Schauer said:

If we stick to the question * * * and separate the constitutional questions from the policy question * * * voting against the bill on the assumption that it is clearly inconsistent with existing Supreme Court and federal court precedent is not an accurate characterization of the precedent.

Mr. President, the Schauer testimony was in a chorus of objective analyses from constitutional experts around the country who have held that the voluntary spending limits in the McCain-Feingold-Thompson bill does pass constitutional muster. Without asking for anyone’s view on the policy implications of our proposal, we asked several authorities in the legal and academic community for their opinions about the constitutionality of this proposal.

We asked the nonpartisan American Law Division of the Congressional Research Service to prepare a constitutional analysis of our proposal. The analysis, prepared by Paige Whitaker, a well-respected attorney with CRS who has prepared a number of reports for Congress on this issue and who has been called to testify before Congress on campaign reform, states very clearly that the voluntary system created in our bill of offering incentives in exchange for compliance with spending limitations is wholly consistent with the Court’s ruling in Buckley versus Valeo.

In addition to CRS, my office contacted some of the most well-known and respected first amendment authorities in the country.

These authorities include Professor Daniel Hays Lowenstein of the UCLA Law School, Professor Cass Sunstein of the University of Chicago Law School, Professor Robert Post of the University of Pennsylvania, Professor Jamin Raskin of the Washington College of Law at American University and Professor Marlene Arnold Nicholson of the DePaul University College of Law.

These experts, among the most widely respected first amendment and constitutional scholars in the country, all agree that the voluntary structure of spending limits tied to broadcast and postage discounts is fully consistent with the Constitution.

Now, Mr. President, some have also suggested that the provision in our proposal to prohibit Political Action Committee contributions to Federal candidates may not pass constitutional muster. I, for one, am skeptical that any amendment, including those from a group of individuals from banding together, pooling their resources and contributing to a Federal candidate any more than you can prohibit any single individual from contributing to a Federal candidate.

However, we must remember that the Supreme Court has taken a favorable position with respect to the Government limiting campaign contributions, and indeed, the Supreme Court has held that a law that absolutely prohibits on specific entities making campaign contributions, such as labor unions and corporations.

Nonetheless, our proposal contemplates such a legal challenge, and contains specific fall-back provisions if the Supreme Court ruled a PAC contribution ban unconstitutional. These fall-back provisions would reduce allowowable PAC contributions from $5,000 to $1,000, and stipulate that no candidate could contribute more than 20 percent of the applicable spending limits in aggregate PAC contributions.

Where did this fall-back proposal come from, Mr. President? It is the exact same proposal, word for word, that was contained in the Pressler-Durenberger amendment offered to S. 3, the campaign finance reform bill considered in the 103d Congress.

That amendment, which not only banned PAC contributions, also banned all PAC contributions in Federal election including independent expenditures, included these very fall-back limitations on PAC contributions if the Supreme Court ruled such a ban unconstitutional. The Pressler-Durenberger amendment passed the U.S. Senate by a vote of 86 to 11.

Yes, 86 to 11, Mr. President. I voted for it. Most of the Members of this body, including the Senator from Kentucky, voted for it.

Our provisions dealing with PAC contributions are actually far more permissive than the provisions contained in the Pressler-Durenberger amendment which 86 Senators voted for.

I should also say, Mr. President, that a proposal to not only ban PAC contributions, but also to prohibit PAC’s from engaging in independent expenditures as the Pressler-Durenberger amendment did, can actually be found in a proposal that was introduced by the junior Senator from Kentucky. I am somewhat surprised that the junior Senator from Kentucky, who has condemned such a proposal as unconstitutional and a blatant violation of the first amendment, would include the PAC provision in the reform bill he wrote.

So, Mr. President, just a couple of years ago, 86 Senators went on record in favor of a PAC ban coupled with fall-back limitations in case of an unfavorable Supreme Court ruling. The provision in our proposal is actually far less restrictive than that included in the Pressler-Durenberger amendment, as we only limit PAC contributions, not their independent expenditures. If 86 Senators, including the junior Senator from Kentucky, believed a complete PAC prohibition to be constitutional enough that they could vote for it, I see no reason why the same number, or even more Senators now could not support a far less restrictive structure.

In closing, Mr. President, I want to assure my colleagues that I believe, and the Senator from Arizona believes, that the key provisions of this legislation would be upheld by the courts. My office has contacted nonpartisan experts from around the country, including the Congressional Research Service, who do not have a prejudice one way or the other on this proposal, have told us that these provisions are constitutional.

I ask unanimous consent that a statement designating that the broadcast provisions in the bill would have only a relatively nominal impact in the broadcast industry be printed in the RECORD.

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


To: Honorable Russell Feingold, Attention: Andy Kutler.


Subject: Estimated value of free and discounted TV time under S. 1219—the Senate Campaign Finance Reform Act of 1995.

This memorandum provides information related to estimating the value of the free and discounted TV air time that would be offered to Senate candidates under S. 1219, the Senate Campaign Finance Reform Act of 1995.

This memorandum focuses on estimating the value of the first two benefits, dealing with TV time.
As I have explained to you, and as has been reinforced in my conversations with all my sources, both these tasks are highly speculative, and the resulting estimates I have derived are subject to challenges by any number of grounds. I have used different methodologies and sources for each of the two tasks, relying in both cases on a combination of actual costs, educated guesses and assumptions by appropriate authorities. While these assumptions can legitimately be challenged, I believe this effort to be reasonable, because we attempted at a rough approximation of the dollar value of the proposed benefits. Appropriate caveats and sources are noted herein.

**Benefit No. 1: Free TV Time Proposal**

The bill would provide 30 minutes of free television air time to participating candidates, to be used: (1) in the general election period (i.e., once the candidate has qualified for the general election ballot); (2) on Monday-Fridays, between 6 PM and 10 PM (unless the candidate elects otherwise); (3) in segments of between 30 seconds and 5 minutes; (4) within the same market or broadcast station, or an adjacent State, but with no more than 15 minutes on any one station.

**Methodology**

Our goal was to make a reasonable determination of the value of 30 minutes of television advertising time which Senate candidates would use during a general election period.

At the outset, one is faced with the fact that there are enormous variations in costs of TV time. First of all, there are 211 media markets in the U.S., with substantial differences among them. Second, the broadcast market is a commodity market, subject to the laws of supply and demand. Hence, there are wide variations in costs within and across broadcast stations, even for comparable periods of time on comparable TV shows. Furthermore, there are no sources on the exact cost of TV ads, because of the complexity of the system for buying and setting rates for TV time. Finally, our task was compounded by the uncertainties involved in a political campaign setting, with no defensible candidate data for the benefit unknown and with the way in which candidates might use the benefit (within the parameters outlined in your legislation) unknown.

In undertaking this project, I was fortunate in obtaining assistance from two Washington-area media buyers who were substantially involved in campaign work. Despite their cautionary notes about the nature of this task (as outlined above), they understood the value of devising an intellectually defensible estimate and provided essential guidance in the process.

Our effort first focused on devising an average cost of a TV spot, based on the significant assumptions: the 30 minutes would be used by the Senate candidate in the form of 60 spots of 30 seconds each; the candidate would seek to place all free spots in prime time (your bill covers the early news (6 PM-7 PM) and prime access (7 PM-8 PM) periods, as well as most of the prime time (8 PM-11 PM) period; and the candidate would place the ads on as many of the most popular (i.e., highly rated) shows as possible. According to the Media Market Guide for the fourth quarter (which covers the months relevant to a general election), the national average cost per rating point for a 30-second spot in prime time (aimed at an audience of the age 18-18 was $25,403. As this represents the cost for a commercial advertiser, we subtracted 15 percent to reflect the rate most stations charge to political advertisers (this political rate, not required by law, should not be confused with the rate required by federal law which requires broadcasters to offer candidates). We arrived at a national political rate per point of $21,593. I then calculated a national average cost point by dividing $21,593 by 211 (the number of U.S. media markets), yielding an average political cost point of $102.

In order to get a cost figure for an actual 30-second spot, one must multiply the cost per point by the number of points which a particular program (or TV show) commands. With this method I found: Spokane prime time shows in Monday through Friday prime time, and then averaged their national rating point numbers. The shows (and the number of rating points) were: NYSD-CBS (15.90); 20/20, ABC (17.10); Law and Order, NBC (12.80); Frasier, NBC (14.70); and Chicago Hope, CBS (14.90). The average national rating points of these shows came to 15.1. Hence, the average 30-second spot on a popular prime time show is $15.1 multiplied by $102, or $1,540.

If 60 spots are used, the benefit equals $92,400 per candidate, on average. Obviously, a New York area candidate's benefit would be much higher, while a Montana candidate's benefit might be much lower.

**Estimated Total**

To derive a national figure, we made a simple calculation, based on the assumption of 66 major party general election candidates, with no qualifying minor party candidates. Of course, it is a considerable assumption that all major party nominees would participate in a national LUR. It is also the case that no minor party candidates would qualify. But as your bill calls for an hour of free time per primary, having minor parties qualify would change the total. Hence, multiplying $92,400 by 66 candidates yields a national total of $6,098,400, rounded to $6 million.

**Benefit No. 2: Discounted TV Time Proposal**

Your bill also provides participating Senate candidates the benefit of buying additional broadcast time at 50 percent of the lowest unit rate. This benefit would be available during the last 60 days of the general election period (which is in effect) and the last 30 days of the primary election (the LUR is now available to candidates in the 45 days before a primary, but your bill would change that to 30 days).

**Methodology**

Whereas the first benefit involves a specified amount of time in specific time periods, this provision would affect an indeterminate amount of broadcast purchases. Also, rather than involving a new form of candidate activity (i.e., a free service), this second benefit involves one candidates already, but with a prospective cost. Hence, whereas the first exercise was more theoretical, the second can be based more on what we know about current behavior among Senate candidates.

Specifically, by estimating the current level of campaign air time, one can make a reasonable assessment of the dollar value of the reduction in campaign expenditures. This exercise involves deriving a percentage estimate of the share of overall campaign expenditures that can be attributed to TV time during the periods affected by your bill, and then extrapolating this percentage onto campaign expenditure data.

There is no official source for data on broadcast expenditures for general election campaigns. While campaign expenditures are required to be disclosed with the Federal Election Commission, payments to broadcast stations are not itemized and are often included among other payments to media consultants; nor do the reports group expenditures by candidate or by category or by period of desired information. Furthermore, the Federal Communications Commission does not systematically compile data of this nature and this bill would be broadcast by the Federal Communications Commission to a considerable extent that the data would be available.

Following the 1990 congressional elections, two reporters for The Los Angeles Times undertook an extensive study of congressional campaign expenditures in that election—based on candidates' disclosure filings—and arranged the data into categories. Comparable studies were done following the 1992 and 1994 elections, by Dwight Morris (one of the original authors) and Murielle Gamache. Because of their exhaustive efforts and professional skill, these studies are widely accepted by candidates and political experts as containing the most reliable, authoritative data on campaign expenditures by type of spending. Consequently, the results are based heavily on the data in the most recent published study: Handbook of Campaign Spending: Money in the 1992 Congressional Races, By Dwight Morris and Murielle Gamache (Washington, Congressional Quarterly, Inc., 1994, 592 p.). (The 1994 edition will be published later in 1996.)

The summary tables, copies of which are attached, reveal that in 1992, major party Senate candidates who ran in the general election spent $88.8 million on "electronic media advertising." This figure was then defined on page xiv of Handbook of Campaign Spending as including: All payments to consultants, separate purchases of broadcast time, radio production, and production associated with the development of radio and television advertising.

Because the data unavoidably include production costs and consultant fees (which are irrelevant to the benefits in S. 1219 concerning air time), it is necessary to estimate the percentage solely for air time. The authors report that most media consultants add a 15 percent charge to media buys for their services (which include producing the ads). Hence, the actual cost would be 88.8 million dollars, or $13.0 million, and assume the remaining 85 percent of the "electronic media advertising" total went for air time purchases. This leaves $73.8 million for time purchases.

Several other factors must be taken into account in making the data in this study applicable to our purposes. First, the electronic media figure includes radio advertising; our interest is solely in television. In a telephone discussion on February 1 with Dwight Morris, one of the authors, we agreed that it was a reasonable assumption that 56 percent of the total went for television. Hence, subtracting another 5 percent, or $3.7 million, leaves $70.1 million for TV air time costs.

Second, the data include spending by the candidates in the primary as well as the general election period, as FEC data unavoidably does. The benefits in S. 1219 would apply to both periods, but only for the last 30 days in the primary and the last 60 days in the general election. Consequently, Dwight Morris and I agreed that it would be reasonable to assume that 90 percent of the media expenditures occurred in the general election. Given these assumptions, the $70.1 million yields $7.0 million for primary TV air time spending and $63.1 million for TV air time in the general election.

The study did not extend the extent to which the air time in the primary is bought in the last 30 days and the air time in the...
general election is bought in the last 60 days. Morris and I agreed (as did some of the media buyers I worked with in the first estimate) that at least 85 percent of the air time would be bought in the final 30 days of the primary and general election by Senate candidates. Subtracting an additional 5 percent in each case leaves an estimated $6.7 million for TV air time in the last 30 days of a primary and $3.6 million for time in the last 60 days of a general election.

**General Election Benefit**

Step 1. Starting with $86.8 million total for electronic media advertising, I subtracted the estimated cost of $4 million for consultant fees, $3.7 million for radio, and $7 million for primary spending, and $3.5 million for time purchased before the final 30 days of a primary period leading up to and including 1992. I arrived at a total of $51.3 million spent by major party Senate candidates in the 1993-1994 election cycle. Because the Morris/Gamache study included data for the six-year period leading up to and including 1992, I added the $12.6 million 1994 Senate candidates spent from 1989 to 1992 (which I calculated from the same press release). Hence, I arrived at a total of $283.3 million spent by major party Senate general election candidates in the entire six-year period. Assuming the total of total spending went for TV air time in the last 60 days of the general election, I got an estimated 1994 figure of $75.5 million.

Step 2. The 1992 total estimated cost of TV air time of $96.6 million and the 1994 estimate of $76.5 million can be averaged (in case one of the years was an anomaly in the context of overall spending trends), to yield $86.1 million, rounded to $68 million for convenience. While this is just an estimate, subject to all the caveats inherent therein, I would fairly easily confirm this by the basic method. Further estimates you may wish to make, specifically that the value of the broadcast discount would be 50 percent of this, or roughly an even $40 million.

**Primary Election Benefit**

The process for estimating the benefit in the primary period is complicated by the fact that one primary data source not only does not distinguish between primary and general spending, but it leaves out candidates who lost the nomination contest. Hence, I added a fourth and fifth step to the process: (1) use the Morris/Gamache 1992 data on cost breakdowns, appropriating amounts to specific functions; (2) apply the same percentage to 1994 data; (3) average the 1992 and 1994 figures; (4) examine 1992 and 1994 FEC data on primary losers, apply an appropriate percentage, and average the two dollar figures, yielding an average of $3.2 million; this average was $20 million as being spent on TV air time by Senate primary candidates in the final 30 days of the primary.

Mr. FEINGOLD. I yield the remainder of my time to my friend and a leader today in the future on campaign finance reform, the Senator from Arizona.

Mr. MCCAIN. I yield 30 seconds to the Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for yielding. I thank him for his leadership, as well as that of Senator Feingold. Let me say, as one of the two Senators from California, we need to raise at least $20 million—that is obscene—to win a Senate seat. That means a candidate running for Senate for California must raise $10,000 a day, 7 days a week, for each day of the 6-year term. This is unacceptable. I will support cloture. I will support campaign finance reform.

I intend to vote for campaign finance reform and for this measure cutting off debate so we can have the opportunity to discuss this crucial issue. We must pass campaign finance reform this year.

I feel we must limit the influence of special economic interests so that the public has no fear that Senators are representing those interests instead of the people of their State and the Nation.

As a Senator from the largest State in the Union, I am particularly aware of the need for reform. Candidates for the U.S. Senate in California must raise at least $20 million. This means that a candidate running for the Senate from California must raise at least $10,000 a day, 7 days a week, for each day of the 6-year term. This is obscene.

For me it is more important to meet the need for reform, the Senator from Arizona.
State, write legislation, and participate in debates like this one, let alone read as much as I can. There are several important aspects of campaign finance reform. First, we must abolish limits on campaign spending. The root of our problems with the current system is that campaigns spend too much. To me limits are one of the most important elements of reform. Second, we must end the practice of using soft money to evade contribution limits. Soft money originally was intended to be used for party building activities, but in many cases, it has tended to be used for party building activities, but in many cases, it has been known to invest my arguments with a little helped rhetoric, and it would be unfair of me to begrudge the genuine ardor our opponents hold for their cause, as unsound as that cause might be.

I commend them for their willingness to extensively and openly debate this legislation, so that the public may judge from our arguments who has carried the day. The cloture vote will indicate legislative failure or success today, but it will not necessarily indicate whose argument has prevailed. Nor, as I noted at the beginning of my remarks, will this vote, should we fail to reach cloture, signal an end to this campaign for reform. We will be back next year. We will ultimately prevail. Before I conclude, Mr. President, I want to again commend the Republicans and Democrats who sponsored and helped to craft this first genuinely bipartisan campaign finance reform bill. They have all distinguished themselves in this debate, and in this crusade to keep faith with the people's just demands for reform. First among these friends is my partner, the Senator from Wisconsin, Russ Feingold. The Senator is a man of honor, and his sense of honor prevails over his sense of politics. That is a virtue, Mr. President, a sometimes inexpedient virtue, but a virtue nonetheless, and one which I greatly admire. Mr. President, the Senator from Wisconsin and I came to the Senate to argue with one another. We came to the Senate with different ideas about the proper size and role of Government in this country. We came here to serve our constituents by serving those ideas, and we want to spend our time here in open, fair, and honest debate over whose ideas are the most sound. We did not come here to spend the majority of our time raising vast funds to ensure our reelection. Nor did we come here to incur obligations to a few narrowly defined segments of this country. All Americans deserve fair representation in our political system.

Again, these are voluntary spending limits. They are voluntary and they are fair. Mr. President, the opponents of campaign finance reform are as passionate in their opposition as we are in our support. We do not see the necessity of a demand for reform that is supported by three-quarters or more of the American public. No one. Not all campaigns are waged in such clean fashion. On a few occasions, I have been known to invest my arguments with a little helped rhetoric, and it would be unfair of me to begrudge the genuine ardor our opponents hold for their cause, as unsound as that cause might be.

I commend them for their willingness to extensively and openly debate this legislation, so that the public may judge from our arguments who has carried the day. The cloture vote will indicate legislative failure or success today, but it will not necessarily indicate whose argument has prevailed. Nor, as I noted at the beginning of my remarks, will this vote, should we fail to reach cloture, signal an end to this campaign for reform. We will be back next year. We will ultimately prevail. Before I conclude, Mr. President, I want to again commend the Republicans and Democrats who sponsored and helped to craft this first genuinely bipartisan campaign finance reform bill. They have all distinguished themselves in this debate, and in this crusade to keep faith with the people's just demands for reform. First among these friends is my partner, the Senator from Wisconsin, Russ Feingold. The Senator is a man of honor, and his sense of honor prevails over his sense of politics. That is a virtue, Mr. President, a sometimes inexpedient virtue, but a virtue nonetheless, and one which I greatly admire. Mr. President, the Senator from Wisconsin and I came to the Senate to argue with one another. We came to the Senate with different ideas about the proper size and role of Government in this country. We came here to serve our constituents by serving those ideas, and we want to spend our time here in open, fair, and honest debate over whose ideas are the most sound. We did not come here to spend the majority of our time raising vast funds to ensure our reelection. Nor did we come here to incur obligations to a few narrowly defined segments of this country. All Americans deserve fair representation by their Congress.

Mr. President, despite our philosophical and political differences, Senator Feingold and I have made a common cause in our pursuit of genuine campaign finance reform. To do so, we both knew that we would have to relinquish all partisan advantages that had underpinned legislative attempts at reform. We were determined to be fair, Mr. President, and on no occasion—no occasion—did Senator Feingold, or
any of the cosponsors, attempt to seed into this legislation an advantage for one party or the other. We were fair, we were committed to genuine reform, and we were and are determined.

I have found the experience liberating, and I believe it serves the wealthy, the powerful, and the politically connected at their expense. I urge all of my colleagues to join us in this necessary endeavor, to accept the public will and restore the public's respect for the institutions that are derived from their consent. Vote for cloture. Vote for reform.

RECESS
The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:02 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

CAMPAIGN FINANCE REFORM
The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, the McCain-Feingold campaign finance reform bill is not a perfect bill. But it is a good bill. More important, it provides a good start on what ought to be one of our top priorities: loosening the grip of big-money special interests on politics. I will vote for cloture not because I think this bill cannot be improved—it can—but because we must change the way campaigns are financed, and this is, for now, the only means we have to make that change.

There are those who say they oppose cloture because they want to be able to amend this bill and improve it. But let no one in this Chamber be fooled: a vote against cloture is a vote to kill campaign finance reform. We know that because the leading opponent of this bill has told us he intends to filibuster this bill and kill it if we give him the chance.

To block reform with calls for debate is more than cynical. It is dangerous.

A while back, the Kettering Institute conducted a survey of Americans' attitudes about the influence of money on politics. The survey found a widespread belief that “campaign contributions determine more than voting, so why bother?” It described a “political system that is perceived of as so autonomous that the public is no longer able to control or direct it.”

"People talk about government," the study said, "as if it has been taken over by alien beings."

We will never restore faith in government if people believe the political system is rigged against them, if they believe it serves the wealthy, the powerful, and the politically connected at their expense.

The McCain-Feingold proposal, as I have said, is not perfect. For instance, I believe we should encourage participation in our political process by individuals who get together not because they have some narrow economic interest in a particular bill but because they have a broad interest in the direction of government. That is exactly the kind of grassroots participation that this amendment would ban. Yet, yes, WISH LIST, encourage. Yet this bill would ban such participation. In my opinion, that is a serious flaw.

"But this bill does fix some of what is most broken about the current campaign finance reform. It reduces reasonable spending limits. It makes political campaigns more competitive for challengers. And it sets reasonable limits on the influence of PAC's. It is not an attempt by one party to rewrite the rules to its own advantage. This is a bipartisan effort that will be good for both our parties, and for our Nation. I want to thank Senators MCCAIN and FEINGOLD for their leadership in getting us to this point against a majority that have seemed at times very long odds.

I will vote for cloture because I believe it is wrong if another Congress comes and goes and does nothing about campaign finance reform. Talk may be cheap. But when endless talk is used to block action on campaign finance reform, it becomes terribly expensive because special interests are able to undermine efforts to solve the problems that matter most to America's families.

A while back, the Speaker of the House said, and I quote—"One of the big myths in modern politics is that campaigns are too expensive. The political process is not overfunded; it is underfunded."

Mr. President, the American people do not agree. A poll conducted earlier this year by a Republican and a Democratic pollster asked people whether they agreed that "those who make large campaign contributions get special favors from politicians." Sixty-eight percent said yes, they agreed, and they said they were deeply troubled by it.

So the need for campaign finance reform will not go away, even if, for some reason, campaign finance reform is not enacted in this Congress. Ultimately, we must change the rules. We must lessen the influence of money on politics. I urge my colleagues to join me in beginning that change by voting now to bring this sensible, modest, pro-reform forward for a vote.

Mr. LOTT addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that I may use leader time for a very brief statement.

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

Mr. LOTT. Mr. President, just very briefly, I want to commend the Senate for the quality of the debate on this campaign finance reform issue. I have been able to listen to several of the speeches that have been given. I think on both sides of the issue and on both sides of the aisle, it has been an outstanding debate.

I commend specifically Senator MCCAIN, Senator FEINGOLD, Senator THOMPSON, and others who have sponsored legislation on the quality of our cooperation and debate.

I also commend the courage, once again, of the outstanding leader of the opposition to this campaign finance reform, Senator MCCONNELL. He has done a magnificent job. I think we should recognize the bipartisan approach that...

I think this is an important issue which we will address, I am sure, again in the future. But I think it is too important to address right at this point in the heat of the national election debate.

I do not think we have the solutions here. So I urge that cloture not be invoked.

I hope the Senate will not invoke cloture on the McCain-Feingold substitute amendment to S. 1219.

We all agree that campaign finance reform is an important issue. But it's become too important to deal with it during the heat of a national election.

It is already too late in the calendar year to make this bill's provisions apply to the elections of 1996. So we are not going to lose anything by waiting until early next year to get this job done.

When we do it, we have to do it right—the first time. We should not make the same mistake the Senate made back in 1974, when it hastily cobbled together a campaign reform bill that later came apart at the seams before the Supreme Court.

Since the Court's decision in Buckley versus Valeo in 1974, the Congress has been on notice that, when it comes to imposing rules and restrictions on the financing of political campaigns, we must be scrupulously careful of the First Amendment.

In short, our good intentions must pass constitutional muster. My personal judgment is that this bill does not do so.

I recognize that others may disagree, but when it comes to the free speech protections of the First Amendment, I prefer to err on the side of caution, rather than zeal.

I need not go into all the details already covered by other speakers, but I note that one of the key provisions in this legislation—concerning political action committees—has a fallback provision, in case the original provision is overturned by the Supreme Court as a violation of the First Amendment.

What that means to me is that we know at least some parts of this bill are on shaky ground. I think we should craft campaign finance reforms that are rock solid.

Two of our colleagues from the Republican side of the aisle have played crucial roles with regard to this legislation. Both have acted out of conscience and principle, and have come to opposite conclusions.
Senator McCain took the lead in shaping this legislation and advancing it to this point. His determination has kept this issue in the spotlight, and I know he will not give up the fight now. I hope to work with him over the next several months to see how we can build on his efforts for a bill that will be more broadly supported and, finally, enacted into law.

Senator McConnell has, in this 104th Congress as in preceding years, been a consistent critic of campaign finance laws which, in his judgment, would limit access to the political process or inhibit participation in it.

The vote is now on the campaign finance reform bill, S. 1219. I am confident that the Congress does not attempt to achieve a worthy goal by less worthy means.

I think everyone has had their say about campaign finance reform. Now it’s time for the Senate to move on to other pressing issues.

So I will vote against cloture. And if my colleagues agree with me, and cloture is not invoked, it will then be my intention to return to the Department of Defense authorization bill.

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1219, the campaign finance reform bill:

Trent Lott, J. John McCain, Judd Gregg, Bob Smith, Rick Santorum, Sheila Franah, Clai,borne Young, Jeff Bingaman, David Pryor, John F. Kerry, Paul Wellstone, Patty Murray, Fred Thompson, Bob Graham, Herb Kohl, Russell D. Feingold.

So put on some comfortable clothes and shoes. Remember that the temperature will be hot and the air humid. And let us go hear the cow jam, look at the livestock, take a ride on the midway, eat a corn dog, and marvel at how realistic the cow sculpted from pure butter looks. Let us all go to the Iowa State Fair.

Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

MORNING BUSINESS

Mr. Lott. We do have some requests for time. With the agreement of the Democratic leader, I ask unanimous consent that we be in morning business until the hour of 3 p.m., at which time we hope to have the unanimous-consent request involving a number of issues ready.

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

The PRESIDING OFFICER. The mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on S. 1219, the campaign finance reform bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 54, nays 46, as follows:

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IOWA STATE FAIR

Mr. GRASSLEY. Mr. President, one of the best ways to tell the Iowa story already unfolds each year in Iowa's capital city, Des Moines. The Iowa State Fair has become an icon of life in Iowa—it is a reflection of what is best about Iowa and its people. Sparkling in the early morning sun, hundreds of thousands of visitors each year, the State fair offers a diverse range of exhibits and performances. And it is among the largest agricultural exhibitions in the Nation.

In 1854, 8 years after Iowa joined the Union, the first State fair was held in Fairfield, IA, on a 6-acre field. Even in those early years, Iowans came from miles around. Although the fair was only a 3-day event, an amazing crowd of over 10,000 arrived before dawn and camped in covered wagons along the road. In 1878, the fairgrounds were permanently moved to Des Moines. Today, the fairgrounds span 400 acres, including 160 acres of campgrounds. Each year, the fairgrounds attract hundreds of thousands of popular entertainment features included female equestrians and a contest among seven men to plow one-quarter or an acre the fastest. In 1911, the Wright brother's airplanes demonstrated a day of the future.

The Iowa State Fair began a unique tradition in 1916 that holds true today and continues to unite all ages of fair goers. That year, young 4-H club members showed livestock and bees until judging was over. The following year boasted the largest sheep exhibition of its time. To this day, young Iowa 4-H and FFA exhibitors continue to impress visitors and judges with their livestock and homemaking projects. By the way, I am proud to say that 4-H was started in Iowa.

For over 141 years the essence of the Iowa State Fair has not changed. Its main focus continues to revolve around agriculture and its opportunities. The tradition of excellence in Iowa agriculture products has stood the test of time. Take a quote from a fair judge in 1854: “as to corn, it is useless to talk of anything there is a greater abundance of. The bounty and achievements of Iowa State Fair a major event in the Midwest. The bounty and achievements from across our great Nation and from overseas is honored each summer at the Iowa State Fair.

Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

The PRESIDING OFFICER. The Senator from Iowa.

THE PRESIDING OFFICER. On this vote the yeas are 54, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

Mr. LOTT. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

The CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on S. 1219, the campaign finance reform bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1219, the campaign finance reform bill:

Trent Lott, J. John McCain, Judd Gregg, Bob Smith, Rick Santorum, Sheila Franah, Clai,borne Young, Jeff Bingaman, David Pryor, John F. Kerry, Paul Wellstone, Patty Murray, Fred Thompson, Bob Graham, Herb Kohl, Russell D. Feingold.

The Iowa State Fair was one of the best ways to tell the Iowa story already unfolds each year in Iowa's capital city, Des Moines. The Iowa State Fair has become an icon of life in Iowa—it is a reflection of what is best about Iowa and its people. Sparkling in the early morning sun, hundreds of thousands of visitors each year, the State fair offers a diverse range of exhibits and performances. And it is among the largest agricultural exhibitions in the Nation.
Ms. MOSELEY-BRAUN. Thank you.

OUR NATION'S SCHOOLS

Ms. MOSELEY-BRAUN. Mr. President, 2 years ago my colleagues, Senators KEATING, WELLSTONE, and KERRY joined me in asking the General Accounting Office to study the condition of America's schools. Since then, the GAO has surveyed 10,000 schools in over 5,000 school districts. They have visited 41 schools and interviewed State officials responsible for school facilities in all 50 States. They have now written six reports documenting the condition of America's schools.

Today, Mr. President, I am pleased to present the final two reports in the series. The first, "America's Schools Report Differing Conditions," documents crumbling school facilities in every State, in every region of the country, in every type of community, and in every type of school serving every kind of American child. The second report, "Profiles of School Condition by State," presents all the information that the GAO has compiled on the condition of school facilities in each State, build quality conditions and readiness for computers, as well as State funding needs and the level of State support for school facilities.

Mr. President, these reports document a problem that transcends geographic and demographic boundaries. Crumbling schools is not just an inner-city problem, it is not just a problem for poor children or for minority children. Crumbling schools are everywhere. It is an American problem. And it relates directly to our future ability to maintain the quality of life that Americans expect.

I have charts here that paint the picture of the schools' conditions in the four regions of our country. In every region, the GAO reports that whole buildings are inadequate, that building features, like roofs, walls, and windows, are inadequate, and that the environment for learning, like the lighting, ventilation, and indoor air quality is inadequate.

In the Northeast, 30 percent of the schools report inadequate buildings, 59 percent report inadequate building features, and 57 percent report inadequate environmental conditions.

In the Midwest, 27 percent of the schools report inadequate buildings, 57 percent report inadequate building features, and 55 percent report inadequate environmental conditions.

In the South, 31 percent of the schools report inadequate buildings, 57 percent report inadequate building features, and 57 percent report inadequate environmental conditions.

And in the West, 38 percent of the schools report inadequate buildings, 54 percent report inadequate building features, and 58 percent report inadequate environmental conditions. Mr. President, crumbling schools span our country.

In the urban areas, 38 percent of the schools reported at least one inadequate building. In rural areas, it is 30 percent. In the suburbs, it is 29 percent. This problem is not just confined to urban, rural, or suburban schools. It is across the board. Inner city schools are disappearing in the inner city schools, as well as rural schools.

My home State of Illinois is a microcosm of the Nation. We have Chicago, farmland, wealthy suburbs, and the poorest slums. Schools are crumbling in every corner. Mr. President, 31 percent of Illinois schools report at least one inadequate building, 62 percent report at least one inadequate building feature, 70 percent report at least one inadequate environmental condition.

In Illinois' wealthier communities, schools are full of computers and are designed to meet every student's and teacher's needs. The situation is different in all too many other communities. There, computers sit idle because the cost of upgrading schools for the information age is not available, or because there is nowhere to put them, or no one who knows how to use them.

Five years ago, in his book, "Savage Inequalities," John Kozol described the condition of some of Illinois schools. He reported schools "full of sewer water," without playgrounds, science labs, or art teachers. He went to schools where the stench of urine permeated the halls. He wrote of schools that were "extraordinarily unhappy places."

Today, Mr. President, the GAO reports that these conditions still exist, in all 50 States—in States that place a high priority on education, as well as those that do not.

I point out that these facility problems are not cosmetic. A study released last month found a direct correlation between crumbling schools and student achievement in the North Dakotas. This is the latest in a string of reports that consistently prove that students can't learn if their schools are falling down.

When we send our children to crumbling schools, we subtract from their opportunities. A generation ago, a college graduate earned about twice as much as a high school dropout. Today, the ratio is nearly 3 to 1.

The income gap between educated Americans and uneducated Americans is growing. When we do not give every child the best chance to succeed, we undermine our future economic, military and intellectual strength and hard work were enough to raise a family. In the information age, education is a prerequisite to employability. A good education has become a form of currency that buys quality of life. According to the Department of Labor, by the year 2000, half of all new jobs will require an education beyond high school.

When we send our children to crumbling schools, we subtract from America's opportunities. Education benefits the Nation as much as it benefits the individual.

When students do not learn, we all contribute to the costs of remedial education. We pay for government-sponsored health care, welfare, child care, job training. We pay for crime prevention to house millions of prisoners, more than 80 percent of whom are high school dropouts.

The year the Federal Government spends nearly half a trillion dollars on antipoverty, crime prevention, and health care programs.

Investing in education would save much of these costs and much of this crime. Yet we have neglected the needs of our elementary and secondary schools, and it has shown up in our children's test scores. It affects their ability to concentrate and to learn and to receive the kind of education they need to keep America competitive in the 21st century.

The time has come for a new school facilities paradigm. Local school districts are simply overwhelmed. The local tax base often cannot itself keep up with routine maintenance costs—let alone the costs of following a 21st century learning, or to ease overcrowding. Of course, local bonds issues fail regularly.

State governments, the GAO reports, are not fixing the problem. In 1994, the Federal Government spent $31.2 billion all told—a far cry from the $112 billion need that the GAO has documented.

I believe that the time has come for a partnership between all levels of government. The national interest compels us to support elementary and secondary educational opportunities on a consistent national basis, and in ways that do not interfere with local control of education.

I just as the Federal Government pays for the Interstate Highway System, but the construction decisions are made at the State and local levels, the Federal Government can support education infrastructure without getting involved in the kinds of decisions that belong at the State and local levels.

I have sent every Senator and Governor the GAO results for their State and for the country. I welcome their input. It is time for us to open a dialog about this issue because I believe that together we can address this problem and we can fix our schools.

When America was faced with a challenge of adapting to the industrial age, we did, and we emerged as the world's economic, military, and intellectual leader. Now, we are moving into the information age. We have to adapt again.

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Investment in the infrastructure needed to support the technological change the world has witnessed is an inefficient and appropriate place to start.

These reports today complete the first comprehensive school facility survey in over 30 years and the most exhaustive study ever. Their work provides the foundation for the new kind of Federal, State, and local partnership that we need to make our schools work for the 21st century.

Mr. President, crumbling schools is a ticking time bomb. In this global economy, in the information age, we should
be able to devote some small measure of our national resources to prepare our children with a chance to learn.

Mr. KENNEDY. Mr. President, the Nation's schools are facing enormous problems of physical decay. According to a report released today, "School Facilities: America's Schools Report Differing Conditions" and "School Facilities: Profiles of School Condition by State," 14 million of the Nation's children in one-third of our schools are learning in substandard school buildings. About half of the schools have at least one unsatisfactory environmental condition, such as poor air quality.

Massachusetts is no exception—Forty-one percent of Massachusetts schools report that at least one of their buildings needs extensive repair or should be replaced; 75-percent report having at least one inadequate building feature, such as a plumbing or heating problem, and 80 percent have at least one unsatisfactory environmental factor.

It is difficult to teach or learn in dilapidated classrooms. Student enrollments will reach an all-time high next year and continue to rise. By this fall, 51.7 million students will be enrolled in elementary and secondary schools—surpassing the previous record of 51.3 million in 1971, and enrollment will increase to 54.1 million by 2002. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

GAO estimates that American schools would need $112 billion just to repair their facilities. Yet the Republican budget cuts education by $25 billion, or 20 percent in real terms, over the next 6 years, with no provision at all for maintaining or upgrading facilities. In the Republican appropriations bill scheduled for consideration in the House this week, Federal aid to Massachusetts schools would be cut by almost $91 million next year, compared to the President's budget.

Obviously, the Federal Government cannot meet all the needs of all the Nation's schools. But education is a national priority and a national investment. Clearly, Congress should not be slashing aid to schools when their needs are so vast.

LICKING VALLEY GIRL SCOUT COUNCIL GIRL SCOUT GOLD AWARDS

Mr. FORD. Mr. President, I want to draw special attention today to six young woman from northern Kentucky. These six young women from the Licking Valley Girl Scout Council are recipients of the Girl Scout Gold Award—the highest achievement a Girl Scout can earn. Each one has demonstrated outstanding achievements in the area of leadership, community service, career planning and personal development.

Girl Scouts of the U.S.A. serves over 2.5 million girls and has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. Recipients of the award have not only earned patches for the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and the Career Exploration Pin, but have also created and implemented a Girl Scout Gold Award project.

But perhaps most importantly, these six Gold Award recipients have made a commitment to community that should not go unrecognized. I would like to take this opportunity to commend the six Young Women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These six young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky. These young women from northern Kentucky.

For 85 years, the Girl Scouts have provided "an informal educational program to inspire girls with the highest ideals of conduct, patriotism, and service so they will become responsible citizens." The Licking Valley Girl Scouts alone serve over 5,000 girl and adult members.

Mr. President, I know my colleagues share my enthusiasm and admiration for the Girl Scouts' commitment to excellence. And, I know you will agree with my belief that this award is just the beginning of a long list of accomplishments and successes from these six Girl Scouts.

COMMENDING INDIVIDUALS WHO HELPED RESOLVE FREEMEN STANDOFF

Mr. BAUCUS. Mr. President, I would like to take this opportunity to commend the Senate to some valiant individuals who demonstrated courage, patience, and understanding while working to end the standoff between the Government and the so-called Freemen.

We in Montana are not accustomed to the national spotlight. We are content to mind our own business. But we have received a great deal of publicity the last 2½ months for the standoff of the so-called Freemen.

The standoff took a long time, and was never without a serious threat of danger. Everyone involved with bringing these fugitives to justice deserves our respect.

First off, I would like to applaud two individuals who dealt with the situation years before the national media took an interest in the Freemen. Charles Phipps, Garfield County sheriff, and Nick Murnion, Garfield County attorney, had to endure death threats, imminent peril and, finally, intense media scrutiny. Through it all, they handled themselves and their jobs with great courage.

I would also like to thank several Federal officials who were instrumental in bringing this confrontation to a peaceful resolution. Sherry Matteucci, U.S. attorney and Jim Seykora, assistant U.S. attorney. And working for the Federal Bureau of Investigation were: Weldon Kennedy, Robert Bryant, Robert Blitzer, Thomas Kubic, Robin Montgomery, James Cleaver and Thomas Canady. These people's dedication to community that should not go unrecognized.

And finally, I would like to thank the people who have been patient for over 2 years. They have exhibited a shining example to the rest of the country, and they welcomed the influx of law enforcement officials with open arms. These people are the residents of Jordan, MT, and the surrounding area. They are regular Montanans. I had the chance to visit with a few of them. They were not particularly happy about all the fuss they were getting, but they knew that it would eventually pass. Without their patience and resolve, we could not be enjoying the results that we do today.

Now that the standoff is over, life in eastern Montana will return pretty much to normal. Folks can go back to the lives they have come to miss over the past few months. But as we do so, it is important that we learn from this experience. And due to the efforts of the individuals I named, my State, our country, is a little better and a little wiser.
strongly each time he ran. BILL always 
turned him again and again, very 
to the hearts and minds and souls of 
district. He knew the district. He spoke 
One of his legislative priorities this 
year was to establish a common interest in. 

had worked with the late Congressman 
and many of the food programs 
that they shared a common interest in. 
Of his legislative priorities this 

was a bill that would make it 
easier for food unused by restaurants, 
supermarktes, and other private 
businesses to end up in food pantries and 
shelters, rather than in garbage cans and 
dumpsters.

The increase in the national debt in 
the 24 hours since my report yesterday—which identified the total Federal debt as of close of business on Friday, June 21, 1996—shows an increase of 
more than $1 billion—$1,225,352,306.06, 
to be exact. That 1-day increase alone is 

BILL EMERSON MEMORIAL BRIDGE

Mr. BOND. Mr. President, I rise to 
tell my colleagues of the death of a 
good friend and colleague, Congressman 
BILL EMERSON, who, until Saturday 
day night, represented southeast 
Missouri’s Eighth Congressional District. 
BILL EMERSON was, I believe, well 
known to many in this body, certainly 
to many around this city, and was 

BILL EMERSON was a 15-year-old con-
gressional page in 1954 when a Puerto 

had the privilege of knowing him 
well. I wish we all could have had 
the honor of knowing him. That is 
small comfort. Since his death, we 

Mr. BOND. Mr. President, I point out 
that the floor Order of Business was 

at the beginning of the session, 

that the bill be placed at the appropriate 
place in the Record. The 

was deemed read the third 
time, and passed, as follows: 

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

SEC. 1. DESIGNATION OF BILL EMERSON BRIDGE.

The bridge, estimated to be completed in 
the year 2000, that replaces the bridge on 
highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Mis-
souri, shall be known and designated as the “BILL EMERSON Memorial Bridge”.

SEC. 2. REFERENCES.

Any reference in a law, map regulation, 
document, paper, or other record of the Unit-

ed States to the bridge referred to in section 
1 shall be deemed to be a reference to the 
“Bill Emerson Memorial Bridge”.

Mr. BOND. I thank the Chair and my 
colleagues. This means a great deal to 
the family of BILL EMERSON, to his 
constituents, and all of his good friends. 

Mr. THURMOND. Will the Senator 
yield?

Mr. BOND. I am happy to yield. 
The PRESIDING OFFICER. The 
Senator from South Carolina.

Mr. THURMOND. Mr. President, I 
want to commend the able Senator for 

for his State, and we will miss 

Mr. ROBB addressed the Chair.

Mr. ROBB. Mr. President, I would 
like to add a word on behalf of BILL 
EMERSON. My perspective comes prin-
cipally from the personal side. All of 
the Members of Congress, of course, 
represent their districts and return to 
their districts often. But, frequently, 

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I have had the opportunity to observe Bill and his reaction to the tragic news of his illness and the way in which he handled that. It was an extraordinary demonstration of courage and faith that he so magnificently handled what many would view as a tragic situation.

There are many measures of Bill Emerson. It would be impossible for me to list them all—diligent worker, someone who knew Congress inside and out, starting here at the age of 15, someone whose life was devoted to public service, someone who deeply loved his family and was a man of considerable faith. But I think the memory that I share of Bill Emerson is one passed on to me by my wife during the graduation ceremony when our two children graduated just a week or so ago. I did not see Bill at that time. I rushed in from the Senate to the graduation just in time for the beginning of the ceremony, but Marsha had met Bill just literally days away from his death, suffering from terminal cancer, sitting in a wheelchair, assisted in his breathing with oxygen, with two dozen roses in his lap and a big smile on his face, watching as his daughter received her high school diploma.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. LOTT. Mr. President, I ask unanimous consent that we resume consideration of the Department of Defense authorization bill for debate only, until we seek further recognition at approximately 3:20, while we continue to put the final touches on our UC request involving a number of bills.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will state the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kempthorne amendment No. 4089, to waive any time limitation that is applicable to awards of the Distinguished Flying Cross to certain persons.

Warner/Hutchison amendment No. 4000 (to amendment No. 4089), to amend title 38, United States Code, with respect to the awarding of medals for military service to the United States and their immediate families.

Mr. NUNN. Mr. President, as we begin the fourth day of consideration of this bill, I thought it would be appropriate to give the Senate my own view of where we have been and where I think we are going if we are going to finish this bill, which is a very important measure.

Thus far, we have debated this bill for about 24 hours. We have disposed of 34 amendments. I have not kept an exact count of the amount of time consumed by consideration of these amendments. I think we have made good progress on a bill that is thus far to our bill, but I will make a conservative estimate, and a charitable observation, that well over half of the time of our debate has been devoted to these three nonrelevant amendments.

While the debate was going on, most notably the reopening Pennsylvania Avenue, pharmaceutical patents under the GATT agreement, and the stalking of women are certainly worthy of Senate debate, none of them are in the jurisdiction of the Senate.

One of the reasons I would support cloture at this time is that we have been working hard on our side of the aisle to compile a list of what would be considered the major defense amendments to be offered by Democratic Senators, and time agreements for the consideration of these amendments. We have worked with the leadership to finalize the list. I would not say it is final now, but we certainly have some idea—more than we did the other day.

In addition, we will continue to urge Senators who have an amendment to offer on this bill to notify us of their intention as soon as possible so that we can develop a finite list of amendments that will lead to a time of completion of the Senate consideration of S. 1745.

Now that a list has been filed on the defense bill and a vote will occur on that tomorrow morning. I understand where the Senator from South Carolina and the leadership is coming from in proposing that motion. We would like to have this debate at this time. Invocation of cloture would require not only relevancy, but also germaneness. Many amendments that directly relate to defense and that are in the jurisdiction of the committee, although they would be considered relevant, under cloture and that would not require outside conferees, are relevant to the bill but not germane to the bill, which would be required under cloture.

So I do not intend to support cloture tomorrow. If it is invoked, everyone should realize that most of these amendments that I would call nonrelevant would be ruled out.

I mentioned that considerable time has been consumed on nonrelevant amendments. I hope that we can find ways to have time agreements. I hope we can find a way to get a definite list of amendments and make sure that those are the only ones that are going to be offered so we know we can finish this bill. If we can do that on both sides, then, of course, we will not need to invoke cloture. If we are not able to do that on both sides in the near term, then at some point I will support cloture. But I do not intend to do so tomorrow.

The defense bill was started last Tuesday, and one of the reasons I will not support cloture—in addition to the relevant and germane considerations, which are very technical but very important when people are frozen out of amendments—is that we have been interrupted and over and over again in the consideration of this bill. Although we have had the bill before us for 4 days, we have not had many hours for debate on the bill itself.

We were interrupted, as I said, by nonrelevant, nongermane amendments. We were interrupted for consideration of Federal Reserve nominations.
on last Thursday. I understand that I certainly understand that we had no choice on that.

We, also, of course, have had a day and a half of debate during this time on the campaign finance bill which we voted on a half minutes ago. That was on the floor both Monday and a half day Tuesday.

So we have not really had a clear shot at moving this bill forward with genuine defense amendments. I think we ought to give that a real try as we move forward this week. If we do not make progress in debating major defense amendments—we keep getting these amendments that are well-meaning and I am sure very sincerely pursued by Senators but that have nothing to do with defense and in all likelihood would not be part of a defense bill that went to the President. If we continue to get those, we will simply not be able to finish this bill.

So with the continued leadership of our chairman Senator THURMOND, and the leaders, I am hopeful that by the end of the day today we will begin to have a road map to lead us to the conclusion of this bill. I urge everyone on this side, the Senate, to focus more about amendments. Many of them can be worked and altered somewhat and accepted. Some of them can be accepted the way they are now. But if we are able to get those amendments, I would want to work with the Senator from South Carolina in every way possible to have a definite list of amendments on the Democratic side that would represent all of the amendments that would be offered so that we could get a unanimous consent agreement that no other amendments would be offered, and then we would be able to see the light at the end of the tunnel.

Mr. President, I yield the floor. Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. ROBB. Mr. President, I first of all commend the ranking member of the committee for his work in attempting to reduce the number of amendments so that we can handle this bill. I expect to follow his lead tomorrow. I believe the next amendment to be offered, the amendment from the Senator from Virginia.

The review that we are proposing had some reservations about our approach. I have worked out those concerns, and I really believe this amendment is critical if we are serious about our role in the international community and our simultaneous quest for credible deterrence and fiscal responsibility.

Mr. President, we have to start by re-examining the basic structure of the U.S. Armed Forces. That structure, though smaller, has changed very little in its composition since the end of the Cold War. The nature of the threat and the means for countering it are dramatically different.

I believe we need to take a long, hard look at the weapons systems that are in place and determine which are truly critical for the 21st century. I believe we have to look for ways to leverage our Nation's technological advantages.

By expanding the range and accuracy of our weapons and the effectiveness of our support equipment, we may be able to reduce the number of troops and logistics operations. We certainly need to take greater advantage of our exceptional intelligence communications capabilities which have the potential to dramatically affect how we develop and deploy strategic doctrine and battlefield tactics.

Mr. President, each of these areas of endeavor ought to be explored in a major review of our force structure. We also need to assess the Bottom-Up Review's assumptions about our capabilities in a more realistic fiscal context.

In particular, we need to take a much more critical look at the kinds of threats to U.S. national security interests that we will likely face 15, 20, or even 30 years from now.

While the original Bottom-Up Review served a useful purpose, its analysis of the personnel, weapons, and military doctrine required by a 21st century American force is simply no longer adequate.

This review that we are proposing should take a tabula rasa look at the nature and effects of unconventional threats such as regional and ethnic conflicts, nationalism, political extremism, and failed nation-states, proliferation of weapons of mass destruction, technology transfer, and information warfare and terrorism, both international and domestic.

The review should, of course, look at the continuing threats of major regional conflicts such as we faced in the Persian Gulf, but should specifically look as well at the possibility of a major peer emerging or reemerging as a competitor on the world stage.

The obvious candidates over the 15-year horizon are Russia, and especially China with its booming economy fueling its military revitalization and modernization program.

Mr. President, in our long-term planning we should also assess the potential for armed conflict in broad geographic regions. Take, for example, the tinderbox of the so-called Rising East where the United States has fought five times in the last 100 years. In addition to the United States presence, there is a vast area home to the world's five other largest armed forces: North and South Korea, Vietnam, and the potentially nuclear-capable India and Pakistan. The latter may be particularly problematic.

What on its face looks like a regional conflict might require redefinition somewhere between global and regional, if nuclear weapons are exchanged, and affect a great many neighboring countries.

It would be incumbent on those conducting the review to detail the specific threats, need for active, reserve, and support force type—needed to execute alternative strategies that run the gamut from global war to the nearly simultaneous major regional conflicts—or MRC's, as we call them—to a number of contingencies smaller than an MRC.

Assumptions about Reserve readiness, allied mission sharing, warning times, and the effect of developing technologies on the force structure must also be addressed.

Other questions should include, at a minimum: What are the risks under alternative force structures, if funding through 2010 and beyond remains constant? Should forces be sized against specific enemy threats, against national security commitments, or against available national resources? Reserve forces normally trained, equipped, and deployed? Do peacetime operations necessitate changes in the way we have organized, trained, and deployed forces? How should we bring our teeth to tail ratio back in line?

What outsourcing opportunities offer the greatest potential for stretching the defense dollar? Are there better measures of readiness available? Does the current structure of the unified combatant commands make sense for the next century?

Mr. President, many defense analysts—in the Department, academia, and industry—are asking similar questions. I have been giving each of these matters a great deal of thought in recent months, and my staff has done a great deal of research. When I learned that Senator LIEBERMAN and others, including the current occupant of the chair, were looking at different ele-
that I have just highlighted in the quadrennial defense review.

This review, recommended by the Roles and Missions Commission, is an examination of U.S. defense strategy and force structure through 2005. But before the Secretary of Defense can have a second opinion as well.

As such, this amendment will call for the creation of a parallel but independent panel of private experts from the Nation’s major think tanks, academia, and the defense industry. The panel that we are going to describe should have full access to DOD resources and analyses and will provide its assessment of the quadrennial defense review by Secretary of Defense by March 14, 1997.

With this input, the Secretary of Defense would finalize his quadrennial defense review and provide his summary, an assessment by the panel, and comments by the Chairman of the Joint Chiefs of Staff to the congressional defense committees by not later than December 1, and the Secretary, in turn, will submit the panel’s report to the Congress no later than December 15, along with his comments on the report.

In the final analysis, we need to acknowledge that defense spending has fallen to a level that simply will not meet the national military strategy for fighting and winning two nearly simultaneous major regional conflicts. Overall defense spending as a percentage of GDP has fallen to its lowest level since just after World War II. It absorbed about 10 percent of the gross domestic product during the early 1980’s but had fallen by not later than May 15. It is a safe bet, it seems to me, Mr. President, that the ensuing hearings would be provocative and enlightening.

Once the quadrennial defense review is completed, the panel will take the next step of pushing the envelope in long-range thinking.

Looking out to 2010 and beyond, the panel will explore a range of threat scenarios, build force structures to meet those scenarios, and evaluate the risks and costs associated with each. In the process of conducting this forward-thinking assessment, the panel will again have the authority to task any DOD component for data and analysis.

The panel’s final product will be delivered to the Secretary of Defense not later than December 1, and the Secretary, in turn, will submit the panel’s report to the Congress no later than December 15, along with his comments on the report.

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best of our knowledge, to the best of the knowledge of the best thinkers we have on these matters, both inside and outside the Pentagon today, what are the security threats that America is likely to face in the next century and how do we meet those security threats? It is as simple, and in some ways as complicated, as those simple questions suggest.

Those of us who are sponsoring this amendment believe that such a study is essential. The United States is going to be able to meet the security challenges of the 21st century in light of the dramatic changes that have occurred in the geopolitical situation, the changes in the threats to our security which, in the view of some experts, are even more daunting than those we faced in the cold war, and the ever-present but increasingly more difficult problems of resource constraints, which is to say budget pressure—limited amounts of money to spend on the full range of governmental responsibilities; remembering, as we approach this function of Government, that the reason governments were formed in the first place was to provide that underpinning of security without which we cannot then go on to secure and provide the freedom and opportunity and benefits that Government attempts to provide for our people.

This study that will be authorized by this amendment is also an attempt not just to provide a road map to our future national security, but to break out of the day-to-day momentum, the inertia of the process of authorization and appropriation for defense needs as it exists now. Many changes have occurred, dramatic changes responding to changes in technology, which provide our war fighters with capability that no war fighters in history have ever possessed. Yet the changes are so dramatic, the world so uncertain, our fundamental ability to provide our national security so great, that what we who will put forth this amendment are asking is that we step back from the day-to-day, that we look out over the horizon. As one of my cosponsors said, that we go up to 30,000 feet and we look out as far as we can see to the future security threats we may face and how we can best meet them; to ask the bold questions, the questions that unsettle the status quo, that do not rely on the normal course of the process, get asked here. That is really what this is all about.

The United States obviously is, today, the world's only true superpower. On the other hand, there is no shortage of threats to our national interests. We see them all around. In many real ways our military has been operating at a greater tempo since the end of the cold war than it did before. We face many dangers—rogue states like Iran and North Korea, possession of nuclear weapons. We are not unique in these security challenges. The United States in the 21st century will confront the wide range of challenges we will face and if necessary, again, deter and defeat an opponent's military forces.

Mr. President, we need to generate here an informed national debate on what our defense posture should be in the 21st century. The fact is, that these questions of national security are too frequently discussed and debated only by a small group of Americans, yet they are the fundamental questions that any society faces. How do we protect our security? How does the Government best do that?

The hope of those of us who will introduce this amendment a bit later on in the afternoon that the study, the inquiry authorized by this amendment, both within the Pentagon and by the independent, nonpartisan commission created by this amendment, will engender what will challenge, not just those of us here, but those outside the building, outside Washington, to engage with us in a great debate as to how we can continue to protect our national security in the next century.

We cannot afford, either fiscally or strategically, to continue to tiptoe at the margins of our military forces or to procure cold war systems we have previously bought only in diminishing quantities and at ever-increasing unit costs. We need the Secretary of Defense and the chairman of the Joint Chiefs to put their best minds to work on these ideas and issues in a focused and comprehensive and independent way.

The amendment that we will offer does not in any way second-guess or infringe on the duties and prerogatives of the Department of Defense. In fact, we know that there is much thinking in the department today along the very lines of what is it we want our military to do, not just in the sense of military capability but what responsibilities we context of what responsibilities we are going to have to do, that we may have?

Again, underlying all these questions are those fundamental questions I posed a few moments ago: What are the threats we will face in the future and what do we need to deter and, if necessary, defeat those threats?

We have to determine the bottom line of what it is we want our military to do, not just in the sense of military capabilities, but also in the broader context of what responsibilities we want the United States to accept in the next century and what will we need to do in order for our country to fulfill those responsibilities.

Once we answer those questions—those fundamental questions—we can move on to define how we shape, size and equip those military forces so they can confront the wide range of challenges we will face and if necessary, again, deter and defeat an opponent's military forces.

Mr. President, we need to generate here an informed national debate on what our defense posture should be in the 21st century. The fact is, that these questions of national security are too
CONGRESSIONAL RECORD — SENATE

JUNE 25, 1996

S6825

and a consensus to follow, which I think we all believe is essential.

The amendment provides for what might be called a Team B, a group of wise men and women, recognized defense experts, to be appointed by the Secretary of Defense, in consultation with the Senate and House defense authorization committees, to review the work of the Pentagon called for in this amendment and to offer comments and suggestions on how America can most effectively meet our defense needs in the next century.

This group would provide its proposals and ideas to the Secretary for his consideration as he prepares to report to the Congress, required by the amendment. The real hope here is that this nine-person, nonpartisan commission, appointed by the Secretary of Defense, would essentially go out of the box and ask the questions that either we have not thought of or we have decided are unthinkable or that we should not think about, to force us to face the tough questions about our security needs, to help us do what we have been trying to do on the Armed Services Committee of the Senate, which is to break out of business as usual.

For the benefit of my colleagues, I will briefly explain what the amendment does. First, it acknowledges that the Defense Department has been planning to do a quadrennial defense review at the beginning of the next administration, pursuant to a recommendation made by the Commission on Roles and Missions. And it then, in a sense, makes statutory that quadrennial review. It requires the review to go forward.

It would be a comprehensive examination of the defense strategy, force structure, modernization plans, infrastructure, and other elements of the defense program with a view toward determining the strategy of our country as far forward as the year 2005. Then the amendment would establish the nonpartisan, independent, nine-person panel of recognized defense experts that I have spoken of. We are calling it, in the amendment, the National Defense Panel. It would be tasked, first, with assessing the Pentagon’s quadrennial defense review, as it progresses, as well as the final report upon completion, and then would comment on the findings of the review to the Secretary of Defense.

The amendment also requires the Panel to conduct an alternative force structure assessment which would result in a variety of proposed force structures that could meet anticipated threats to American national security. In this case we take it through the year 2010, and if the panel determines it is appropriate and rational, beyond the year 2010.

The amendment specifies, although it does not limit, a baseline of issues which this national defense panel must address. These will include near-term and long-term threats, including weapons of mass destruction, terrorism, and information warfare, a whole new category of threat to our country built on the dependence that we have developed on information technology and the fear that many have that an enemy may be able to disrupt our society by disrupting our computer systems, particularly those critical ones, not only in the defense areas, but, for instance, in financial areas.

The National Defense Panel must also consider scenarios based on these threats, including the possibility of both large and small conflicts, recommended force structures that would permit military responses to those scenarios, and an assessment of the funding which would be required.

The Panel would submit its report to the Secretary of Defense, which in turn would add his comments before providing it to the Senate Armed Services Committee and the House National Security Committee by December 15, 1997. That is the work of the defense, consistent with our belief of civilian control of the military that is so fundamental to our democracy, overseeing the development of the in-house quadrennial defense review.

The National Defense Panel convenes in December of this year if this amendment passes. It begins its own work, and it works with the Defense Department as the department is developing the quadrennial review. It offers suggestions and responses to those working in the department on the quadrennial defense review. That review is then submitted to the Congress next spring. The National Defense Panel continues its work, comments on the final product of the quadrennial defense review, and then offers to the Secretary of Defense, by next fall and into the early winter, its report—bold, hopefully, in some measure unsettling and provocative, which the Secretary of Defense, consistent with the amendment, sends to the President by next December.

Mr. President, there have been some concerns expressed about this schedule. Some, for instance, have said that December of next year is too late. Others have argued that this timetable does not give the Department of Defense adequate time to address all of these important issues.

I believe we have struck a good middle ground here with the schedule that is in the amendment. I believe that the work which is underway, has been done, or will be initiated if this legislation passes. The sooner the Members of Congress can get these important analyses and these recommendations, the sooner we will be able to hold hearings on them, try to involve the public in our considerations, and begin to make the very important decisions that will affect our national security in the coming decades.

There is that no time to waste, but, of course, these are such complicated, fundamental, important questions that we are bringing both the Defense Department and the National Defense Panel, that we felt they deserved a reasonable amount of time to complete their work.

There is one last very important point which I do want to emphasize. That is that this amendment was developed jointly in a truly such a way that really consider it—those of us who are sponsoring it—to be a non-partisan amendment. Of course, it ought to be. When we are dealing with our national defense, there ought not to be Democratic and Republican positions. That is the spirit in which the work on this amendment has gone forward.

Members and staff from both sides of the aisle on the Armed Services Committee were involved in writing this amendment. The process we used resulted in lengthy, thoughtful, and spirited debates about the future of our national security and our Armed Forces. Each of us, I think, undertook this endeavor because we have a national security need and have tremendous respect for the professionals who serve every day, in and out of uniform, in the Department of Defense.

I want to thank Senator Wollenthin, Senator Coats, Senator McCain, Senator Robb, and their staffs who contributed so much to this effort, as well, of course, to Chairman Thurmond and Senator Nunn and their professional staff members, for their encouragement and their very, very, very constructive support.

We also appreciate the time that was spent by personnel in the Department of Defense, particularly Deputy Secretary of Defense John White and his staff, who reviewed and advised us on this amendment, and who have wanted to go forward in a spirit of cooperation not only among the parties here but between the Congress and the executive branch.

The future of our national security is of such far too important to be left to business as usual at either the executive or legislative branch. I cannot thank the Department of Defense enough for the support, encouragement, counsel, occasional disagreement, but ultimate consensus that is expressed in this amendment.

In summary, and finally, Mr. President, what this is all about is becoming engaged in a very difficult, complicated, far-sighted but critical debate about how we can have the best national security possible for America, particularly now as we, in some sense, reign supreme, unchallenged, as the greatest superpower in the world, understanding that history teaches us that the special position of power and relative invulnerability is not enjoyed by nations for long periods of time unless they plan and act to make that so. Nations rise and nations fall over the course of history.

This amendment is about making sure that the United States of America remains strong and dominant, able to deter threats to our security and, if necessary, to defeat them far
into the next century. We have the resources, we have the brain power, we have the courage and skill of our war fighters to make that happen. This amendment is all about making sure that we use and develop those natural strengths so that America has to the best of our ability.

I come back to the final point that we have to involve the American people more in these discussions. Sometimes, particularly when we exist, as we do now, at a time of relative national security, it is hard to get people to focus in on the details and on the need to continue to commit adequate resources to our national defense. I am convinced that if we find ways to involve more of our citizens in these discussions, in the work of a nonpartisan panel, a national defense panel, in the hearings that it may hold, in the hearings that will surely be held here in Congress after we receive these reports from the Secretary of Defense, then the American people will see that the President and we, the Congress, will surely provide the resources necessary to preserve our liberties and defend our national principles and interests.

Mr. President, an informed public will always understand the wisdom and the memorable comment made by the great British soldier and leader, Sir John Slessor, when he said, "It is customary in democratic countries to deplore expenditure on armaments as conflicting expenditures of social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free."

Mr. President, when we introduce this amendment later in the afternoon that other colleagues will join us in cosponsoring it and, of course, in voting for it.

I thank the Chair for the opportunity to address the amendment. I look forward to reintroducing the amendment when the appropriate unanimous-consent agreement is entered. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Thompson). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that on S 295 the order for the Senate then deal with amendments relevant to the small business authorization bill should come forth and present that amendment. Time is fleeting. We want to finish this bill by Thursday night, and we would like to know what it is.

The other thing I want to mention is that amendments should be defense-related. If they are not defense-related, they should be offered on some other bill and not on this particular bill.

Mr. President, this is important. We have to finish this bill in due time, and we should waste no time in getting these amendments in. Let the amendments be defense-related, or offer them to some other bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 3448, H.R. 3415, AND S. 295

Mr. LOTT. Mr. President, I would like to join now with the Democratic leader in getting a very large unanimous-consent agreement. A lot of effort has gone into the preparation of this unanimous-consent agreement. It is based on a lot of give and take in negotiations and trust and good faith. I will continue to try to proceed in that way.

I want to thank Senator Daschle for his cooperation, and I hope we can continue to work in this way. I would like to proceed now with the request, and we can discuss it further as we go along, or after we get the agreement entered into.

I ask unanimous consent that on Monday, July 8, at a time to be determined by the majority leader, after notification of the Democratic leader, the Senate turn to the consideration of H.R. 3448, the minimum wage bill, and it be considered under the following restraints:

That immediately following the clerk reporting the bill by title, the committee amendment be agreed to and considered original text for the purpose of further amendments, and the Senate then deal with amendments to title I, the small business tax title; that there be one first-degree amendment relevant to the small business tax title for each Senator, with no other amendments or motions to refer in order to the bill, other than the minimum wage amendments listed below, except for any manager's amendment.

Mr. President, for the past 3 years the Clinton administration has failed to articulate a sound and credible national security strategy. A large part of this failure is the result of the President refusing to submit a budget request which provides the necessary funds to support the force structure required by his own strategy. In fact, it is frequently noted that the force structure is underfunded by as much as $150 billion. Not only has this administration failed to provide the funds required to sustain the numerous foreign adventures of the President, but the administration has also failed to provide the funds required to modernize our military forces for the conflicts of the 21st century.

Mr. President, the people of the United States cannot afford to continue down this dangerous path.

Since the collapse of the Soviet Union and the end of the cold war, the United States has conducted two substantial assessments of the force structure necessary to protect American interests in an increasingly chaotic world. The base force of the Bush administration laid a credible foundation for restructuring our forces in order to meet the realities of the post-cold war world. However, President Clinton's Bottom-Up Review, which replaced the base force, failed to make any meaningful contribution because it did not outline a force structure that would protect American interests into the next century. As we look toward the future, it is essential that we re-examine the world security environment and develop a military force that will be capable of defending American interests in future conflicts.

Mr. President, the proposed amendment will set this reexamination in motion. The amendment requires the Secretary of Defense to conduct an assessment of the national security strategy, and the force structure necessary to support that strategy, through the year 2005. In addition, the amendment creates an independent, nonpartisan panel of national security experts to review the Secretary's assessment and provide a report to the Congress which offers alternative force structures to that which is provided by the Secretary.

The information that is provided by each of these reports will be available to both the administration and the Congress for use in making decisions to prepare the armed forces of the United States for the 21st century. These reports will make a significant contribution to ensuring that our national security strategy is sufficient to protect American interests into the future, and that the force structure is sufficiently funded to support that strategy. We must be sure that the strategy and force structure are balanced and affordable.

Mr. President, now is the time that we should undertake the fundamental re-examination of our national security requirements. The national security strategy of the Clinton administration has failed to provide for the future security of the United States. We cannot afford to neglect the security of our children to this failed strategy, and insufficiently funded force structure. Therefore, I urge my fellow Senators to support this amendment.

Now, Mr. President, in closing, I want to commend the ranking member, Senator Nunn, for the remarks he made on this subject, about going ahead. We need to know what the amendments are. Any Senator who has an amendment to the defense authorization bill should come forth and present that amendment. Time is fleeting. We want to finish this bill by Thursday night, and we would like to know what it is.
which can be cleared by the two managers and the two leaders, and that no points of order be considered as having been waived by this agreement.

I further ask unanimous consent that upon the disposition of the small business tax package, Senator Kennedy be recognized to offer an amendment making modifications with respect to minimum wage and time and on the Kennedy amendment be limited to 1 hour, to be equally divided in the usual form, that no amendments, points of order or motions be in order during the pendency of the Kennedy amendment, and following the conclusion or yielding back of the time, the amendment be laid aside.

I further ask that following the debate on the Kennedy amendment, Senator LOTT or his designee be recognized to offer an amendment relative to minimum wage, and it be considered under the same restraints as outlined for the Kennedy amendment, and following the conclusion or yielding back of the time, the Senate proceed to a vote on the Lott amendment, to be followed immediately, regardless of the outcome of the Lott amendment, by a vote on the Kennedy amendment.

I further ask that following the time for debate on the bill be limited to 1 hour to be equally divided in the usual form, and further, that following the disposition of the Kennedy amendment, no further minimum wage amendments be in order to the bill. I will ask at an earlier time that the minimum wage amendments be printed in the RECORD.

Further, I ask that all remaining first-degree amendments be submitted to each leader in the form of a summary by 12:30 p.m. on Wednesday, J une 26, provided that either leader may void this agreement after consultation prior to 3 p.m. on Wednesday, J une 26, 1996.

I emphasize here that this is so that everybody will be on notice as to what the content is. It is our intention that we would go forward and that it would not be voided at that point. But we felt that extra protection was called for.

I further ask that following the disposition of the above-listed amendments the bill be advanced to third reading and final passage occur, all without further action or debate.

I further ask unanimous consent that the Senate may turn to the consideration of other bills that we need to consider this week. We have a number of other bills that we need to consider for the good of the country—nominations that are pending. And I think this helps get us moving again.

And yet I want to say, that all Senators on this side of the aisle for their cooperation, and also Senator Daschle for his cooperation. A lot of work has gone into this. I do not think it serves any purpose to say that this was given or that was taken. I think it is a fair enough deal for all concerned. I am glad we were able to achieve this agreement.

I yield the floor. Mr. President.

Mr. DASCHLE. Mr. President, let me associate myself with the remarks of the distinguished majority leader. A
lot of work has gone into the negotiations on this compromise proposal now for the last several weeks. I appreciate his willingness to work with us to achieve this agreement today. We will have an up-or-down vote as we have requested on minimum wage on July 9. I appreciate very much his willingness to work with us to achieve that.

This effort would not have been successful were it not for the distinguished ranking member of the Labor Committee. He has been stalwart in the effort to find a way to ensure that we have this opportunity. I applaud and thank Senator Kennedy for his contribution to these negotiations and his arduous work in making sure that we have been successful this afternoon.

As the distinguished majority leader said, this allows us to move the process forward. We will have a series of votes and an opportunity to vote on relevant amendments. That was key during these negotiations—relevant amendments for focusing the consideration of these bills. Once that has been achieved we will go to conference.

I am very hopeful, very desirous, and totally confident that we can resolve these matters with the House in conference sometime during the month of July—sooner rather than later. It is my expectation they will be resolved successfully in a form that will allow us to bring back a conference report that is acceptable to the Democrats that the Senate can sign. I will work with the majority leader to ensure that that happens. My colleagues have my commitment that I will make every effort to see that that happens in the next several weeks.

As the distinguished majority leader also mentioned, the health bill is not part of this package. It was our hope that we could resolve the differences with regard to health as well. But we will work on that next.

It is not our desire to offer the health bill along with the amendment today to the defense bill. I hope that at some point in the next 24 hours, the majority leader and Senator Kennedy and I can sit down to work on that, as we worked on minimum wage, to see if we can find a way to resolve the impasse and leave with the week intact and with the confidence of knowing we can resolve health, as now we have been able to resolve the matter of the minimum wage, in an acceptable manner procedurally at least.

So, again, I thank very much all of those who were involved in this negotiation. I am hopeful that we can now look with some promise, some confidence to this issue being resolved in a successful way in the very near future.

I yield the floor.

Mr. Kennedy addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE MINIMUM WAGE BILL

Mr. Kennedy. Mr. President, I join our two leaders in welcoming this agreement which will permit the Senate to vote on the issue about whether families that work hard 40 hours a week, 52 weeks a year, ought to have a livable wage. I think it is important to note that with this agreement the time of obstruction, delay, and stonewalling has been ended.

It did not have to be this way. Increases in the minimum wage have been bipartisan in times past, and they should be bipartisan today if we are going to reward work and respect work that is being done. It is services that are working will have enough of an income to provide for themselves, for their children, to put food on the table, and pay a mortgage.

That has been a proud tradition for the last 98 years. Fifty-eight years ago today President Roosevelt signed the first minimum wage bill. It was 25 cents an hour. He predicted at that time there were going to be voices raised saying this was to be the end of American enterprise. And the provision of the Republican amendment is to have a carveout for businesses of up to $500,000. That will carve out approximately 10 million Americans that will no longer be included in coverage for the minimum wage.

So on the one hand, as we are going to have an agreement to at least vote on this issue and to address this issue of fundamental fairness, we also have an opportunity to show that the American people have been constant. Every Member on the side of the aisle has voted in support of the increase in the minimum wage, and I commend the number of Republicans who have also joined with us and have reflected their support for the minimum wage in the past.

We thank them for their constancy and indication they were going to take every step that was going to be necessary to get a vote on this issue.

I hope that over the period of the next few weeks, the American people will look at what the alternative will be. President Bush has said there is not going to be a vote on the floor of the Senate that will cut out 10 million of the 13 million Americans who would be affected by this minimum wage, will cut out those new entrants into the job market at the lower level of the ladder for 180 days from getting any benefit of the increase in the minimum wage, should we support it, and then delay that program until the first of next year. That is a totally unacceptable proposal, and I hope it will be resisted here.

But I am grateful to our leaders for working out this proposal. I am particularly thankful to those on our committee and here on this side of the aisle who have been constant. Every Member on our side of the aisle has voted in support of the increase in the minimum wage, and I commend the number of Republicans who have also joined with us and have reflected their support for the minimum wage in the past.

We thank them for their constancy and indication they were going to take every step that was going to be necessary to get a vote on this issue.
you go on back to the Senate of the United States on the 8th and 9th, OK, take care of those small business men and women, up to $13 billion in terms of additional kinds of help and support; OK, take care of those small businesses—and a lot of those provisions I will support—but do not do so in such a way as to carve out the millions and millions of Americans who otherwise would have participated in an increase in the minimum wage.

I am grateful for this agreement, and I thank the Senator from South Dakota, the Democratic leader, who has been the leader on this issue as in so many other issues and with his leadership has really brought us to this place where at last we will have an opportunity to vote on this matter.

Mr. President, I yield back the remainder of my time.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. THURMOND. Are we ready to vote?

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I would like, in responding to the chairman, to now—

Mr. THURMOND. Has the Senator proposed the amendment yet?

Mr. LIEBERMAN. We have not, and if it is OK with the chairman, I would like to go ahead and introduce the amendment now.

AMENDMENT NO. 4156

(Purpose: To provide for a quadrennial defense review and an independent assessment of alternative force structures for the Armed Forces)

Mr. LIEBERMAN. Mr. President, I call up amendment No. 4156 to the Department of Defense authorization bill and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. THURMOND, Mr. COATS, Mr. ROBB, Mr. MCCAIN, Mr. NUNN, Mr. INGHOKE, Mr. McINTOSH, Mr. WARNER, Mrs. HUTCHISON, Mr. SANTORUM, Mr. MURKOWSKI, Mr. LEVIN, Mr. FORD, and Mr. BOND, proposes an amendment numbered 4156.

Mr. LIEBERMAN. 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. LIEBERMAN. I thank the Chair.

Mr. President, as previously discussed, this is the amendment which would provide for both an in-the-Pentagon-and-outside-the-Pentagon, under the Secretary of Defense, national defense panel review of our national security structure to answer basic questions: What are the threats to our national security in the coming decades, and how can we best meet them? It is an attempt to get out of the box, get off the chart, look forward, over the horizon, so that we are ready to face and meet whatever threats to our security exist, and to do so in the most cost-effective way.

Mr. President, I propose the broad bipartisan support for the amendment, including the statement from the chairman of the committee, Senator THURMOND. I believe my cosponsor, the Senator from Indiana, who spoke only briefly before, does have further comments.

I do want to indicate to my colleagues here that Senator COATS and I do intend to ask for a rollcall vote on this. We do not expect the debate will be long, but we do hope to do so sometime soon thereafter.

I look forward to the debate and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, America's preeminence in the world is accompanied by the opportunity and burden of leadership to shape the international community. I have been somewhat perplexed that our concerns with national defense are more clearly reflected in our defense spending, which we generally debate only during the annual authorization and appropriation cycles. It is incumbent that we consider the scope of the demands and expectations placed on our military in support of America's role in shaping the work today, and through the next century. Included are the fundamental issues of our national security interests, the nature of future conflicts, and the most appropriate military strategy for which the Department of Defense should develop its military capabilities. These considerations must be made deliberately, not by default. Failing to do so will lead the United States to react, rather than control, events in the next century.

The actions we take on the defense authorization bill will fundamentally influence our national security strategy and force structure well into the next century. Properly done, these decisions will be a powerful investment in the future. Unfortunately, there is a widespread consensus—both in and out of the Pentagon—that the administration's 1993 Bottom Up Review strategy is not the strategy America needs to guide its military into the 21st century. The strategy has been chronically underfunded, with shortfall estimates ranging anywhere from $50 to $150 billion. There is great skepticism with the two major regional conflict scenarios (or MRC) yardstick that undergirds the Pentagon's force planning. And, perhaps most disquieting, is the BUR's implicit assumption that the nature of future conflicts will closely resemble those of the past. The effects of misinvesting in a strategy that has lost its relevance are immense.

Congress has done its best to reconcile the sizable disconnect between the BUR's requirements to fight and win nearly simultaneous MRC's and the funding needed to execute such a strategy. But, while Congress has supported the military in sustaining readiness, in modernizing for the future, and in holding the line against additional force structure cuts in order to meet the BUR requirements, the administration has accused Congress of pork barrel politics. When Congress has tried to rectify serious funding shortfalls in programs at the urging of senior military leaders, the administration has accused Congress of contributing to inefficient defense spending. The political gamesmanship over issues crucial to America's national security has created such hyperbole that the merits in investing defense dollars today for an uncertain future tomorrow confuse most Americans. I have serious concerns over the impact this political spin may ultimately have on public support for our troops.

In an era of competing budget priorities, an expanding continuum of military operations, the uncertainty of future threats and emerging new technologies, we can no longer afford an annual usages as a usual approach in investing in our future defense. Senator LIEBERMAN, myself, and a host of cosponsors have worked in a bipartisan effort to ensure that the Defense Department Congress will make only the most prudent investments in defense. Through this amendment—a review of the Armed Forces force structure—we intend to do more than affect the next military strategy and its resultant force structure. In establishing an independent, nonpartisan National Defense Panel, prominent defense experts will assess alternative force structure strategies in light of future threats, emerging technologies, regionally, and on a broad continuum of military operations that may be likely in the future. The National Defense Panel's assessment will be far more comprehensive than previous force structure assessments, and will explore innovative, forward-thinking ways of meeting future national security challenges. The complete assessment will provide alternatives to a singular military strategy and its resultant force structure that will, in turn, enable the Congress, the Defense Department, and the American public to better consider the level of defense spending our Nation requires in support of its national interests.

This amendment will also assist the Defense Department as it undertakes its quadrennial strategy review over the next year. The Department's Quadrennial review, while more narrow in focus, will examine force structure, modernization plans, infrastructure defense policies, and other elements of the defense program to develop a new defense strategy replacing the Bottom Up Review.
A salient feature of this amendment is that it will challenge current thinking about defense. Senator Lieberman and I, along with the cosponsors of this amendment, share the concern that the tendency to focus on immediate issues has distorted the task of structuring the military to meet the changing environments, accommodate revolutionary changes in military technology and prepare for the possibility of entirely new kinds of threats and competitors. As Paul Bracken wrote in his 1993 article entitled “The Military After Next,”

The military posture for the next 20 years is conceptualized implicitly in terms of the problems of today, rather than in terms of deeper forces that reflect both the changing character of war and the military transformation taking place in the world. Immediate U.S. problems are characterized by deep military budget cuts, regional contingencies, “messy operations” [such as Bosnia, Haiti and Somalia] and a substantial military capacity inherited as a legacy from the Cold War. None of these are worthy of attention. But, if anything is certain, it is that in 20 years the current budget crisis, the regional strategy . . . will be forgotten as new problems of national security and international order appear.

Although our Nation still faces a range of current threats, we must not let current threats lead us into assuming that incremental improvements to our military will be sufficient to deal with the range of scenarios we may face in the 21st century. Our country has a strong tendency to defer revolutionary changes in favor of these incremental improvements. The BUR strategy of fighting 2 MRC’s is a prime example, taking the Desert Storm model and geographically tailoring it to future scenarios. But it is not an adequate guide for future innovation. We can no longer afford to conveniently fit current situations to existing planning and allocation processes. Doing so will yield a defense program geared to the most familiar threats, as opposed to those most likely to occur.

In closing, I would submit that the familiar path of the past—as convenient as it may be—will not necessarily lead us to the future we wish to shape. The review of the Armed Forces force structures amendment before us now will provide Congress and the Defense Department with comprehensive analysis addressing a range of force structures and capabilities appropriate for future threats. It is our hope that, ultimately, this amendment will serve to further public and congressional debate over the priority our Nation should place on its defense. Our Nation must have, and its military strategy, must provide for the capabilities our Armed Forces require to perform the missions expected of them, and must understand and accept the risks of doing otherwise. I urge the support of the amendment—it is a major step forward toward smarter defense planning and investing, and enjoys wide bipartisan support from Members throughout the Senate.

Mr. President, let me state this is the culmination of some effort on the part of the Senator from Connecticut, who has taken the lead in this effort, myself, and a number of other members of the Armed Services Committee who are concerned that we are not adequately addressing the major questions that need to be addressed in preparing a strategy and setting a program in place relative to our national security needs for the next century. The next century sounds like a long time; just look at the years. In fact, it is actually the next millennium. It is almost difficult to comprehend.

As history has shown, civilizations have been weakened and even collapsed, and mighty armies and navies have been defeated because they were rooted in the wars of the past. They were rooted in the procurement of weapons to fight those wars based on what worked before, not what might work in the 21st century. None of us has a crystal ball that can tell exactly what will constitute an adequate national security apparatus and national defense in the future. Yet we need to examine the questions about the kind of threats and the nature of those threats that we will face in the future. We are in the midst of a technology explosion that obviously is impacting on how we think about our national defense. We had a glimpse of what that explosion and what it means during our viewing of the Persian Gulf war on “CNN Live.” There were remarkable pictures of a war in progress and a demonstration of what technology can do in terms of changing the terms of warfare. I am sure the nation of Iraq thought it was amply prepared to successfully defend its aggressive take-over of Kuwait, only to find itself hopelessly, not outmanned, but outsmarted, from a technological standpoint. No nation that makes that mistake again. No aggressor is going to make that mistake again. Future aggressors will contemplate about what it is going to take in the future to encounter the United States. The conflicts we face in the future will be much different from those we have encountered in the past.

We need to take advantage of the remarkable research, development, time and ability to bring new technologies to bear in terms of our armed services and national defense. Unfortunately, it seems the Congress is locked into a “what do we need right now” mentality. We do our thinking and spending and planning in 1-year increments, 2 years at best. As a result, it seems we are measuring on the basis of what we did last year and trying to make a decision on what incremental changes we can adjust to for the future years. Basically what we do is make incremental changes.

The Pentagon is well aware of this problem, and they are attempting to address this through a strategy called the quadrennial review. That takes a 4-year look and it coincides with the possibilities of each administration, each new administration. But we need to look beyond that. To do so, we are asking the Pentagon to address a number of issues of concern to us, and establish an independent review panel to give us certain assessments. The results of those assessments will help us with a better, broader body of knowledge with which to evaluate the potential threats, with which to evaluate the potential strategies—and I use the plural, not the singular use of the word—which we might employ in the future or encounter those threats and on which we can make procurement decisions, resource decisions, and allocate the increasingly scarce dollars available for our national defense. This was less of a problem in the 1980’s because we had ample funds available from which to take advantage of many different alternatives and select the one which best fit. We do not have that luxury now. We do not have anywhere near that luxury. Defense is now in its 12th straight year of decline in terms of budget allocations. The military has been scaled back nearly 40 percent in just about every category. We have to make decisions on the basis of a far smaller margin of error.

In that regard, having a broader assessment of our potential threats, our potential responses to those threats, is going to allow us to make better decisions to spend those dollars more wisely. That is really what this amendment is all about.

I was pleased to have the opportunity to work with the Senator from Connecticut and with others of my colleagues on the Senate Armed Services Committee. I am pleased this amendment has a growing list of bipartisan—nonpartisan—support. I think a year from now we are going to be in the midst of a process which is going to give us some very relevant information from which we can base decisions that are extremely critical for the future. So I am pleased to be a coauthor and a cosponsor of this amendment.

With that, I observe we might be prepared, unless the managers are aware other Senators are coming to the floor to speak, to move to a vote.

I believe it is appropriate to ask unanimous consent the pending amendments be set aside. I am not exactly sure what the parliamentary request needs to be in order to bring this amendment up.

Mr. Lieberman addressed the Chair.

Mr. COATS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, it was my understanding the pending amendments had been set aside and this amendment was now the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LIEBERMAN. Mr. President, after consultation with the chairman
of the committee, I ask unanimous consent that, when the vote occurs on this amendment, it occur by rollcall and the rollcall be held at 5 this afternoon, with no second-degree amendments in order.

Mr. THURSTON. Mr. President, we have no objection.

The PRESIDING OFFICER. Is there objection to the vote occurring at 5 o'clock and that no second-degree amendments be in order? Without objection, it is so ordered.

Is the Senator seeking the yeas and nays?

Mr. LIEBERMAN. I was about to do that. I was going to ask when a vote be taken it be taken by the yeas and nays.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I rise as an original cosponsor of an amendment to require a much-needed new assessment of future U.S. military force structure requirements. In March of this year, I released a paper which called for a comprehensive study of our national security strategy and the military force structure that supports our strategy. If adopted, this amendment will ensure that the Department of Defense and the Congress work together to create a military force structure capable of adapting effectively to meet the ever-changing challenges of the 21st century.

Very briefly, let me summarize the amendment. First, it would require the Secretary of Defense to provide a report to Congress on the quadrennial defense review, which is expected to be completed in the spring of 1997. The QDR is the Secretary's effort to reassess our current strategy and force structure and is intended to form the basis for a long-term plan for the year 2005. The amendment would require the Secretary to consider certain specific issues in his review.

The amendment would also provide for two separate, independent assessments of the quadrennial defense review, to ensure that the Congress has a full understanding of the assumptions and conclusions of the QDR.

One assessment would be done by the Chairman of the Joint Chiefs of Staff and the three service secretaries of the QDR. This provision is included in the amendment because it is essential that we have the views of our professional military leaders as we determine the future of our military strategy and force structure for the next century.

Another assessment of the QDR would be undertaken by an independent, nonpartisan National Defense Panel, which the amendment would establish. The Panel would also be charged with developing a variety of alternative proposals for force structures and budgets, using analyses and information acquired from the Department of Defense, the Joint Staff, and other agencies. The Panel would focus on developing a longer term assessment than the QDR, through the year 2010 and beyond, where possible. The Panel's assessment of the QDR and alternative proposals would also be provided to Congress.

Mr. President, the amendment enjoys bipartisan support among Senators with experience in defense issues. The principal cosponsors are Senators LIEBERMAN, COATS, and ROBB, joined by others of our colleagues.

Mr. President, we crafted this amendment in recognition of the pressing need for a full reassessment of our military force structure in light of the changing realities of the post-cold war world. In the past 5 years, since the collapse of the Soviet Union, our Armed Forces have shrunken from a force of 2.1 million active duty personnel to approximately 1.4 million people today. While these reductions were being implemented, the Pentagon has conducted two evaluations of one of the organization, composition, and equipment requirements of our smaller force in light of the changing realities of the post-cold war world. The results are contained in the Bush administration's "Base realignment and closure" and Clinton administration's "Bottom Up Review" assessments.

Both assessments were laudable early efforts to adjust the post-cold war world, and both served an important purpose: moving attention on the need to reevaluate the military posture of the United States. But neither were truly innovative approaches to a comprehensive, critical review, and reshaping of our strategy and military forces. In fact, the Bottom Up Review was a top down directive, shaped largely by budget targets established before the exercise began and by strategy and force goals that then-Congressman Aspin had developed a year earlier.

The pending amendment seeks to address many of the concerns expressed by Congress and national security experts alike about the last attempt to conduct a strategic review. The amendment is also driven by the recognition, just 3 years after completion of the Bottom Up Review, that the swift pace of global change has created the need for a new and fundamental reassessment of the force structure of the Armed Forces required to meet threats to the United States in the 21st century.

First, the amendment would require a comprehensive assessment of potential threats to our future security, which is an essential element of determining our future military force requirements. The amendment specifically identifies several categories of potential threats to our future security, both near- and long-term, which must be addressed in any strategic review. These threats include:

1. The continuing production of weapons of mass destruction and means to deliver them, as well as the transfer of technology relating to such weapons,

Conventional threats across a spectrum of conflicts, which would include the rise of radical Islamic fundamentalism and other political extremist movements,

The vulnerability of our information systems and other advanced technologies to nontraditional threats,

Domestic and international terrorism, and

The potential emergence of a major challenger in the future.

The amendment would specifically direct the independent National Defense Panel to analyze each of these threats and provide an assessment of the challenges posed to our future security. The Panel would also provide its comments with respect to the threat assessment underlying the quadrennial defense review, thus ensuring that all foreseeable future threats are examined and considered in the review.

Second, the amendment would ensure that both the quadrennial defense review and the Panel's independent assessment consider some very important issues which were not fully addressed in connection with the Bottom Up Review. Let me take a moment to mention several of the explicit instructions contained in this amendment:

The amendment requires a full analysis of the potential impact of allied cooperation and mission sharing on U.S. force size and structure.

It also requires a clear statement of the assumptions about warning time for future conflicts and planning for simultaneous or nearly simultaneous conflict scenarios.

It requires a full assessment of the impact of preparing for and participating in peace operations and military operations other than war on force structure requirements in likely conflict scenarios.

It requires a detailed description of anticipated future technology advancements and their impact on force size and organization.

It requires an analysis of manpower and sustainment policies, Reserve versus active component mix, tooth-to-tail ratio, and airlift and sealift requirements for the future.

The specific guidelines will result in a more thorough and detailed review of the military capabilities required to meet future threats.

Finally, this amendment recognizes the inadvisability of predetermining future Defense budgets before conducting an analysis of our security requirements—a significant flaw of the Bottom Up Review. The amendment would require that a top line funding projection be developed for each scenario in a long-range force structure plan developed by the Panel. It would also require the Panel to independently assess the validity of the budgetary requirements reported by the Secretary of Defense.
for its quadrennial defense review. In this way, the Department of Defense and the Congress will be able to consider both security requirements and affordability when reviewing alternative force structure options.

Mr. President, the principal point is very important. We cannot ignore fiscal reality in military planning, but we must never acquiesce to demands for reduced defense spending regardless of the threats to our national security.

Because the pace of change in our world requires our attention, it is important that we develop a more realistic position in the private sector.

Senator Lieberman's staff for a more lucid approach to our future national security requirements will be met while, at the same time, recognizing appropriate fiscal constraints. We have had to choose among cutting force strength, maintaining readiness, or funding force modernization. The result has been reductions in all three areas. The

...THE READINESS COMMITTEE...led Congress has added more than $16 billion to the defense budget in the past 2 years, but even this amount has not slowed the too-rapid decline in defense spending. The fact remains that our rising Federal debt and ongoing efforts to achieve a balanced Federal budget will continue to put enormous pressures on Federal spending.

Mr. President, this amendment will help us determine the appropriate level of funding to ensure our Nation's security in the next century. This amendment would ensure that the National Defense Panel conduct a thorough examination of the threats we are likely to face, take a realistic look at potential future conflict scenarios, and provide alternatives for an effective and ongoing posture that will guarantee the United States of Hobson's choices among defense priorities. We have had to choose among cutting force strength, maintaining readiness, or funding force modernization. The result has been reductions in all three areas.

The readiness committee led by the Senate has made more than $16 billion to the defense budget in the past 2 years, but even this amount has not slowed the too-rapid decline in defense spending. The fact remains that our rising Federal debt and ongoing efforts to achieve a balanced Federal budget will continue to put enormous pressures on Federal spending.

Mr. President, this amendment will help us determine the appropriate level of funding to ensure our Nation's security in the next century. This amendment would ensure that the National Defense Panel conduct a thorough examination of the threats we are likely to face, take a realistic look at potential future conflict scenarios, and provide alternatives for an effective and ongoing posture that will guarantee the United States' ability to meet national security requirements.

Mr. President, I am happy to join my cochairman of the Senate National Guard Caucus in cosponsoring the amendment by Senators Lieberman, Coats, Robb, and McCain to review the Armed Forces force structure.

Just a few years ago, Congress approved the establishment of the Roles and Missions Commission. However, many of us were very disappointed with the Commission's findings, because those findings were clearly written with a bias against the National Guard.

Mr. President, the authors of this amendment have worked with Senator Bond and myself to make sure that the National Defense panel established by this legislation considers the Guard and Reserve without prejudice. To accomplish this, the amendment directs the "review is to involve a comprehensive examination of defense strategy to include Active, Guard, and Reserve components."

Just a few months ago, the chairman of the Readiness Subcommittee, Senator Bond, along with the ranking member Senator Glenn, held a hearing on the readiness requirements of the National Guard and Reserve forces.

At that time, the General Accounting Office presented information that Senator Bond and I found to be either out of date or inaccurate. We asked that an unanimous consent that the letter Senator Bond and I sent to Senator McCain be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. FORD. Mr. President, the National Guard Caucus is very concerned by the determination of individuals within the Defense establishment to keep putting out negative information on the National Guard. The inaccurate and out-of-date information from GAO is just another example in a long string of misinformation.

It is my hope this report will be different—that it will be accurate. Because the sponsors of this amendment have assured me that it will, I join with my cochairman, Senator Bond, in cosponsoring this amendment.


HON. JOHN MCCAIN, Chairman, Readiness Subcommittee, U.S. Senate.

Dear Mr. Chairman: As Co-Chairmen of the Senate National Guard Caucus, we commend you and Senator Glenn on your active roles in examining the readiness requirements of the National Guard and Reserve forces. We strongly support your efforts to obtain sufficient resources so that the nation has a capable and well trained military force.

The Caucus remains concerned that, under the pressures of a reduced defense budget, the Army develops and produces modern replacement weapon systems coupled with a continued draw-down of our active forces, will result in an ever-increasing requirement for our nation to once again rely on part-time citizen soldier combat forces—the National Guard.

Over the past several years, the Caucus has attempted to identify those actions that are impediments to producing a combat ready National Guard which would be available in a timely manner to respond to major contingency operations around the world. We are convinced that the recently-announced National guard proposal to convert and realign a large portion of the Guard combat divisions to meet other needs that the platoon requirements have gone a long way toward reaching that objective.

Mr. President, I have serious concerns regarding some of the material presented at your Subcommittee hearing by witnesses from the General Accounting Office. We believe this information to be out-of-date or otherwise inaccurate.

1. The Caucus contends that the National Guard Enhanced brigades can't meet the 90-day readiness goal set for them in the current military strategy.

During Operation Desert Storm in 1990-91, the 48th Infantry Brigade was certified as combat ready in 91 days; of which only 55 days were actually needed for training. This number is very close to our pre-mobilization estimate of up to 42 days.

The GAO testified that the Enhanced Brigades are having difficulty meeting the training goals set for their platoons. The Caucus does not indicate which brigades are supposedly having trouble, we can only say that the most up-to-date information the Senate National Guard Caucus has received is that the Enhanced Brigades are being met ahead of time and some of the Enhanced Brigades are already operating at the battalion level. The Roundout Brigade was already in time "when they were needed" in Desert Storm.

The 48th Brigade from Georgia and the 156th of Mississippi had been replaced within their parent Division by active army units months before they were mobilized. The other brigade, the 256th from Louisiana, had to organize an active duty army division that did not deploy. The major reason given by the Defense Department for not calling these units up earlier was the law at the time under SECNAV 00822 that required a 90 day call up with a 90 day extension and DOD felt at the time that the deployment would be for a longer period. As you are aware, Congress revised a law to allow these Enhanced Brigades to mobilize on November 30, 1990. The brigades did not have to undergo six months of post-mobilization training. The 48th had been validated as combat ready in 91 days (55 days of actual training). If the Enhanced Brigades had been mobilized when the President directed Reserve Call-up was authorized (August 22, 1990) and validated 91 days later (November 21, 1990), it could have deployed before the VII Corps began moving from the U.S. and Germany to Saudi Arabia.

4. Turbulence and turnover rates preclude reaching readiness goals and higher unit training levels.
If the GAO had bothered to check their facts, they would have learned that the turbulence and turnover rates in the National Guard enhanced readiness brigades are generally well below comparable active Army units! It is incredible that the GAO does not know that turbulence in the military is not caused by promoting a loader in a tank crew to the position of driver in the same crew! Maybe the Director of the General Accounting Office ought to send his employees to Fort Knox to learn about how a tank crew operates. But there are also active Army units that are as hard to mobilize as the National Guard and Reserve. American soldiers, whether in the National Guard or active Army units, seek to perform well. The Marine Corps received a healthy level of turnover that stagnated and was allowed to stop. American soldiers, whether in the National Guard or active Army units, seek to perform well. The Marine Corps received a healthy level of turnover that stagnated and was allowed to stop.
that a 16-year-old British youth with a small computer in his bedroom in North London was intercepting messages from American agents in North Korea, and there are several criminal prosecutions going on in the United Kingdom now. How do we deal with this entirely new set of challenges is the reason for establishing such bodies as the Commission on Protecting and Reducing Government Secrecy—and I think that the commission proposed here to inquire into the nature of our national needs in the future, with a larger view than the quadrennial review—is wholly in order. I am honored to be a cosponsor of the amendment. I hope the work of the Commission on Protecting and Reducing Secrecy might be of some utility to this commission, as it begins its work. I thank the sponsors, and I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Connecticut. Mr. President, I thank my friend and colleague, the Senator from Connecticut, for joining me as a cosponsor and for his characteristic informed comments. He goes right to the heart of it.

The fact is that it was the experience of the commission, with regard to the Nation’s intelligence structure that worked in the 1970’s is the inspiration for that concept being included in this amendment. The work he is now doing in this area with this commission, I hope, will be considered by the panel convened under the amendment. As the Senator indicates, changes that have occurred are extraordinary. Former Deputy Chief of Staff, Admiral Owens, who was very comfortable with the new technologies and very far-sighted, said we are now at a point where our commanders can, for the most part now or on the verge in the very near future, see the whole battlefield for miles ahead, around them, and in front of them. That has never happened before for people who have gone to war. This is because of these extraordinary not only satellites but helicopters, the unmanned aerial vehicles. The fact is at a given moment in real time today the commanders on the field—in fact, the heads of our military structure back at the Pentagon—can see exactly what is happening on the battlefield and be involved.

As the Senator indicated, the dependence we have on communication and information potential, that to current methods of encryption of our messages is exactly what I hope this commission will go at. The fact is that part of what we are asking it to do is look at the United States not as the world’s great superpower, but from the perspective of those who would want to do us harm, and to begin to determine what are the points of vulnerability.

It may be, as Senator COATS indicated before, we are tremendously well defended for the last 30 years, but some relatively weaker power than we may have the capacity to either break our communication systems or to shake up or incapacitate our information systems in a way that renders us as weak, as if we had suffered a major conventional military defeat.

I want to thank the Senator for his support and for his right-on-target comments and the thought-provoking words that he spoke. I thank the Senator.

Mr. MOYNIHAN. I thank my friend. Mr. NUNN. Mr. President, I want to commend Senator LIEBERMAN and Senator COATS Convening the Commission on Protecting and Reducing Government Secrecy—on this issue. The amendment they are offering, of which I am an original cosponsor, and which I worked with them on, will build upon the recommendations of the 1995 report on the Commission on Roles and Missions of the Armed Forces, that there be a quadrennial defense review. Secretary Perry has decided to conduct that review. This would ensure that a defense threat may have the capacity to either break our defense, and to begin to determine the military structure back at the Pentagon—

Mr. LIEBERMAN. Mr. President, I note there is a minute or two remaining. I add this word to everything that has been said. In one sense, Senator COATS said this is an attempt to liberate the process from the inevitable instinct that institutions have to continue down the road they have been down before and to make sure that the roads that we are heading down are the right ones. I am talking not just about the Defense Department, but our institution, as well.

In one sense, what I hope will come out of this, both from within the Quadrennial View and the National Defense Panel, is the continuing effort that certainly has been going forward under Secretary Perry with the various reforms to our procurement, the examination of the way in which we essentially source, to bring in, to privatize, to gain the economic benefits of these creative actions, to make sure that we have maximum dollars available to actually provide for our national defense.

In one sense, what we are asking for here—and it is a big order—is to do what in the private sector we call re-engineering the corporation, to go back and ask, if a piece of paper of the organizational structure and system in front of us is blank, why would we write on the paper to make sure we were fulfilling the goals that we have? I understand that is a big order in a system as historically successful and complicated as ours.

Essentially, what we are asking here in our national interest is that, together, we go back to first questions and say, what are the threats we are going to face to our security in the next century? If we could begin it all over again, how would we most effectively and efficiently meet those threats, and then to try, in the reality of the process, to get as close to that as we possibly can.

Again, I thank all of those who have spoken. I think this has been a very thoughtful and constructive debate. I cannot thank enough the broad group of bipartisan sponsors of this proposal, including, particularly, the chairman of the committee, Senator THURMOND, and the ranking Democrat, who I have occasionally burdened by referring to him as my mentor, the Senator from Georgia, Mr. Nunn.

I urge my colleagues to support the amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The hour of 5 o’clock having arrived, the question is on agreeing to the amendment of the Senator from Connecticut. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas, 100, nays, 0, as follows:

[Rollcall Vote No. 169 Leg.] YEA—100

Abraham, Abraham
Akaka, Daniel
Ashcroft, John
Baucus, Max
Billings, John
Biden, Joseph
Bingaman, Ron
Bolton, Richard
Boxer, Barbara
Bradley, Richard
Breaux, vscode value
Brown, Richard
Bryan, Christopher
Bumpers, David
Burns, Howard
Byrd, Jim
Campbell, chuck
Chafee, Lincoln
Coats, Richard
Conrad, Dennis
Kempthorne, Jim
Craig, up
D’Amato, Jim
Daschle, Tom
DeWine, Jim
Dodd, Christopher
Domenici, Pete
Dorgan, Bernard
Faircloth, Jim
Feingold, Ron
Ferrer, Maria

The amendment (No. 415) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.
Mr. KEMPTHORNE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to give very special thanks to several individuals who worked very hard on the amendment providing for the study of alternative force structures for the Armed Forces. They spent many long hours amidst their very heavy workloads assisting their Senators and me in developing the concept of a bipartisian approach, pointing our Armed Forces in the right direction for the 21st century.

In particular, I would like to thank Ann Sauer of Senator McCain's office, Rick Debobes of Senator Nunn's staff, Sharon Dunbar, a Brookings Institution Fellow working in Senator Coats' office, Bill Owens of Senator Robs' office, and Stan Kaufman, a Brookings Fellow who works for me. Their dedication, expertise, professionalism and public service are very much, and I wish the Senate well there for us.

But I want to convey particular thanks to John Lilley, a former staff of mine who recently left my employ to move on to a situation which could provide him more time to spend with his young family. When I originally conceived the idea of the alternative force study, it was John who was instrumental in developing the detailed proposals we have been discussing today and in working closely with the staff of the cosponsors in achieving a common approach. I will miss John's good counsel, his much, and I wish him well in his future endeavors.

Mr. BYRD addressed the Chair. The PRESIDING OFFICER. The Senate will withhold. The Senate will come to order, please.

The Senator from West Virginia is recognized.

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

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

The amendment is as follows:

At the end of title VII add the following:

SEC. 70B. RESEARCH AND BENEFITS RELATING TO GULF WAR SYNDROME.

(a) RESEARCH. -- (1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as 'Gulf War Syndrome' and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall --

(A) include a comprehensive, independent peer review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS. -- (1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection --

(A) a specific catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not caused by Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child was otherwise otherwise entitled to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS. -- (1) The term 'Gulf War veteran' means a veteran of Gulf War service.

(2) The term 'Gulf War service' means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

The Senate from West Virginia [Mr. BYRD] proposes an amendment numbered 4274.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

At the end of title VII add the following:

SEC. 70B. RESEARCH AND BENEFITS RELATING TO GULF WAR SYNDROME.

(a) RESEARCH. -- (1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as 'Gulf War Syndrome' and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall --

(A) include a comprehensive, independent peer review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS. -- (1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection --

(A) a specific catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not caused by Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child was otherwise otherwise entitled to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS. -- (1) The term 'Gulf War veteran' means a veteran of Gulf War service.

(2) The term 'Gulf War service' means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.
Mr. DOMENICI. Mr. President, before Senator Byrd leaves the floor, might I just take a minute? Is there a time limit on this?

The PRESIDING OFFICER. The PRESIDING OFFICER. There is not.

Mr. DOMENICI. Mr. President, before Senator Byrd leaves the floor, might I just take a minute? Is there a time limit on this?

The PRESIDING OFFICER. The PRESIDING OFFICER. There is not.

Mr. DOMENICI. Mr. President, before Senator Byrd leaves the floor, might I just take a minute? Is there a time limit on this?

The PRESIDING OFFICER. The PRESIDING OFFICER. There is not.

Mr. DOMENICI. Mr. President, before Senator Byrd leaves the floor, might I just take a minute? Is there a time limit on this?

The PRESIDING OFFICER. The PRESIDING OFFICER. There is not.

Mr. DOMENICI. Mr. President, before Senator Byrd leaves the floor, might I just take a minute? Is there a time limit on this?

The PRESIDING OFFICER. The PRESIDING OFFICER. There is not.
SEC. 2828. RENOVATION OF THE PENTAGON RESERVATION.

The Secretary of Defense shall take such actions as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,188,000,000.

Mr. BINGAMAN. Mr. President, this is an amendment that would have the effect of reducing the $1.2 billion cost of renovating the Pentagon building by $100 million. I send this to the desk on behalf of myself, Senator BRADLEY, and Senator FEINGOLD. This would be the first reduction in funds for this very expensive project since its inception half a decade ago. It would amount to about a 10-per cent reduction in the total.

Mr. President, dramatic shifts have occurred in geopolitical terms during the past decade, and these shifts have caused fundamental changes in our defense posture. As we have realigned our defense programs to meet changing needs, the funds for many projects have been reduced and eliminated.

Despite significant reductions in defense spending, the Pentagon renovation project has enjoyed a steady flow of cash. In my view, the time has come to impose greater financial discipline on the Pentagon, just as the Pentagon has asked other military organizations to be more frugal. Too many of our military members are forced to work and live in unhealthy and unsafe conditions. We need to ensure that the renovation of the Pentagon does not jeopardize funding for other more urgent needs.

Many things have changed in this world since this 15-year-long project began, and I believe the Pentagon renovation plans can be better aligned with today's new realities. There are many questions that need to be asked, including the necessity of a reduced renovation budget. For example, the Department of Defense is downsizing. As the civilian military work force is steadily reduced, demands for work space have eased as well. Construction costs in the Washington, D.C. area have fallen. Even contract costs for the renovation have turned out to be considerably lower than originally estimated.

On one construction contract alone, for example, costs were 36 percent less than anticipated. Also, modern communications technology makes it unnecessary to have large staffs at the Pentagon to manage dispersed operations.

Mr. President, in 1990, Congress transferred responsibility for the operation, maintenance, and renovation of the Pentagon from the General Services Administration to the Secretary of Defense. Congress recognized that the problems associated with the renovation of the Pentagon building had to be addressed without further delay, and we took this action to get the long overdue project moving forward.

Congress earmarked $1.2 billion that the DOD would have paid to GSA in rent for the next 12 or 13 years as a break even way to pay for the renovation. The $1.2 billion was not based on any projected cost of renovation, it was simply a sum that was available. This is a great flexibility for this very large project. That is what this amendment does. Americans have been asked to tighten their belts. They expect no less from their Government. The Pentagon needs to be expected to do the same.

I yield the floor.

YEAS AND NAYS VITIATED—AMENDMENT NO. 4274

Mr. BYRD. Mr. President, I ask unanimous consent that the order on the yeas and nays on my amendment be vitiated.

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

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 4275

Mr. THURMOND. Mr. President, I want to say to the Senator that we think he has a meritorious amendment, and we will accept it.

Mr. NUNN. Mr. President, I urge the adoption of the Bingaman amendment and, as I have already done, I urge the adoption of the Byrd amendment.

The PRESIDING OFFICER. There is no further debate on the Bingaman amendment, the Senate will proceed to vote. The question is on agreeing to the amendment.

The amendment (No. 4275) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4274

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 4274) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.
Mr. THURMOND. I move that the motion on the table be dispensed with. The motion on the table was agreed to.

Mr. THURMOND. I believe Senator BINGAMAN has an amendment.

AMENDMENT NO. 478

(Purpose: To repeal the permanent end strengths.)

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

The PRESIDING OFFICER. Without objection, the pending amendments are dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 402 and insert in lieu thereof the following:

SEC. 402. REPEAL OF PERMANENT END STRENGTHS.

(a) REPEAL.—Section 692 of title 10, United States Code, is repealed.

(b) CERIAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item referring to section 692.

Mr. BINGAMAN. Mr. President, this amendment that I have just sent to the desk would propose to repeal a provision that was adopted in last year's defense authorization bill. That provision makes it the permanent law of the land that we will have at least 1,445,000 active duty military personnel, including at least 495,000 in the Army, at least 395,000 in the Navy, at least 174,000 in the Marine Corps, and at least 381,000 in the Air Force.

This is a permanent provision of law that we added last year. The provision states these 'end strengths . . . are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.'

The provision gives the Secretary of Defense only half a percentage point leeway in meeting these minimum active duty levels. Even if the Secretary of Defense in any given year, persuades Congress to go to a lower end strength level, under the provision which is now permanent law, the following year the Secretary is again bound to the 1,445,000 end strength level unless he again asks and again Congress agrees to approve a waiver.

Mr. President, it is just bad law. The committee has included a provision in the bill before us that makes it minimally tolerable in the coming year by giving the Secretary of Defense not half a percent leeway but instead a 5 percent leeway for each of the services. The committee report points out that 'the committee has found that one-half percent flexibility is not enough, is insufficient to prevent the services from taking short-term management actions that may adversely affect service members, solely to meet the assigned end strengths at the end of the fiscal year.'

Mr. President, every year since I came to the Senate, section 401 of the defense authorization bill has established a maximum active duty end strength for each of the services. That seemed to me to make some sense. Last year was the first time in memory that Congress established a minimum active duty end strength as well as a maximum.

In this coming year the minimum and maximum will be identical, or almost identical, for three of the services, the Army, the Marines, and the Air Force. This makes no sense from the point of view of running a personnel system.

This provision in permanent law is not just bad personnel policy; it is fundamentally flawed in its ties to the Bottom-Up Review and the need to 'successfully conduct two nearly simultaneous major regional contingencies.' This is the only place that I am aware of where the Senate has chosen to memorialize the Bottom-Up Review in permanent law.

During the debate we just had a few minutes ago on the Coats-Lieberman amendment, which mandates a new strategic review to replace the Bottom-Up Review, we heard a great deal of criticism of the Bottom-Up Review and its underlying assumptions. I agree with that criticism.

How then, assuming that criticism is accurate—and the vote certainly would reflect the Senate agrees that the criticism is valid—how do we justify leaving this provision in title 10 of the United States Code the permanent law of the country, when we know that next year President Bush, the Bottom-Up Review will be overtaken and the two major regional contingency assumptions will be history?

Mr. President, let me remind my colleagues that the Republican Congress and the President are fundamentally in agreement on the total resources this Nation will devote to defense in the coming years.

Let me just show a chart here that makes that point very dramatically. I present to you a chart that shows from rhetoric on this Senate floor about who is stronger, which of the parties has the strongest position with regard to our national defense, but this chart makes the case, I think very persuasively, that spending between fiscal year 1997 and 2002 under the President's budget as scored by the CBO and spending under the final Republican budget resolution which has been made for much of the additional money that is being added to this bill is that the Pentagon is underfunding modernization of our Armed Forces. The bill that we have before us adds about $7.7 billion in procurement, about $3.7 billion in research and development. We have heard often during debate on this bill about the Joint Chiefs' $60 billion target for procurement and how short the bill is in meeting that goal, even with the additional money that we are adding in.

The fact is that the Republican outyear defense budgets will never reach that target either unless there is a significant additional flow of military personnel on the order of several hundred thousand active duty personnel. The fact is the Republican deficit hawks who put a premium on balancing the budget by 2002 have won the battle now. The budget is over the Republican defense hawks. But they have generously granted a 1-year reprieve, one last spending spree to the defense hawks in an election year.

Mr. President, this does not make sense. You cannot say that you are going to balance the budget, that you are going to increase funds for modernization and for quality of life and for readiness, and you are going to keep the active duty force level at 1,445,000.

The Republican budget resolution does not add up, nor, for that matter, does the President's defense budget. What is going to give, I predict, whoever is President, has clearly got to be the force structure the Nation needs for the coming years.

Mr. President, I favor modernization of our Armed Forces. I favor quality housing for our troops. I favor providing full pay raises to our forces. I favor long-term research to help keep our forces at the forefront of this "revolution in military affairs." I favor investments in the mobility of our forces and maintaining the readiness of our forces, although I welcome the efforts that have been made to look at that in the past.

But for this Senator, all of these priorities—modernization, pay, housing, readiness, mobility and research—all of them take precedence over the size of the force structure within constrained budgets. The Nation needs a well-equipped and well-paid and well-housed and highly mobile military to deal with the reduced threats of this post-cold-war world. It will be a smaller force than the Bottom-Up Review force. We will not have 1,445,000 active duty personnel.

We all know that that is where the Pentagon is headed next year, whoever is elected this fall. Under the bill that
the roles and missions of our Armed Forces. Repeal of the active duty end strength floors in the absence of such reviews and recommendations would be foolhardy and ill- advised. I urge my colleagues to oppose this amendment.

Mr. President, I thank the chair and yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am persuaded that my amendment would substantially improve the bill if it were adopted. I think the legislation in the bill, the permanent law we are dealing with, is not appropriate for the time we live in and not appropriate for the budget constraints that we realistically have to deal with. I am also aware that in this even-numbered year, it is very difficult to get the necessary majority to vote for an amendment such as the one I have proposed here.

One of the real fears of many in this body, I am sure, is that they might in some way be viewed as being soft on crime or weak on defense. I do not in any way think that my amendment is a signal that a person is weak on defense. I think it is a sign that a person is realistic about the resources that we have to devote to our national defenses, and that both the President and the Republican leadership here in Congress have committed to devote to our resources over the years.

I think we would be well off to get on with the repeal of these minimum force provisions that are in permanent law. I recognize, though, that with the opposition of the leadership of the Armed Services Committee on this issue, that would not prevail with this amendment. For that reason, I will withdraw the amendment and keep it for another day when we will have a greater opportunity to prevail with it.

At this point, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

Mr. THURMOND. Mr. President, I rise to oppose this amendment. This amendment would repeal the end strength floors enacted in the National Defense Authorization Act for fiscal year 1996. The goal in establishing these floors was to prevent the Department of Defense and the administration from sacrificing active duty strength below levels necessary to successfully prosecute two major regional contingencies in favor of other budget priorities.

Earlier this afternoon, we debated and adopted an amendment offered by Senators LIEBERMAN, COATS, MCAIN, NUNN, LOTT, ROBB, THURMOND, and others which called for a commission to review the national security strategy and to recommend a new, requirement-based force structure plan. I support that amendment and I think that repealing the active duty end strength floors before such a force structure review is completed would be premature.

Mr. President, just to set the record straight, I want my colleagues to understand that the uniformed personnel chiefs have not opposed the end strength floors. The floors are set at the level requested in the administration's Bottom-Up Review. This number represents the end state of the defense downsizing. No military or civilian leader in the Department of Defense has requested more reductions to our active force. However, during testimony of our committee, Section 401 of the defense authorization bill we are now debating provides the services the flexibility which the uniformed personnel chiefs requested.

Any further reductions to military strengths must follow congressional concurrence with a new force structure review and a comprehensive revision to the roles and missions of our Armed Forces. Repeal of the active duty end strength floors in the absence of such reviews and recommendations would be foolhardy and ill-advised. I urge my colleagues to oppose this amendment.

Mr. President, I thank the chair and yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am persuaded that my amendment would substantially improve the bill if it were adopted. I think the legislation in the bill, the permanent law we are dealing with, is not appropriate for the time we live in and not appropriate for the budget constraints that we realistically have to deal with. I am also aware that in this even-numbered year, it is very difficult to get the necessary majority to vote for an amendment such as the one I have proposed here.

One of the real fears of many in this body, I am sure, is that they might in some way be viewed as being soft on crime or weak on defense. I do not in any way think that my amendment is a signal that a person is weak on defense. I think it is a sign that a person is realistic about the resources that we have to devote to our national defenses, and that both the President and the Republican leadership here in Congress have committed to devote to our resources over the years.

I think we would be well off to get on with the repeal of these minimum force provisions that are in permanent law. I recognize, though, that with the opposition of the leadership of the Armed Services Committee on this issue, that would not prevail with this amendment. For that reason, I will withdraw the amendment and keep it for another day when we will have a greater opportunity to prevail with it.

At this point, I withdraw the amendment.

The PRESIDING OFFICER. The amendment (No. 4276) was withdrawn.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from New Mexico for withdrawing the amendment.

The NATO Security Investment Program

Mr. CAMPBELL. Mr. President, as we consider the fiscal year 1997 Defense Authorization bill, I would like to take this opportunity to point out our financial and security investments in NATO. Too often, Mr. President, we in Congress find ourselves in the position of having to justify to our constituents the rationale for providing foreign assistance, particularly during a time when budgetary constraints are hindering what we can do right here in our own home towns. For this reason, foreign spending often has become negative and is distorted in the public eye. While this is an understandable concern, few recognize just how much the United States benefits from its financial investments and active participations in foreign activity. The NATO Security Investment Program is a model that readily defies this negative image and I would like to highlight this for my colleagues today.

The NATO Security Investment Program, which sustains the NATO Alliance facility operations and technical requirements, supports U.S. security and economic interests, while providing an impressive commercial return on our investment. Where the United States has invested approximately $1 billion in the NATO Security Investment Program over the past 5 years, U.S. businesses have enjoyed a total of $1.7 billion in high-tech contracts. During the same time period, a $25 million investment of U.S. $100 million worth of military construction contracts which were awarded to U.S. companies. In fact, nearly 40 percent of all NATO high-tech and communications projects are awarded to U.S. contractors.

This current rate of return continues to grow and benefit the U.S. economy. Right now, there are 12 NATO contracts under way which total $73 million in returns for U.S. companies, significantly impacting five States. In the upcoming years, there will be 10 NATO projects awarded to American contractors in five States which will total nearly $169.8 million.

Since the collapse of the Warsaw Pact, the NATO alliance has undergone fundamental and significant changes as its strategy has shifted from a stationary defensive position to a lean, responsive body, capable of handling a variety of challenges. With the drawdown and overall mission redefinition complete, the NATO alliance has focused upon several projects and operations that will refocus NATO's efforts throughout the European theater. These operations need our strong financial support.

Opposition remains, however, as many continue to argue that with the end of the cold war should come a decreased need for U.S. military dollars abroad. This position is readily refuted, when one considers the truly surprising financial opportunities and benefits that exist for our economy within these operations.

We must continue to recognize the tremendous tangible rewards that are generated by our leadership and participation in such foreign investment. These figures clearly reflect the direct benefits and future potential of our involvement in NATO, not only in terms of security but in economic terms as well. I would encourage my colleagues to observe and remember the many benefits the United States is afforded through our involvement in the NATO Alliance.

AMENDMENT NO. 427

(Purpose: To state the sense of the Senate relating to the apparent inappropriate use of Federal Bureau of Investigation files)

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.
The clerk will report the amendment. Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following:

Sec. (a) The Congress finds that—

(1) Federal Bureau of Investigation background files contain highly sensitive and extremely private information;

(2) the White House has created a clear concern amongst individuals who identify themselves with these files represented primarily Re-

ductive.

violation of a proper handling of the office. In this instance, this is clearly a

the White House, pursuant to what ap-

ate will be in order.

It appears from all press reports that

Inappropriate outrage that had such an

incident occurred, or should such an

individual continue to be paid by the tax-

ers of this country. He was not

tary substantive. The FBI, if noth-

some sort of, at the minimum, fishing

tional future active involvement with the

White House raises very significant and

ard individuals, people who specialize, through

activities in the Government, in the

management of security for the White

House. That has been the tradi-

ential individual who has managed

office.

It has become pretty obvious from this exercise that at least one individ-

is primarily culpable for this ac-

tion which is not defen-

sible. In fact, the White House has said

it was not defensible. In fact, the White

House has used terms such as “inexcus-

able.” I believe the President has even

ted the Chief of Staff has used that term. But that indi-

idual continues to be paid by the tax-

ers of this country. He was not

asked to leave. He is on self-requested

 administrative leave, I believe. So your

tax dollars, the Amer-

ic peacekeeper tax dollars, and even the

tax dollars of those 400 folks whose

files have been gone through in this

manner, are being used to fund the sal-

ary of this individual. That seems, to

me, to be not only incredibly ironic, but extraordinarily inappropriate and

inconsistent with the policy stated by the

President when he was running for this

office.

When the President was running for

office, if people will recall, there was

an incident that occurred at the State

Department that involved the review of

the passport file of the then-candidate.

It is stated with considerable and, I think,

appropriate outrage that had such an

incident occurred, or should such an

incident occur during his administration,

that person would be the—this person re-

ponsibility for that action—quickly ter-

minated.

Well, not only has the person responsi-

bility not been quickly terminated, but

the person responsible is now actually

being paid by the taxpayers of this country his full salary. That is wrong.

I think it is wrong on all sorts of lev-

els, but it is wrong on the issue of

logic. It is wrong on the issue of fair-

ness to the people whose files were

gone through, but, most importantly, it

searches the wrong signal on a matter of

this seriousness. He should have been

fired outright, as I think the

President suggested when he was run-

ning for office. Then, after it is done

about that. That would have been the

proper course of action. But, at the

minimum, he should not have been able to

request administrative leave. He

should have been put on leave by this

White House, without pay. What has

happened, however, is just the oppo-

site. He was put on leave at his request,

with pay, an action which one has to

question rather significantly.

Now, let us review again what hap-

pened. There were 400 names. Maybe

more, we are not absolutely sure yet—

which were requested by the director of

the White House personnel secu-

sion. Now, the director of White

House personnel security has the obli-

gation, under the White House rules, to

who has an absolutely secure job at the

White House. Traditionally, that post has

been under the direction of career indi-

viduals, people who specialize, through

activities in the Government, in the

management of security for the White

House. That has been the tradi-

ional individual who has managed

that office.

However, with the ascension of Presi-

dent Clinton to this White House, there

was an individual appointed as director of the office of personnel security

named Mr. Livingstone. It has been re-

ported, rather widely, that Mr. Living-

stone’s basic experience was as a politi-

cal operative within the campaigns of

several different candidates— the Presi-

candacy. I believe even the Vice President’s can-

didacy at one time, and I believe he

also worked for former Congresswoman

Geraldine Ferraro. His basic purpose

was to manage political affairs and

security within the campaign structure.

So he was moved into this position of

director of the White House personnel

office. It has, again, been reported that, in

that position, he reported to a series of

people within the White House, many of who also managed political activ-

ity within the White House. That, of

course, raises the question of, what is

the proper way to manage this office?

But that is a secondary question. The

primary question was, why would this

individual have requested these 400

files on these 400 individuals, almost

all of whom are Republicans?

FBI files, by the way, are very unique

files. They are not a credit union file.

They are very serious reviews of a per-

son’s activities, going into all sorts of

background checks that are extraor-

dinary substantive. The FBI, if noth-

ing, is one of the most thorough invest-

igative organizations in the country.
They are not a credit union report. In fact, FBI files are so seriously viewed this. In fact, I have sensed that what appropriate and right almost should go unsaid. It should not have to be said. There should not have to be a sense of the Senate we go on record and say that we feel that this individual should no longer be paid by the taxpayers of the United States. We are basically suggesting that what is right should be done. And it is not unreasonable to seek to do what is right.

This is such an obvious point—that what is appropriate and right almost should go unsaid. It should not have to be said. There should not have to be a sense of the Senate we go on record and say that we feel that this individual should no longer be paid by the taxpayers of the United States. We are basically suggesting that what is right should be done. And it is not unreasonable to seek to do what is right.

So I believe it is appropriate that we take up this sense of the Senate. As a result, I have brought it forward at this time. I recognize the consecration this may create, and I certainly wish to apologize to the leader of the Armed Services bill, the Senator from South Carolina, who I greatly admire, and, as do many others in this body, hold in absolute esteem. But the vehicle to bring this up is the only vehicle that is on the floor. And if it were not brought up on this vehicle it would not be able to be brought up probably for weeks—like he suggested that he would during recess, and maybe not even then. Thus, I feel that I should go forward at this time. And thus, I have.

At this point I would ask for the yeas and nays to be taken. The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second. Several Senators addressed the Chair.

SENATOR THURMOND. Mr. President, if the Senate will withdraw it for just a moment.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I suggest that the roll call be postponed.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.
Mr. GREGG. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

AMENDMENT NO. 4271, WITHDRAWN

Mr. GREGG. Mr. President, in order to move the process along, and in order to help the Senator from South Carolina, whom I greatly admire, I have decided to give up this time to withdraw my amendment. I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 4277) was withdrawn.

Mr. NICKLES. Mr. President, one, I compliment the Senator from New Hampshire for offering this amendment. This amendment deals with the issue of files that are locked up. They are not available for rummaging through the files. As a matter of fact, it is against the law to do so.

The Privacy Act, which was passed in relation to Watergate, was passed to protect individuals, to make sure that those files would not be misused or abused. That information should be kept secret for very limited access purposes, to make sure that individuals that have very high security operations or needs would be cleared, to make sure there are no real problems.

This is maybe the most serious abuse of FBI files in history. It remains to be seen. The Senator from New Hampshire is saying that the individual primarily responsible for that, Mr. Livingstone, he is still on paid vacation, I guess. He is on leave but he is being paid. That is troubling. The Senator had a resolution that said he should be terminated. He should be terminated. I know I have heard that not just from Republicans, but Democrats alike.

So, Mr. President, I compliment the Senator from New Hampshire for, one, bringing this issue to the floor of the Senate. I note there will be hearings tomorrow dealing with this issue. Mr. Livingstone, and others, will be testifying before Congress. This is important. It is vitally important that Congress get to the bottom of it, find out the information. But in the process, it is troubling that at least one of the individuals that was responsible for it not only on leave, but he is also on paid leave, that he is on a paid vacation, I guess, at taxpayers' expense.

So the Senator from New Hampshire, I think it is important that if we vote on—I might mention he has withdrawn it so the Senate can proceed. I ask our colleagues on the Armed Services Committee to return to the floor so we can conduct business on the DOD authorization bill. He has withdrawn it so we can proceed. He agreed to the request by Senator THURMOND, the chairman of the Armed Services Committee, to move forward.

I respect the Senator from New Hampshire and the Senator from New Hampshire, that I do so. I respect the Senator from South Carolina for his desire to move this bill forward. He also has a right to reoffer it at a different time, just as the Senator from Arkansas has for an amendment dealing with pharmaceuticals. He offered it last week; he withdrew it. He has a chance to offer it again. That is his right. It may be germane to this bill to some extent but somewhat limited in its germaneness. It is my hope, too, that we will pass this bill.

So, again, I think the Senator from New Hampshire for his action in bringing this issue to the floor of the Senate and also for his willingness to withdraw the amendment so we can proceed and move forward with this bill tonight and hopefully make some significant progress on this bill tonight.

Mr. COATS addressed the Chair. The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to thank Senator GREGG. As a member of the Armed Services Committee obviously interested in moving this defense authorization bill forward, I appreciate Senator GREGG's willingness to withdraw the amendment. But I guess I join my colleague from Oklahoma in stating that it is a perfectly justifiable amendment given the circumstances of the situation.

I think a lot of us do not quite understand what is going on down at the White House. The person in charge of the travel office, who is not political, gets fired because they want to put somebody who is political in the office but the person who is political does not get fired. It seems to be kind of a double standard and a disconnect.

So Senator GREGG is pointing out something that I think needs to be addressed. I just appreciate the fact that he is willing to allow, in deference to the Senator from South Carolina and those of us who feel it is important to go forward with the defense authorization bill, the opportunity to move forward with this legislation.

But what is happening here is nothing more than what has happened to us. We have tried to move relevant legislation forward, and the Senator from Massachusetts and others insist on adding nongermane, nonrelevant amendments to every bill that the Republicans put on the floor. So, whether it is the minimum wage or whether it is the Glaxo issue, there is a whole series of nongermane, nonrelevant amendments being moved forward. There are so many that everybody agrees need to be moved forward. So I think Senator GREGG is perfectly within his rights in offering that amendment. I think it is an appropriate subject for debate and discussion. I do commend him for recognizing the importance of the defense bill and being willing to withdraw it at this time.

I hope, Mr. President, that Members on the other side of the aisle will not now take the opportunity to continue the practice of offering nongermane bills, and I hope Members on this side of the aisle would also honor that from this point forward. It is a little bit for tat here. We spent 3 weeks, or a little less than that, trying to resolve an issue of a nongermane, nonrelevant amendment being offered on bill after bill after bill. We finally had a tortuous unanimous consent agreement—it probably set a record for the number of words or pages in that unanimous consent agreement—signed by the new majority leader and the minority leader. Maybe the best thing we can do here is to agree to both move forward with the business at hand and then allow Members to take up these other issues.

Certainly the Senator from Massachusetts has the right to address the issue of minimum wage, but it ought to be done on a relevant bill. Certainly the Senator from Arkansas has the right to address the Glaxo GATT matter, but it ought to be done on a relevant or standalone basis. Certainly the Senator from New Hampshire has the right to address what I
Mr. President, I also want to commend the Senator from New Hampshire for offering that amendment. I know it is not germane to the defense authorization bill, yet I think it is important that we begin to discuss some very serious issues that I think deserve to be debated and discussed here on the floor of the U.S. Senate.

I was just made aware that the other partner in crime or potential partner in crime, Mr. Marceca, just announced that he has made available 300 additional files, in addition to the 481; there are now 300 additional files, some of them national security files, that he has now made available and has just showed up on an AP wire. This issue continues to get broader and broader and more and more files trickling out. Frankly, not much has been said here on the floor of the U.S. Senate one way or another.

I say this is an important issue. This is a subject of serious investigation beyond the politics of it. It is an important issue of who has access to secure documents? Who has access to national security documents? And what are they doing with those documents? How do we treat people who have such documents? What things have those documents? Who ordered them to do it? Who else knew about it? I like to think that Mr. Livingstone, maybe, was just a wild guy acting on his own, and Marceca was another one of these wild men who was off doing his own thing. I know a little bit about how things function in this town, and there are very few things that are run independently.

Now we are seeing this list getting broader and broader and information trickling out. We still have 2,000 pages under subpoena in the House that the Executive Office is claiming privilege over. By the way, they claim "privilege" over the original 1,000 documents, of which this file information was uncovered. If they claimed that under the original 1,000, what is in the 2,000 they are holding on to? Maybe some of these national security documents that are now being discussed or memos or 2,000 documents being held by the White House under claim of Executive privilege.

I commend the Senator from New Hampshire for bringing this issue to the floor, for talking about the firing of Mr. Livingstone, but I do not think we want to take Mr. Livingstone to be the heavy here. The fact of the matter is this was a man who was trusted by very high-up people in the White House. George Stephanopoulos said this is a man who "knew how to get things done." If he only knew. Or maybe he did know. I do not know.

Those are the kind of things I think we should be discussing here and we should be investigating here. I think the Senator from New Hampshire's resolution was, frankly, pretty mild. I suspect if we had a public vote on that resolution—and the reason we are not having a public vote on that resolution is because the other side does not want to debate or discuss this; they put in a quorum call, which means we have a time out and we cannot go back into play on the field here to move forward with our business until the other side allows us to go back into play. This institution would have been shut down the rest of the night as long as the Senator from New Hampshire's amendment was on the floor because they do not want to talk about this. They certainly do not want to vote on this. I suspect if there is a public vote on this, which is the way we do things in the U.S. Senate, it would pass 100 to 0. I do not think there are too many who would stand up and defend the conduct of Mr. Livingstone.

I want to say that there are too many people over there that want to defend Mr. Livingstone.

The issue is that a lot of people do not want this to be discussed on the floor. I do not blame them. This is not part of the subject, but it is a serious matter. It is a very serious matter, and it is not a political matter. Yes, there are political implications, I am not naive to that. But this is a very serious breach of security, and I think they must have faith in their Government's ability to keep classified information just that, classified, and away from people for using it for dirty tricks or just for their own jollies, as may be the case here.

I do not know, maybe it was two rogue guys who were just having fun or maybe it was a bureaucratic snafu, where someone just made a mistake. But if someone just made a mistake, I am looking at these documents that were released just a few days ago, and I see in here that we have 481 documents that we should not have had sitting at the White House for a year at that time. When I am reviewing the subpoena request from the House and I see this, and I claim Executive privilege over this information for a year, then somebody else had to know something. It is not just these two folks, it is not just in the basement of the White House. Someone very high up said, "Yes, we know these documents are here. In fact, we will let them sit here for another year, and we are going to claim privilege over these documents." That someone, at least tacitly, is condoning what they are doing in the general counsel's office.

The American public has a right to know that people in the White House or in the Congress are not playing fast and loose with the private lives of ordinary Americans. And now, at the very least, that is what is going on here. I heard the Senator from Oklahoma talk about when he has reviewed FBI files, I have reviewed FBI files as a member of the Armed Services Committee. They do bring the files and they sit there with you while you review them. You cannot take notes, you cannot make copies, you cannot do anything with those files. If you have a question, you have to raise your hand, and they track down the answer for you. They do treat these things as very confidential because there is information in there that is not substantiated. It is a lot of hearsay in many cases. "A said this about B, which exonerates this person." There is all sorts of stuff in there, and a lot of it is unsubstantiated, and probably some of it is false. It is a complete record. It is not a little mistake. To have those laying around the White House or someplace for 2 years, 1 of those 2 years the information letting us know that those documents were there, was under subpoena, and they held it, that is serious.

To suggest the Senator from New Hampshire there should be able to come up here and debate that subject and get a decision on the part of the U.S. Senate when the evidence is very clear of what is going on here—we will have testimony tomorrow by these two gentlemen who will tell their story, or maybe tell their story. We will see. I do not know whether they will tell their story. I hope they do. They will be there tomorrow. Maybe after we hear the testimony of Mr. Liv- ingstone, there will be a resolution that will be bipartisan that calls for his resignation or dismissal. Somehow, I think we need to send a message out of the floor here of the U.S. Senate that this is a serious matter that should be treated as such by a Presi- dent, who I think right before the election said he would have the most ethical administration in the history of this country. Do you want to talk about a promise? That is a great prom- ise. Do you want to examine whether you think he has kept that promise, whether you believe this ad- ministration has been the most ethical administration in the history of this country, whether you believe it is ethi- cal for members of the administration to gather FBI files on, conveniently, almost all Republicans and have them laying around the White House—private, confidential files, classified files—for 2 years.

That is only a third of the papers that have been asked for. There are still other documents out there that we are waiting to look at, which are being protected by the White House, which I suspect they consider more politically damaging. I think we have an obligation, not from a partisan perspective, but from the perspective of getting to the bottom line of what is going on here. Maybe all of those 2,000 pages will show the snafu, will exoner- ate the President, will exonerate everybody and show the chain of authority there, that this was, in fact, what they are claiming—a little mistake. It would take a lot of paper—much more
than 2,000 pages, in my opinion—to do that, but maybe it will.

So be it. We should have that information. What is hanging over this investigation right now is a cloud of potential criminal activity. The White House and the Executive privilege are not enough. Criminal activity discussed in those documents, they cannot claim Executive privilege. It is clear that they cannot claim Executive privilege if there is illegal activity involved in those documents.

So let us wait and see. Let us wait and see how this is going to play out. If there is any problem I have with the resolution of the Senator from New Hampshire, it is that it targets one person. I would suspect that what we are going to see here, as this issue develops, is that we are going to see everyone turn in their guns on Mr. Livingston and Mr. Marcase. They are going to have horns and a little beard, and they are going to be the scapegoats. Everybody is going to point the finger at them and try to make them out to be the villains and the guys who did all the bad things here, and all of the rest of us are as pure as the wind-driven snow, and we did not know it. The bad boys were doing all this time.

That is what, I guarantee you, will be the line. Once we find out this was not a snafu, that this was, in fact, a pretty bad happening, we will then turn from the snafu to the scapegoat. And they will stonewall and stone wall as long as they can, putting those two guys out front to take the fall.

Well, let us see what this body is going to do about it. Let us see how bipartisan we can be to get to the truth on something that has serious, serious liberties implications. Let us see how bipartisan we are going to be. Let us see how much we really want to find out the truth, or how much we want to protect our political purposes.

I am willing and anxious to see the bipartisanism on this investigation. I am anxious to see resolutions brought to the floor that have bipartisan support, which say that we need to get to the bottom of this, and we need to speak as one voice in the Senate and speak up for privacy rights of individuals and against unethical behavior in the White House.

When I start to see some of that happening in the Senate, I hope we will not have to have these little breaks in time here on the floor. Maybe we would not have to have a shutdown like the one that occurred this afternoon, the shutdown of this bill, which is a very important bill to this country, the defense authorization bill. Maybe we will not have to see a shutdown. Maybe we will see true cooperation for the betterment of this country, instead of a continual, well, let us try to put this behind us. There is an investigation going on, and let us not do it. Let us take that seriously. Let us not put it before the American public so that they know what the heck is going on. Let us not tell them what is really at stake here, and what classified files really mean.

Mr. President, I think we do need to talk about that. I think the American public needs to know what is involved in these documents, what is involved in the lives of the members who certainly know the acts better than I do, who are on the Judiciary Committee, will come here and actually talk about that. Talk about what is involved. I know many Senators have done so. They have explained more.

This is a serious problem, and the Senator from New Hampshire, who, I would say, somewhat courageously stood up and took the risk of getting some missiles fired at him—which was done—did so. But I think he did so to let it be known that this is not an issue that we believe is exempt from discussion here on the Senate floor during this very important time.

So I am anxious to see what happens tomorrow. And maybe depending on what happens tomorrow, we may be back here on the Senate floor with further discussion, and possibly other kinds of resolutions that express the sense of the Senate, or even do more than that, if things happen to this situation. It is one that I hope we can deal with in a bipartisan fashion, as I said before. If the Senator from New Hampshire actually had a chance to have a vote on his resolution, I think if the vote was put that way, I think it would be 100 to 0. Even if it was private, it would be 100 to 0. That is how most Members feel about it.

Most Members feel very uncomfortable about this. I am not asking them to defend this. There is a reasonable side to say that the jury is still out, and let us wait and see what happens, let us not draw conclusions from everything. I think, certainly, from the evidence revealed so far, we have some very serious problems here that need to be addressed, and I hope this body will be as active in pursuing that oversight responsibility that we have as the House of Representatives Government Oversight Committee.

I want to commend my colleague from Pennsylvania, someone whom I have known for a long, long time, BILL CLINGER, the chairman of the Government Affairs Committee over in the House of Representatives. I had the honor, as a College student at Penn State, to work as an intern for BILL CLINGER. He is someone who I think, frankly, is seen in the House as being beyond partisan. Bill has been a stand-up guy, who is not engaged in partisan activities. I think maybe more than any other Member over there, he has the ability and legitimacy to take on this issue in a very fair-minded way.

I think he has done that. BILL CLINGER does not pursue things unless he believes there were some misdeeds. He pursued the law, and he pursued it honestly and forthrightly. He did not make partisan statements during that time. He stuck to his guns, stuck to the facts, and he has done an outstanding job. I am only disappointed that he is not running for reelection. I hope he does so, and that he finishes his term in the same manner that he has conducted himself—keeping to the facts, keeping on this case, and following through to it.

Thank you, Mr. President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, normally they serve sandwiches and coffee following a political speech. We have had four of them. Although the Senate is not a Republican precinct convention, and it would violate the rules to serve sandwiches and coffee, one would almost expect that following the speech we have been treated to.

I come from ranching country in western North Dakota. I am thinking of the old phrase, "All hat and no cattle." It is kind of interesting to listen to this discussion. The last speaker just told us that he has registered his verdict on a whole series of issues, and now tomorrow he is going to a committee hearing to hear the evidence. That is a new approach, I guess, to making judgments about the law.

One hour ago this Chamber was filled with Senators. In these six seats sat the chairman of the Armed Services Committee, the ranking member of the Armed Services Committee, and their staffs. We were served the same old sandwiches and coffee following a political speech. The last speaker just told us that he has registered his verdict on a whole series of issues, and now tomorrow he is going to a committee hearing to hear the evidence. That is a new approach, I guess, to making judgments about the law.

Then a Senator, perfectly within his rights, stood up and offered an amendment that had nothing at all to do with this bill but had instead to do with an issue dealing with the White House. In four subsequent speeches, four Members of the Senate used the time of the Senate sufficiently so that now nearly 2 hours later the Senate is vacant. There will be no more business tonight. There will be no further votes tonight. There will be no further work done on the serious business of the defense authorization bill. Some of us thought that those who said they wanted to finish this bill were serious and we were interested in getting the work of the Senate done and offering amendments to this bill.

Then a Senator, perfectly within his rights, stood up and offered an amendment that had nothing at all to do with this bill but had instead to do with an issue dealing with the White House. In four subsequent speeches, four Members of the Senate used the time of the Senate sufficiently so that now nearly 2 hours later the Senate is vacant. There will be no more business tonight. There will be no further votes tonight. There will be no further work done on the serious business of the defense authorization bill.

But the accomplishment was that four relatively political speeches were made on the floor of the Senate. It is an election year. It is June 1. The election is in November. We understand it all. We are not divergent about all of this. We understand. Everyone has the right to do this. But you do not have the right, it seems to me, to complain that you are not getting anything done. If you are causing the circumstances to avoid getting things done, then maybe we need to take a look at this bill. We were treated to an amendment—and I think a several-hour debate—about whether Pennsylvania Avenue in front of the
White House should be opened or closed; a very significant military issue apparently. Or was it an issue that had nothing at all to do with this bill? I think it was the latter.

The issue has been raised about files at the White House. I would raise this issue. I think the President would say this if he were standing on the floor of the Senate: If anyone has been guilty of wrongdoing, if laws have been violated, if people have abused their privileges with those files, they should serve to be fired—end of story; no excuses. As all my colleagues know, we have an independent prosecutor, an independent counsel, now at the request of the Attorney General conducting an investigation at the White House, hopefully as we speak. If it is discovered that anyone has abused those files, or misused information in the files, or requested files that were inappropriate, or done anything in any way that would lead the American people at large to believe that the White House is not abiding by the law, that they have not behaved properly, I fully expect this President to discharge them and to do so immediately. But that is not what this is about.

There is one common element between all of the Members who spoke—myself, my friend, the Senator from Kentucky, and the Senator from West Virginia. There is one common element that binds us all together tonight; that is, none of us know the facts. We are going to pretend there is an independent investigator trying to understand what those facts are. If ignorance is bliss, this place must be ecstatic on this issue. None of us understand the facts. Get the facts, get them quickly, understand them, digest them, and then take appropriate action.

But that is not what this was about. This was about something much different from that. We have for a number of months in the U.S. Senate seen an agenda in the Senate that wants to stay away from things that really affect families and their circumstances as they try to work every day, do their business, and take care of their needs.

That is not what the agenda has been on the floor of the Senate by the majority party. One aspect of being in the majority is that you control the agenda and on the floor of the Senate. You decide what comes up and when it comes up. The majority party does not want the minimum wage to come to the floor of the Senate.

Some of us suggested the last time there was an adjustment in the minimum wage was in 1989. Those who work at the bottom rung of the minimum wage economic ladder, 40 percent of whom are the sole breadwinners of their family out working hard trying to make ends meet, those people have not had an adjustment in 6 years. Some said it is time for it this year, to raise the modest adjustment on the bottom. We have folks on the top getting adjustments worth millions. They downsize, fire 20,000 people and get a $4 million raise; that is, the folks at the top of the economic ladder.

We ask whether it was not reasonable that the folks at the bottom of the ladder, the kind of people that I referred to in some letters I used the other day, folks working their necks to the ground for minimum wage—the woman who told me that they had lost everything in a fire in their trailer house. They had sickness and problems in their family. She works. Her husband works for minimum wage. She says, I don't know how I am going to tell my two sons who want to play summer baseball that I do not have the $25 that it requires as a fee to sign them up let alone buy them baseball gloves.

That is the daily story of people at the bottom of the economic ladder. We said that we would kind of like to see an adjustment after 6 years. But they do not want that on the floor of the Senate.

So for 4 months we have been wrestling with the notion of whether we could bring to the floor of the Senate a modest adjustment that helps those at the bottom of the economic ladder. For 4 months we are the ones that have advanced this legislation saying that we ought to do something about health care.

We finally passed the Kennedy-Kassebaum health care bill that says you can take your insurance with you when you move from job to job. You are no longer held prisoner in a job because you are going to lose your insurance. It says you are not going to be able to be denied insurance because of preexisting conditions. It is the right thing to do. But do you know what? That is being held hostage because we have people saying we are not going to let you pass that bill that millions of American families need unless you agree with us on these things called medical savings accounts, and if you do not agree with us, you are going to lose your insurance. That is what they say, we are going to hold that bill hostage.

So they would deny the opportunity to get a minimum adjustment on the minimum wage at the bottom of the economic ladder, deny the opportunity of families to have the kind of health coverage and protection that will be allowed them under the Kassebaum-Kennedy bill. What they say is, Well, we want tax cuts. So we say to them, All right, if you want tax cuts, we think you ought to reduce the deficit first. Let us reduce the deficit first and then let us talk about tax cuts. They say no, they cannot do that. We want tax cuts. We want to cut Medicare to give you tax cuts. We want to cut Social Security, cut Head Start rolls, at a time when we are saying that the wealthiest families in this country, at a time when we have a problem, at a time when we are telling children that we cannot afford them on the Head Start rolls, at a time when they are saying that it ought not be an entitlement that a child be eligible for Medicaid, at a time when we are saying that it ought not be an entitlement for a poor kid to get a hot meal in the middle of the day at school because we cannot afford it. But we can afford to give a family that has $10 million a year in income a big tax cut.

That is the agenda that they do not want discussed. Instead, what they want to do is talk about extraneous issues, nongermane amendments offered to this bill and that bill in order to take us over into this political corner or that political corner.

I have been trying to offer an amendment for some long while that I would have hoped one of these days I could get passed. It defies imagination that we actually say to companies in this country, shut your doors, close your company, fire your workers, and move overseas and hire a bunch of foreign workers and ship your goods back to America. Guess what? If you do that, we will give you a tax break.

Yes, that is right. That is what our Tax Code says. Move your plant overseas. Get rid of your American workers. Hire foreign workers. Make the same product and ship it back, and we will pay you to do it $2.2 billion in 7 years. We will pay you to do it. But you think we can get that amendment, the amendment that shuts down that insidious tax break, that actually pays companies to move jobs overseas, do you think we can get this Chamber to get rid of that tax break? No, because that is not part of the agenda. You see, that tax break inures to the largest multinational companies
that no longer say the Pledge of Allegiance, that are international corporations, and whatever they want—if they have a headache, we want to treat them. If they have a shoulder ache, we want to give them an aspirin. That is the attitude of the majority party as well. It was my intention, however, to have talked about the things that I think we should be addressing in the Chamber of the Senate.

Everyone has a right to offer an amendment, if it is nongermane. Everyone has a right. The Senator who offered this amendment early this evening is a good friend of mine. I like him a lot. He has the right to do that. But another Senator stood up a little later and complained about those who offered nongermane amendments; you cannot do that.

I do not understand this. They offer nongermane amendments, and then they stand up and complain about people who offer nongermane amendments. This Attorney General immediately investigate, and she decided she wanted the independent counsel to do that investigation. Wherever that investigation leads, this President will, in my judgment—I am confident he will—take immediate action to resolve it.

Not only that, but this administration has taken action now with respect to the files that are used for background checks, has taken steps that are unprecedented. This Attorney General already investigated, and she determined to have broken the law, to have violated procedures, to have in any other way abused the privileges of the information contained in those files, then they ought to be fired and fired instantly.

I will say this about President Clinton. Some might say they like him, some do not like him. It seems to me that this President has done exactly what he was required to do when this latest issue developed, and that is to have his Attorney General immediately investigate, and she decided she wanted the independent counsel to do that investigation. Wherever that investigation leads, this President will, in my judgment—I am confident he will—take immediate action to resolve it.

There is no disagreement. I hope, about the fact that none of us know what has happened, including the President at this point. When this investigation tells us what has happened, then we ought to stand up and talk about whether this ought to be investigated. Of course, it should, and it is.

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I finally say this. I hope that as we meander through this process this year in the Senate and talk about the agenda we want to pursue, the agenda is one that finally begins to address some of the things we are concerned about, and those things are the things that families ought to be talking about when they sit down for supper and talk about their lot in life, worry about these things.

So, Mr. President, I started by suggesting there should be sandwiches and coffee following the other four speeches. I suppose some would suggest that they be sandwiches and coffee as well. It was my intention, however, to have talked about the things that I think we should be addressing in the Chamber of the Senate.

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This is a very large piece of legislation with very important issues involved in it, but it is not going to help this Senate to do what we just saw happen about 2 hours ago. It essentially shut down the process. There will be no further work tonight, and that puts us behind rather than ahead. I hope that this is not the way we will begin a new set of leadership and begin dealing with the issues that all of us know this Senate has a responsibility to deal with in the weeks and months ahead.

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, a long time ago, I was a Republican, and I was brought up in a Republican family. It was not the kind of Republican family which is very much respected these days because it was referred to as “Rockefeller Republicanism,” with that about the worst thing you can say about a Republican because this primarily came from my Uncle Nelson, who liked to get things done for the people of New York State and also for the country. He was also Vice President. He was very active. He was constantly worried about housing, and he wanted to get things done.

I grew up, and I was not very political, was not very interested in politics. I was interested mostly in Japane se language and Chinese history and all kinds of things which I really cared about. I wanted the independent counsel to do that investigation. Wherever that investigation leads, this President will, in my judgment—I am confident he will—take immediate action to resolve it.

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Mr. FORD. Mr. President, I suggest the quorum call be rescinded.

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

CONGRESSIONAL RECORD — SENATE

June 25, 1996

Carolina who certainly, shall we say, has some experience around here and has put in some time around here. I assume he wants to get that done. It is called defense authorization, one of the most important bills that we have. Now this deal is dangerous.

Yesterday, I gave a speech about things we have to take up in this Congress, that we have to solve, that people expect us to solve. We are the only people who can solve it. It cannot be done by Executive order. It cannot be done by the States. It can only be done by us. I do not know exactly how many legislative days we have left, but it cannot be very many, 35, 40, 45 days? If this is the way we are going to spend our time, then I can understand why the American people say those people up there do not get anything done. But, even more, it helps me understand why it is that I am a Democrat, because Democrats keep worrying and coalescing and forming coalitions and meeting, they would get it done.

Raising the minimum wage is one of them. What is the minimum wage worth today? And $3.10 in purchasing power, compared to 20 years ago. That would affect, I say to the Senator from Kentucky, one out of every four workers in West Virginia, working people in West Virginia—not people on welfare, people who work every day who could go on welfare, who make themselves cases, would do better to go on welfare in terms of their own financial self-interest because they would get health care, they would get lower rent, they would get food stamps. But no, they are interested in something called pride. Welfare is down in West Virginia; work is up in West Virginia, as it is in a lot of the country.

We should be doing something about raising that minimum wage to encourage people to stay off welfare and to continue working. Some of us spent a lot of time fighting for something called the earned-income tax credit. I would say to the Presiding Officer, if the earned-income tax credit was combined with the minimum wage, increased as we did it for George Bush in 1991, with bipartisan support—I do not know what is so different about today—then the great majority of American families would move out of poverty. Now, not be of interest to the majority party but that is of enormous interest to me and makes me very proud about being a Democrat, and very concerned about doing something about these problems. The political part is not important but the interest part is important, the fact that nothing is getting done here, week after week after week after week.

Tomorrow I will go to the Finance Committee, on which I serve, they are going to take up Medicaid and make it into a block grant. The majority party is going to pass that. It will pass the Senate Finance Committee because they control that. They control the floor. It will pass. It will happen. And then we are going to see the results.

But we have done nothing, and we have been talking about it for months, and it is the Kennedy bill. The Senator from Kansas, with all of the things she has done for her people and this country over all of these years, I would think there would be some on the other side who would really want to see it. She was left, she had her name on the only piece of health care legislation that passed in the first 4 years of the Clinton Presidency. But I am now beginning to be convinced that the majority party does not want to see that happen. I really do not understand that. That is very hurtful to the people I represent, many of whom are Republicans, many of whom are Democrats. Why do they not want to do that?

It is because there is single insurance company that had a tremendous amount of influence on a previous Member, so it was laid out there, and the House Republican leadership is very strongly attached to that concept, and it is called MSA’s, medical savings accounts. People are very alive for savings and for all kinds of things for people who are rich and healthy, and does absolutely no good to people who are average working families and are not wealthy, and are not necessarily healthy.

Why can we not pass the Kassebaum-Kennedy bill? It passed the Senate 100 to nothing. Why can we not pass that? Nothing takes place around here. That is why the American people say, about the majority party, why do they not ever talk about things which relate to my life? And they do not. We get, instead, diatribes on public things. People fire up from the other side—and we do from our side, presumably, from the people we represent, they fire up for their jobs.

For anything that is remotely political they are on their feet and ready to go. I am so sick of telling the story of how the computer chip stuck into that majority party, there we are not doing it. I think the principal reason is that the majority party does not want to see that happen. The Senator from Kentucky represents three States: western Kentucky, central Kentucky, and eastern Kentucky. And eastern Kentucky is just exactly like my southern West Virginia, and they need a lot of help. They have a whole lot of people in eastern Kentucky who do not have any insurance, cannot possibly afford it because they have something called a preexisting condition. They were laid off from one job and they would like to be able to carry their insurance to another job. But they cannot do it now. Except that Nancy Kassebaum changed that and made it possible for them to do it in a bill which passed this body 100 to nothing. Now we cannot get it passed. We cannot get it taken up. We cannot get it passed: MSA’s. We do not understand that. And I regret that. I regret that we have a chance to lift people out of poverty through something called welfare reform and we do not seem to be able to get to it. I resent that we have a chance to lift people out of poverty by increasing the minimum wage, which is no shocking deal. It was not in 1991, when George Bush passed it and signed it. Business people were not screaming and yelling, or if they were they stopped pretty quickly because nothing much happened except people began to get some more money. Now, actually, we are offering a smaller amount of money increase. It is exactly the same that he offered, $4.25 to $5.15 in 2 years—wow, that is really throwing money around—but that is worth much less today, what we are offering, than the same amount of change back in 1991.

People criticize us because we are not getting things done. I want to say, some of us are trying. Some of us are really trying. We care about what happens in the Persian Gulf. We care what happens in health care. We care what happens with average working families. We care what happens with pension security. We care what happens with job instability. We care what happens with minimum wage. We care what happens with welfare reform. We care what happens with neglected and abused children. We care about what happens with a whole lot of things which people say we are offering a very good salary to come up here and do something about—and we are not doing it. I think the principal reason is that we are not doing it because the proclivity of the majority party, there is some kind of a gene or something, or a chip stuck into that majority party, that causes them to always go cutthroat for politics. The meanest politics I have heard in the 12 years I have been up here, frankly, have come from the other side.

Am I out of place with what I said? I have no idea. It is what I believe. I know I am a Democrat, but I do not really care about that so much because I know why I am here in the Senate. I am here to help average people, people I represent and the people we all represent. Nobody has to represent millionaires, they represent themselves. Our duty is to help people who need wise public policy. That is our job, and we are not doing it. It is sad, and it is shameful.

Mr. FORD. Mr. President, I suggest the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
CLOTURE MOTION
Mr. GRAMS. Mr. President, I send a cloture motion to the desk. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion. The assistant legislative clerk read as follows:

CLOTURE MOTION
We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 453, S. 3745, the Department of Defense authorization bill:

Trent Lott, Don Nickles, Dirk Kempthorne, Rod Grams, Jim Jeffords, Craig Thomas, Kay Bailey Hutchison, Christopher S. Bond, John Ashcroft, Conrad Burns, Judd Gregg, Larry Pressler, Orrin G. Hatch, Mitch McConnell, Hank布朗, SilaFahm.

Mr. GRAMS. Mr. President, for the information of all Senators, this second cloture vote, if necessary, will occur on Thursday, June 27, 1996, and also Senators should be reminded that all first-degree amendments to the DOD authorization bill must be filed by 1 p.m. on Wednesday, June 26, in order to qualify under the provisions of rule XXII.

MEASURES REFERRED
The following bill, previously received by the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3415. An act to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR
The following measure was placed on the calendar:

S. 1219. A bill to reform the financing of Federal elections, and for other purposes.

ENROLLED BILLS PRESENTED
The Secretary of Senate reported that on June 25, 1996, he had presented to the President of the United States, the following enrolled bills:

S. 1136. An act to control and prevent commercial counterfeiting, and for other purposes.

S. 1579. An act to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act").

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-3133. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report concerning maritime terrorism for calendar year 1995; to the Committee on Foreign Relations.

EC-3134. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a final rule concerning an amendment to the list of proscribed destinations; received on June 13, 1996; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS
The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

WHEREAS Alaska has at least 26 trillion cubic feet of natural gas reserves in the North Slope field and perhaps two to three times that amount of potential natural gas reserves; and
"Whereas, beginning in the period 2002-
2005, there may be an increasing gap between
supply and demand for natural gas in the Pa-
cific Rim; and

Whereas, market and economic studies indi-
cate favorable conditions for the sale of liquified
gas (LNG) to these Pacific Rim markets; and

Whereas, the permits for a pipeline route from
the North Slope to Valdez have been com-
pleted; and

* * * * *

and be it further

Resolved, That the State of Alaska re-
spectfully requests the President of the Unit-
ed States to demonstrate national support for
the ANS gas transmission project to Asian
LNG users; and

Resolved, That the Governor is respect-
fully requested to

(1) assure the Asian LNG buyers that the
state will provide certainty and stability in
regards to North Slope natural gas supply,
tax structure, and regulatory policy;

(2) continue support of the Joint Pipeline
Office, which administers an innovative, effi-
cient, and cost-effective permitting system;

(3) encourage the private developers of the
gas pipeline and state's labor forces to
develop an Alaska hire agreement for the
ANS gas transmission project; and

(4) meet with all parties to determine how
the state can facilitate the ANS gas
transmission pipeline; and be it further

Resolved, That the President of the Sen-
ate and the Speaker of the House of Rep-
resentatives, Alaska State Legislature, ap-
point an interim working group to track
progress and assist the transportation per-
mit holder, the working interest owners of the
Point Thompson and Point Thompson units,
and the administration in developing a uni-
formed proposal for presentation to the Asian
market; the legislative interim working group
make a report on the status of the project and any
proposed legislative actions to the Resources Committees of the Alaska
House of Representatives and Alaska Senate
by February 1, 1997, and be it further

Resolved, That the Alaska State Legis-
latively strongly supports the construction of an
ANS gas transmission pipeline and offers its
assistance to the parties involved in order to
speed completion of an ANS gas trans-
mission project."

POM-631. A concurrent resolution adopted by
the Legislature of the State of Michigan;
the Committee on Environment and Pub-
lic Works.

"SENATE CONCURRENT RESOLUTION NO. 266.

A concurrent resolution to make an ur-
gent request to the Congress of the United
States to release to the states, including
Michigan, all federal road funding due under
the gas tax formula but currently not
being released to Michigan, and sev-
ernally requested to

(1) ensure that Michigan's roads suffer from insufficient
funding; and

(2) every business in Michigan is affected when
the quality of Michigan roads suffers from
insufficient funding; and

(3) competitiveness in attracting and retaining
business is critical to our transportation infra-
sstructure and a vital component of the state's
economic well-being; and

(4) encourage the Federal government to
acquire access to the funds generated by the federal
tax; and

(5) due to the allocation of money raised by the fed-
eral transportation authorities. This money
designated for return to Michigan, and sev-
ernally requested to

(a) be returned; and

(b) fund transportation infrastructure, and the cost-effective permitting system; and

(c) encourage the private developers of the
gas pipeline and state's labor forces to
develop an Alaska hire agreement for the
ANS gas transmission project; and

(d) meet with all parties to determine how
the state can facilitate the ANS gas
transmission pipeline; and be it further

Resolved, That the President of the Senate
and the Speaker of the House of Rep-
resentatives, Alaska State Legislature, ap-
point an interim working group to track
progress and assist the transportation per-
mit holder, the working interest owners of the
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formed proposal for presentation to the Asian
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make a report on the status of the project and any
proposed legislative actions to the Resources Committees of the Alaska
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latively strongly supports the construction of an
ANS gas transmission pipeline and offers its
assistance to the parties involved in order to
speed completion of an ANS gas trans-
mission project."

POM-631. A joint resolution adopted by
the Legislature of the State of Colorado; to
the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION 96-11

Whereas, Encouraging the private provi-
sion of health care coverage is a laudable and
legitimate governmental objective; and

Whereas, The provision of health care
insurance or other health care coverage assists
in mitigating the impacts of providing un-
compensated health care on the health care
system; and

Whereas, Tax benefits associated with the
payment of health care insurance premiums
and the costs of funding other methods of
managing health care costs should be fair and
equitable regardless of the method used; and

Whereas, Individuals and employers
should be encouraged and have the freedom to
choose the method by which they provide
for the expenses of the health care they re-
ceive; now, therefore, be it

Resolved, That the Senate of the Sixtieth Gen-
eral Assembly of the State of Colorado, the
House of Representatives concurring herein:
That we, the members of the Colorado Gen-
eral Assembly, are desirous of federal legis-
lation that affords equal tax treatment for
the costs of health care insurance purchased
by employers, by employees and individuals
who are self employed, regardless of who are not self-employed; be it further

Resolved, That we support federal legisla-
tion that provides for the management of health care costs through
the use of medical savings accounts; be it
further

Resolved, That we call for the United
States Congress to establish a plan for tax
equity in the treatment of contributions, ex-
penses and costs associated with employer-
based health care insurance, individually-
paid health care insurance, health care not
covered by Medicare, and the use of individ-
ual medical savings accounts; and be it fur-
ther

Resolved, That copies of this resolution be
sent to the President of the United
States, the President of the Senate and the
Speaker of the House of Representatives of the Congress of the United
States, and to each member of Colorado’s Congressional
Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on
Appropriations:

Special Report entitled “Revised Alloca-
tion to Subcommittees of Budget Totals
from the Concurrent Resolution for Fiscal
Year 1996” (Rept. No. 104-285).

By Mr. CHAFFEE, from the Committee on
Environment and Public Works, without
amendment:

S. 1902. A bill to direct the Secretary of the Interior to convey certain property contain-
ing a fish and wildlife facility to the State of
Wyoming, and for other purposes (Rept.
No. 104-291).

S. 1781. A bill to expand the Pitaquamcut Cove National Wildlife Ref-
uge, and for other purposes (Rept. No.
104-291).

By Mr. CHAFFEE, from the Committee on
Environment and Public Works, without
amendment:

H.R. 1772. A bill to authorize the Secretary of the Interior to acquire certain interests in the
Walsh Marsh for inclusion in the Oahu
National Wildlife Refuge Complex.

H.R. 2660. A bill to increase the amount au-
thorized to be appropriated to the Depart-
ment of the Interior for the Tennessee River
National Wildlife Refuge.

H.R. 2679. A bill to revise the boundary of the
North Platte National Wildlife Refuge.

H.R. 2682. A bill to direct the Secretary of the
Interior to convey the Carbon Hill Na-
tional Fish Hatchery to the State of Ala-
bama.

By Mr. BOND, from the Committee on
Small Business, with an amendment in the
nature of a substitute:

S. 1784. A bill to amend the Small Business
Investment Act of 1958, and for other pur-
porses.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolu-
tions were introduced, read the first and
second time by unanimous con-
sent, and referred as indicated:

By Mr. HEFLIN:

S. 1902. A bill to provide for the estab-
ishment of National Senior Citizen Hall
of Fame Commission, and for other purposes;
to the Committee on Governmental Affairs.

By Mr. BOND (for himself, Mr.
ASHCROFT, Mr. LOTT, Mr. DASCHLE,
Mr. INHOFE, Mr. JEFFORDS, Mr.
SMITH, Mr. AKAKA, Mr. CRAIG, Mr.
COATS, Mr. DEWINE, Mr. DORGAN, Mr.
THOMAS, Mr. GREGG, Mr. SIMON, Mr.
MUKILSEY, Mr. BROWN, Ms. SNOWE,
Mr. KYL, Mr. CAMPBELL, Mr. MACK,
Mr. GRAMM, Mr. THURMOND, and Mr.
ROBB):

S. 1902. A Bill to designate the bridge, esti-
mated to be completed in the year 2000, that
replaces the bridge on Missouri highway 74
spanning from East Girardeau, Illinois, to
Girardeau, Missouri, as the "Bill Emer-
son Memorial Bridge", and for other pur-
poses; considered and passed.
By Mr. COATS:
S. 1904. A bill to implement the Project for American Renewal, and for other purposes; to the Committee on Finance.

Mr. AKAKA (for himself and Mr. NAYEYE):
S. 1905. A bill to establish an independent commission to recommend reforms in the laws relating to elections for Federal Office; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself and Mr. NAYEYE):
S. 1906. A bill to include certain territory within the jurisdiction of the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HEFLIN. Mr. President, I rise to introduce a bill which will provide for the establishment of a National Senior Citizens Hall of Fame Commission. This concept grew out of an idea by Dr. Ruben Hanan, who chairs the Alabama Senior Citizens Hall of Fame Commission, and Dr. Earl Potts.

Each year, the Alabama Senior Citizens Hall of Fame Commission bestows honor upon living Alabamians in recognition of their outstanding accomplishments, services, and contributions to the lives of older American citizens.

The Alabama Senior Citizens Hall of Fame was created by the Alabama State legislature in 1993, and has been very successful in inducting worthy individuals into the organization. I am delighted that Dr. Hanan and Dr. Potts came up with the idea of establishing a National Senior Citizens Hall of Fame. The National Hall of Fame will provide a forum to bestow honor and recognition upon deserving citizens for their outstanding accomplishments, services and contributions to the lives of older American citizens.

Mr. President, the population of older Americans is projected to increase to 35 million by the year 2000. This means that older Americans would constitute 13 percent of the total population. As the national population is projected to exceed 300 million by the year 2000, the older population would drastically increase with the entry of the baby-boomers in the senior population. Therefore, by the year 2030, the senior population will increase to approximately 70 million.

Mr. President, the older population is growing. If we look back over the last few years, we will notice that in 1993, the age group between 75 and 84 was 10,800,000. This was 14 times larger than in 1900. Every day, more than 5,000 individuals celebrate their 65th birthday. Their mature judgment, keen insight, historical perspective, perceptive vision, and gifted leadership are invaluable to our Nation.

By establishing a Senior Citizens Hall of Fame, we will have in place an organization that will recognize the contributions made by older American citizens to our Nation. I am delighted that the Alabama Senior Citizens Hall of Fame Commission, which has contributed greatly to the well being of thousands of Alabamians, will serve as a model for this national entity. In addition, the Alabama Hall of Fame Commission has improved the quality of life of those in need, and many have served in the Retired Senior Volunteer Program.

Finally, a National Senior Citizens Hall of Fame will also honor patriotic Americans for their spirit of loyalty and selfless labor in serving the needs of the people of our Nation.

I urge the entire Congress to join me in the adoption of this important legislation.

By Mr. COATS:
S. 1907. A bill to implement that Project for American Renewal, and for other purposes; to the Committee on Finance.

The Project for American Renewal Act of 1996

Mr. COATS. Mr. President, earlier today, I joined with my colleagues from the House, the chairman of the Budget Committee, J ohn KASICH, in reintroducing a program that I have been working on for a long time. It is called the Project For American Renewal.

It attempts to address the question of how we can more effectively provide assistance to people in need, people living in poverty, without resorting to more of the same, which is simply funneling money into Washington, establishing a bureaucracy, and handing out welfare checks to, in many cases, perpetuate a lifestyle and a behavior that is not desirable, not giving us the results we wanted.

A lot of well-intentioned programs have been created to deal with some of the social problems that exist in our country: teen pregnancy, spousal abuse, juvenile delinquency, substance abuse, and on and on it goes. Many of those, as I have said, have been well-intentioned but have simply missed the mark. They have not solved the problem. And, in many cases, they have made it worse.

It seems that the alternative to that that has been discussed in the last year or so, is not the hope of destruction, a word that I hate. I do not know for sure exactly what it means, but I think it means washing our hands of the problem, and let somebody else worry about it.

I do not believe either of those alternatives are acceptable alternatives. I do not believe more of the same or none of the above are the alternatives we ought to be examining. I believe there is a place for our encouragement, and I believe there is a way to help solve some of the problems that exist in our society as it affects our families and our children and our neighborhoods and our communities.

The Project for American Renewal is my attempt at addressing those questions, to strengthen families, to encourage communities and to utilize mediating institutions of volunteer associations, of charities, particularly of faith-related, to address some of these most pressing problems. Utilization of these institutions, other than Government institutions, means that we can bring to bear not just efforts to meet the material needs of individuals, but also the spiritual needs of individual citizens.

We can bring to bear not just efforts that are important in addressing some of these more fundamental problems.

The Project for American Renewal consists of 16 separate pieces of legislation designed to strengthen families, to provide mentors where fathers are not present, to strengthen communities, rebuild communities across America, and to provide effective compassion. The centerpiece of this is the charity tax credit, which will allow a joint-filing couple to contribute $1,000 a year as an offset against their taxes.

Today I joined with Congressman KASICH in announcing how we would pay for this charity tax credit, estimated at $48.8 billion over a 5-year period. We plan to ask the Ways and Means and the Finance Committee to designate a third of that amount in corporate loophole closings, corporate welfare.

We think if we are addressing some of the most fundamental problems in America, we ought to look for funding sources to offset the revenue loss from subsidies given to special interests over the years that do not serve as high a national purpose.

We also think it is appropriate to shift some resources from some of the existing Federal social policy programs that have not proven effective. While we do not specify directly what those offsets should be in the corporate welfare, we do specify some of the Federal programs that we do not think are as effective as they ought to be.

The goal here is to encourage mediating institutions to play a greater role in addressing some of our more fundamental problems. They can bring hope and a vision of hope that, in many cases, Government is constrained to bring or is unable to bring.

I am today reintroducing this legislation with fundamentals. It will continue to be a topic of discussion among our colleagues as to where we go next with some of these great social debates. It is my hope that it can be a very important part of our party’s platform, a very important part of the discussion that will take place, as this is a Presidential election year and an election year that will elect or reelect 435 Congressmen and 34 Senators.

It is then, finally, my hope that we can seriously address this issue in the next Congress, make it part of our budget discussion, and examine ways in which we can more effectively provide assistance to those in need.
These programs are directed to those in poverty. The credit is available to those programs either currently existing or which will be constituted as a result of this legislation that devote 75 percent or more of their effort to either preventing or alleviating poverty.

It is a solution that goes beyond Government. It acknowledges the failure of Government, in many instances, to address these problems. It does not offer the total solution, but it offers, I believe, in the right direction. I hope it will become an important part of the debate ahead.

By Mr. KOHL:

S. 196. A bill to establish an independent commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on Rules and Administration.

The Campaign Finance Reform Commission

Mr. KOHL. Mr. President, I rise today to continue the debate on the issue which we have voted on today—campaign finance reform. Today the Senate voted on S. 1219, the Senate Campaign Reform Act of 1996. While a majority of the Senate voiced its support for this meaningful legislation, sadly, we did not get the required 60 votes to end the filibuster against the bill.

Mr. President, I supported and cosponsored S. 1219 because I felt it was the best legislation moving through the Congress to reform our campaign finance system. My Wisconsin colleague, Senator FEINGOLD, and Senator JOHN MCCAIN deserve our gratitude and praise for keeping this issue alive. It’s been nearly 20 years since Congress enacted meaningful campaign finance reform, and they have come closer than anyone at passing a bipartisan plan.

We are, however, at a crossroads in this debate. America’s campaign finance laws have not been significantly altered since the 1970s. Since that time we have seen an explosion in the number of special interests speaking for their positions, a growing public perception that special interests are too influential in the electoral process. Despite these widely agreed-upon problems, Congress and the President seem incapable of enacting a campaign finance reform bill.

We have seen initiatives by Democratic and Republican Presidents, Democratic and Republican Congresses, even widely-hailed bipartisan efforts. One can only conclude that this issue is so mired in partisan politics, trapped in a quagmire of self-interest and special interest, that Congress will not be able to craft a comprehensive reform bill. S. 1219 was the best step in the right direction. I hope it will become an important part of the debate ahead.

Therefore, I am introducing today the Campaign Finance Reform Commission Act of 1996. Let me be clear from the outset: I would prefer to pass a bill such as S. 1219. But after today’s vote, we must be honest with ourselves and the American public—that is not going to happen.

The Campaign Finance Reform Commission is modeled on the successful Base Realignment and Closure Commissions. The legislation would establish a bipartisan commission, appointed by Senate leaders, House leaders and the President to propose comprehensive campaign finance reform. Like the BRAC Commissions, the proposals of the Campaign Finance Reform Commission would be subject to congressional approval or disapproval, but no amendments would be permitted. The Commission would have a limited duration—one year after its creation. And Congress would have a limited time to consider the Commission’s proposals.

Mr. President, there are many who will object to this plan and argue that, through the creation of a commission, the Congress is conceding that it cannot solve this problem on its own. To that contrary, the creation of a Campaign Finance Reform Commission would be a concrete sign to the American public that Congress is serious about reforming our election laws. We have seen the success of the BRAC Commissions in getting political influences from the decision-making process. This same formula could be used for our campaign finance reform laws.

When Congress enacted the first BRAC Commission law, it was argued that a non-partisan commission was required because the closure of military bases was so politically sensitive, Congress could not be expected to make the tough choices of closing bases. Well, Mr. President, military bases is considered tough, altering the campaign laws that literally determine whether Members can retain their jobs must be just as politically sensitive, if not more so. Again, I wish to praise the efforts of Senators FEINGOLD, MCCAIN, and the broad coalition of grassroots organizations which have kept the campaign finance issue in front of the American public and the Congress. We have come closer than we have ever come to campaign finance reform. The creation of a pure bipartisan commission, modeled on the Base Closure Commission, is final act to achieve the reform we all desire.

Mr. President, like all common sense ideas, this one did not spring from a textbook but came from a simpler setting. A year ago President Clinton and House Speaker Newt Gingrich held an historic conversation at a New Hampshire meeting. The first question came from a retiree, Mr. Frank McConnell from New Hampshire. Mr. McConnell had a simple, common sense idea—form a commission like the one that closed the military bases to reform our election system, so, in Mr. McConnell’s words, “it would be out of the political scene.” The time for Mr. McConnell’s idea has come.

I am pleased to put Mr. McConnell’s idea into legislative form and urge my colleagues to join me in this effort. This Commission could give us the reform all Americans want: it would give the American public a restored faith that their democratic institutions have responded to their cry for change in our electoral system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1905

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 “Campaign Finance Reform Commission Act of 1996”.

SEC. 2. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Federal Election Law Reform Commission” (referred to in this Act as the “Commission”).

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be comprised of 8 qualified members, who shall be appointed not later than 30 days after the date of enactment of this Act as follows:

(A) APPOINTMENTS BY MAJORITY LEADER AND SPEAKER.—The Majority Leader of the Senate and the Speaker of the House of Representatives shall jointly appoint to the Commission—

(i) 1 member who is a retired Federal judge as of the date on which the appointment is made;

(ii) 1 member who is a former Member of Congress as of the date on which the appointment is made; and

(iii) 1 member who is from the academic community.

(B) APPOINTMENTS BY MINORITY LEADERS.—The Minority Leader of the Senate and the Minority Leader of the House of Representatives shall jointly appoint to the Commission—

(i) 1 member who is a retired Federal judge as of the date on which the appointment is made;

(ii) 1 member who is a former Federal judge as of the date on which the appointment is made; and

(iii) 1 member who is a former Member of Congress as of the date on which the appointment is made.

(C) APPOINTMENT BY PRESIDENT.—The President shall appoint to the Commission 1 member who is from the academic community.

(D) APPOINTMENTS BY COMMISSION MEMBERS.—The members appointed under subparagraphs (A), (B), and (C) shall jointly appoint 2 members to the Commission, neither of whom shall have held any elected or appointed public or political party office, including any position with an election campaign for Federal office, during the 15 years preceding the date on which the appointment is made.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—A person shall not be qualified for an appointment under this subsection if that person, during the 10-year period preceding the date on which the appointment is made—

(i) held a position under schedule C of part C of title 5 of the Code of Federal Regulations;
(ii) was an employee of the legislative branch of the Federal Government, not including any service as a Member of Congress; or
(iii) was required to register under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) or derived a significant income from influencing, or attempting to influence, members of the executive and legislative branches of the Federal Government.

(B) PARTY AFFILIATIONS.—Not more than 3 members of the Commission shall be members of, or associated with, the same political party (as that term is defined in section 303(16) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(16)).

(3) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall designate a Chairperson and a vice chairperson from among the membership of the Commission. The chairperson shall be from a political party other than the political party of the vice chairperson.

(4) FINANCIAL DISCLOSURE.—Not later than 60 days after appointment to the Commission, each member of the Commission shall file a report containing the information contained in section 102 of title 5, United States Code.

(5) PERIOD OF APPOINTMENT; VACANCIES.—A member of the Commission shall serve for the term for which the member is appointed, or such lesser period as the member may resign, or until a successor shall be appointed and qualified, but shall be filled in the same manner as the original appointment.

(6) TERMINATION OF COMMISSION.—The Commission shall terminate 1 year after the date of enactment of this Act.

(C) RULES.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) PAY AND TRAVEL EXPENSES.—

(1) MEMBERS.—Each member of the Commission, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5314 of title 5, United States Code.

(2) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director of the Commission, who shall be paid at the rate of basic pay equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5314 of title 5, United States Code.

(B) OTHER PERSONNEL.—(A) Subject to subparagraph (B), the executive director may, without regard to the civil service laws and regulations, appoint and fix the pay of such other personnel as may be necessary for the Commission to enable the Commission to perform its duties.

(B) The pay of any individual appointed under this subsection shall not exceed more than 25 percent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(3) DETAIL OF FEDERAL EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and without interruption or loss of civil service status or privilege.

(F) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 3. DUTIES AND POWERS.

(a) IN GENERAL.—The Commission shall—

(1) identify the appropriate goals and values for Federal campaign finance laws;

(2) evaluate the impact which the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) has promoted or hindered the attainment of the goals identified under paragraph (1); and

(3) make recommendations to the Congress for the achievement of those goals, taking into consideration the impact of the Federal Election Campaign Act of 1971.

(b) CONSIDERATIONS.—In making recommendations under subsection (a)(3), the Commission shall consider with respect to Federal elections and campaigns—

(1) whether campaign spending levels should be limited, and, if so, to what extent;

(2) the role of interest groups and whether that role should be limited or regulated;

(3) the role of other funding sources, including political parties, candidates, individuals from inside and outside the State in which the concern arises, political action committees, public financing and benefits; and

(4) problems in existing campaign finance law, such as soft money, bundling, and independent expenditure campaigns.

(c) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Congress—

(1) a report on the activities of the Commission; and

(2) a draft of legislation (including technical and conforming provisions) recommended by the Commission to amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) and any other law relating to elections to include in such legislation.

SEC. 4. FAST-TRACK PROCEDURES.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it shall be considered as part of the rules of each House, respectively, or of that House to which it specifically applies, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) DEFINITIONS.—As used in this section, the term “Federal election bill” means only a bill of either House of the Congress which is introduced as provided in subsection (c) to provide for or to otherwise modify the requirements of the Commission as set forth in the draft legislation referred to in section 5.

(c) INTRODUCTION AND REFERRAL.—Not later than 3 days after the Commission submits its draft legislation under section 5, a Federal election bill shall be introduced (by request) in the House of Representatives by the Majority Leader of the House and shall be introduced (by request) in the Senate by the Majority Leader of the Senate. Such bills shall be referred to the appropriate committees.

(d) AMENDMENTS PROHIBITED.—No amendment to a Federal election bill shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House; nor shall it be in order in either House to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—(1) If the Committee of either House to which a Federal election bill has been referred has not reported it at the close of the 30th day after its introduction, such bill shall be returned to the Committee from which it is referred for further consideration of the bill and it shall be placed on the appropriate calendar. If prior to the passage by one House of a Federal election bill of the other House, the other House receives the same Federal election bill from the other House, then—

(A) the procedure in that House shall be the same as if no Federal election bill had been received from the other House; but

(B) the vote on final passage shall be on the Federal election bill of the other House.

(2) Other purposes of the meeting of Congress in computing a number of days in either House, there shall be excluded the days on which that House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.

(f) FLOOR CONSIDERATION IN THE HOUSE.—(1) A motion in the House of Representatives to proceed to the consideration of a Federal election bill shall be highly privileged except on the grounds of privilege, except that the motion may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House that the Federal election bill shall be considered as not being in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Consideration of a Federal election bill in the House of Representatives shall be in the House with debate limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the proposed bill. If the previous question on the Federal election bill shall be considered as ordered to final passage without intervening motion, it shall not be in order to move to reconsider the vote by which a Federal election bill is agreed to or disagreed to.

(3) All appeals from the decisions of the Chairperson relating to the application of the Rules of the House of Representatives to the procedure relating to a Federal election bill shall be decided without debate.

(g) FLOOR CONSIDERATION IN THE SENATE.—(1) A motion in the Senate to proceed to the consideration of a Federal election bill shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order in either House to entertain a request to suspend the application of this subsection by unanimous consent.

(2) Consideration of a Federal election bill in the Senate of Representatives shall be in the Senate with debate limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the proposed bill. If the previous question on the Federal election bill shall be considered as ordered to final passage without intervening motion, it shall not be in order to move to reconsider the vote by which a Federal election bill is agreed to or disagreed to.
people residing in the mid-Pacific region, a group of developers and financiers have announced a proposal to store high-level nuclear fuel on Palmyra Atoll, a privately owned U.S. possession located 1,000 miles from Hawaii. This action, if approved, would put the Hawaiian islands and have historical, political, or cultural links to Hawaii. Through the transfer of jurisdiction to the State of Hawaii, the Governor of Hawaii, the State legislature, and the residents of Hawaii can have a real voice in determining the future of these islands.

Five of the islands under my bill—Baker Island, Jarvis Island, Howland Island, Johnston Atoll, Kingman Reef, Midway Island, and Palmyra Atoll—are uninhabited U.S. possessions, though Palmyra is privately owned. The other two islands—Johnston Atoll and Midway Island—fall under Department of Defense jurisdiction. Five of the islands, excluding Palmyra Atoll and Kingman Reef, are national wildlife refuges.

Midway Island has been managed as an overlay national wildlife refuge since 1988 when the U.S. Navy signed a cooperative agreement with the U.S. Fish and Wildlife Service. Most recently, on May 22, 1996, the Navy transferred custody of and accountability for Midway to the U.S. Fish and Wildlife Service.

Johnston Atoll is currently being used by the U.S. Army for the Johnston Atoll Chemical Agent Disposal System. There are about 900 civilian and 250 military personnel working on the island. Most recently, the Army testified that it expects to complete the destruction of chemical weapons by the year 2000. This is welcome news to all of us in the Pacific.

S. 1906. A bill to include certain territories with the jurisdiction of the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

The Insular Areas Consolidation Act of 1906

Mr. AKAKA. Mr. President, with Senate INOUYE as a cosponsor, I am introducing legislation to give the State of Hawaii a greater say over proposals to develop seven U.S. possessions in the Pacific which are currently not affiliated with any U.S. State or territory. These islands are Baker Island, Jarvis Island, Howland Island, Johnston Atoll, Kingman Reef, Midway Island, and Palmyra Atoll. My legislation would transfer jurisdiction, but not title, of these areas to the State of Hawaii.

Proposals to consolidate these Pacific islands into the State of Hawaii's jurisdiction have surfaced before. Last year, Congressman ELTON GALLEGGY introduced a nearly identical bill in the House and a hearing was held on the measure by the Subcommittee on Native American and Insular Affairs on January 31, 1995. The Clinton Administration supported the proposal, as did Hawaii's State Senate. At the time of its introduction, however, there were many people in the State of Hawaii who wanted to know more about the potential benefits and liabilities that would accrue to the State should jurisdiction be transferred under the Galleggy bill. As a consequence, Hawaii's Gov. Benjamin Cayetano convened a task force headed by the Office of State Planning and the Pacific Basin Development Council to review the implications of the proposal.

My reason for reviving this legislation is that recent proposals to develop these islands have greatly alarmed the people of Hawaii and the Pacific. In blatant disregard for the welfare of

In summary, Mr. President, the State of Hawaii has more at stake in what happens in the Pacific than any other State in the Union. The legislation I introduce today preserves U.S. interests in the Pacific while ensuring that the State of Hawaii has a clear voice over decisions that affect the region.

ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1199

At the request of Mrs. BOXER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1199, a bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1734

At the request of Mrs. SPECTER, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1734, a bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes.

S. 1743

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1744

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. DIAZ BALART] was added as a cosponsor of S. 1744, a bill to permit duty free treatment for certain structures, parts, and components used in the Gemini Telescope Project.
At the request of Mr. Akaka, the name of the Senator from Hawaii [Mr. Inouye] was added as a co-sponsor of S. 1878, a bill to amend the Nuclear Waste Policy Act of 1982 to prohibit the licensing of, or to transfer ownership of, a nuclear waste storage facility outside the 50 States or the District of Columbia, and for other purposes.

Mr. MURKOWSKI submitted the following:

SEC. 316. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department, and of the United States, for damages from destruction of, or loss of natural resources under section 107(a)(4)(C) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

Mr. W ARNER submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of the amendment, add the following:

SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(A) PROHIBITION.—No funds may be obligated or expended for construction, or for defense activities, security of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. MCCAIN submitted two amendments intended to be proposed by him to the bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Amendment No. 4115

At the end of the amendment, add the following:

(5) From paragraphs

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXVII, add the following:

SEC. 4118.

THOMAS AMENDMENT NO. 4118

(ORDERED TO LIE ON THE TABLE.)

Mr. THOMAS submitted the following:

At the appropriate place, insert:

SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(A) PROHIBITION.—No funds may be obligated or expended for construction, or for defense activities, security of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.
(1) to the extent that such needs cannot reasonably be met by a source other than the Department;
(2) to the extent that the provision of such assistance does not adversely affect the military preparedness of the Armed Forces; and
(3) if the organization requesting such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 377 of title 10, United States Code, and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following events:

(1) Sporting events for which funds have been appropriated before the date of the enactment of this Act;
(2) The Special Olympics; and
(3) The Paralympics.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary provides assistance under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. The report shall set forth—

(A) a description of the assistance provided;
(B) the amount expended by the Department in providing the assistance;
(C) if the assistance was provided under subsection (a), the certification of the Attorney General with respect to the assistance under that subsection; and
(D) the assistance was provided under subsection (b).

(f) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 375 and 376 of title 10, United States Code.

GLENN AMENDMENTS NOS. 4121-4122

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4121

At the end of subtitle D of title XXXI add the following:

SEC. 316I. WORKER HEALTH AND SAFETY IMPROVEMENTS AT THE DEFENSE NUCLEAR COMPLEX, MIAMIUSBG, OHIO.

(a) WORKER HEALTH AND SAFETY ACTIVITIES.—(1) Of the funds authorized to be appropriated pursuant to section 3162(b), $2,500,000 shall be available to the Secretary of Energy to perform, in accordance with a settlement of Laveli et al. v. Monsanto Research Corporation, Number C-3-93-332 in the United States District Court for the Southern District of Ohio, activities to improve worker health and safety at the defense nuclear complex at Miami USBG, Ohio.

(b) Activities under paragraph (a) shall include the following:

(A) Completing the evaluation of pre-1989 interventionists for workers who have received a lifetime dose greater than 20 REM.

(B) Installing a state-of-the-art automated personal dosimetry system at appropriate radiation control points and facility exits.

(C) Purchasing and installing an automated personnel access control system, and integrating the software for the system with a radiation work permit system.

(D) Upgrading the radiological records software.

(E) Immediately implementing a program that will characterize the radiological conditions at facilities before decontamination activities commence so that radiological hazards are clearly identified and the results of decontamination validated.

(F) Reviewing and improving the conduct and evaluation of continuous air monitoring practices so that contract laboratories are adequately selected and validated and quality control is assured.

(G) Implementing bioassay and internal dose calculation methods that are specific to the radiological hazards identified at the site.

(2)(A) The Secretary shall complete the activities referred to in paragraph (2)(A) not later than September 30, 1997.

(B) The Secretary shall ensure that the activities referred to in paragraph (2)(A) are completed not later than December 31, 1998.

(c) REPORTING REQUIREMENTS.—(1) A report on the assistance provided shall be included in the annual report submitted to Congress not later than April 1, 1997.

(2)(A) The first annual report under paragraph (1) shall be included in the annual report that is required by section 170p of the Atomic Energy Act of 1954 to be submitted to Congress not later than April 1, 1997.

(2)(B) No report is required under paragraph (1)(A) if the assistance referred to in subsection (a) has undergone a compliance review pursuant to this section.

(d) PERSONNEL.—The Secretary shall ensure that the number of qualified personnel used to carry out the compliance review under this section is sufficient for achieving effective results. Only Federal employees may be used to carry out a compliance review activity under this section.

(e) REGULATIONS.—Effective 18 months after the date of the enactment of this Act, the Secretary shall promulgate regulations prescribing the requirements for the protection of workers who may have received a lifetime dose greater than 20 REM.

399

GORTON AMENDMENT NO. 4123

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXVI of the bill, insert the following:

SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading "MILITARY CONSTRUCTION, NAVAL RESERVE" in the Military Construction Appropriations Act, 1995 (Public Law 103-337; 108 Stat. 1666), that are available for the construction of a Naval Reserve Center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lewis, Washington, which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Navy Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $900,000 shall be available for program and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103-337; 108 Stat. 1666), is amended to read as follows:

"(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.".
In the table in section 220(a), insert after the item relating to Camp Lejeune Marine Corps Base, North Carolina, the following new item:

Rhode Island ............... Naval Undersea Warfare Center. $8,900,000

Strike out the amount set forth as the total amount at the end of the table in section 220(a), and insert in lieu thereof "$515,952,000".

In section 220(a), in the matter preceding paragraph (1), strike out "$2,048,993,000" and insert in lieu thereof "$2,048,993,000".

In section 220(a)(1), strike out "$507,052,000" and insert in lieu thereof "$515,952,000".

AMENDMENT NO. 4215

At the end of title VIII, add the following:

SEC. 810. PILOT PROGRAM FOR TRANSFER OF DEFENSE TECHNOLOGY INFORMATION TO PRIVATE INDUSTRY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to demonstrate online transfers of information on defense technologies to businesses in the private sector through an interactive data network involving institutions of higher education.

(b) COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(1) Under the pilot program, the Secretary shall enter into an agreement with the head of an institution of higher education that provides for such institution—

(A) to develop and maintain a computerized data base of information on defense technologies;

(B) to make such information available online to—

(i) businesses; and

(ii) other institutions of higher education entering into partnerships with the Secretary under subsection (c).

(2) The online accessibility may be established by means of any of, or any combination of, the following:

(A) Digital teleconferencing.

(B) International Signal Digital Network lines.

(C) Direct modem hookups.

(e) PARTNERSHIP NETWORK.—Under the pilot program, the head of the institution with which the Secretary enters into an agreement under subsection (b) may, with the concurrence of the Secretary, enter into agreements with the heads of other institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—

(1) to establish interactive computer links with the data base developed and maintained under subsection (b); and

(2) to assist the Secretary in making information on defense technologies available online to the broadest practicable number, types, and sizes of businesses.

(f) DEFENSE TECHNOLOGIES COVERED.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines—

(A) are useful in meeting Department of Defense needs; and

(B) should be made available under the pilot program to facilitate the satisfaction of such needs by private sector sources.

(2) Technologies covered by the program shall include technologies useful for defense purposes (without or without modification).

(e) DEFINITIONS.—In this section:

(1) The term ‘‘defense technology’’ means a technology designated by the Secretary of Defense under subsection (d).

(2) The term ‘‘partnership network’’ means an agreement entered into under subsection (c).

(f) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are hereby authorized to be appropriated to the Secretary for the Department of Defense for fiscal year 1997 for the pilot program in the amount of $2,300,000.

(2) The amount authorized to be appropriated in addition to the amounts authorized to be appropriated under other provisions of this Act.

GRASSLEY AMENDMENT NO. 4226

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 218(a) add the following—"(1) a comparison—

(A) the results of the last independent estimate of production costs of the program that was prepared by the Cost Analysis Improvement Group in July 1997; and

(B) a description of any major changes in programmatic assumptions that have occurred since the estimate referred to in paragraph (A) was made, including any change in assumptions regarding the program schedule, the quantity of aircraft to be developed and acquired, and the annual rates of production; and

(C) an assessment of the effects of such changes on the program."

DASCHLE AMENDMENT NO. 4227

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 2603(1), strike out "$70,628,000" and insert in lieu thereof "$84,228,000".

LIEBERMAN (AND OTHERS) AMENDMENT NO. 4228

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. COATS, Mr. ROBB, Mr. MCCAIN, Mr. NUNN, Mr. INHOFE, Mr. KEMPThorne, Mr. WARNER, Mrs. Hutchison, Mr. Santorum, Mr. MUKrowski, Mr. FORD, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title X, add the following:

Subtitle G—Review of Armed Forces Force Structures

SEC. 1083. SHORT TITLE.

This subtitle may be cited as the ‘‘Armed Forces Force Structures Review Act of 1996’’.

SEC. 1082. FINDINGS.

Congress makes the following findings:

(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two comprehensive examinations of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the 21st century;

(2) Both assessments served an important purpose in focusing attention on the need to reevaluate the military posture of the United States, but the pace of global change necessitated a new, comprehensive reassessment of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the 21st century;

(3) The Bottom-Up Review has been criticized on several points, including—

(A) the assumptions underlying the strategy intended to be proposed by him;

(B) the force levels recommended to carry out that strategy; and

(C) the funding proposed for such recommended force levels.

(4) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Secretary intends to complete the first such review in 1997;

(5) The review is to involve a comprehensive examination of defense strategy, the force structure of the United States, and the means to acquire, develop, produce, and restructure components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

(6) In order to ensure that the force structure of the Armed Forces is adequate to meet the challenges to the national security interests of the United States in the 21st century, to assist the Secretary of Defense in conducting the review, the review is to be carried out in paragraphs (5), and to assess the appropriate force structure of the Armed Forces through the year 2010 and beyond (if practicable), it is important to provide for the conduct of an independent, non-partisan review of the force structure that is more comprehensive than prior assessments of the force structure, extends beyond the quadrennial defense review, and explores innovative and forward-thinking ways of meeting such challenges.

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(A) REQUIREMENT IN 1997.ÐThe Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(B) INVOLVEMENT OF NATIONAL DEFENSE PANEL.—(1) The Secretary shall establish the National Defense Panel established under section 1084, on an on-going basis, of the Act, for an independent, non-partisan review of the force structure of the United States defense strategy through the year 2005.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the panel’s assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the panel for improving, and, if appropriate, revising the defense strategy of the United States and the force structure of the Armed Forces, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(3) The Secretary shall provide the President and Congress with copies of the panel’s assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the panel for improving, and, if appropriate, revising the defense strategy of the United States and the force structure of the Armed Forces, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(4) The Secretary shall provide the President and Congress with copies of the panel’s assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the panel for improving, and, if appropriate, revising the defense strategy of the United States and the force structure of the Armed Forces, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(5) The President shall submit such assessment and recommendations to the Congress as the President deems appropriate.

(6) The President shall submit such assessment and recommendations to the Congress as the President deems appropriate.

(7) The President shall submit such assessment and recommendations to the Congress as the President deems appropriate.

(8) The President shall submit such assessment and recommendations to the Congress as the President deems appropriate.

(9) The President shall submit such assessment and recommendations to the Congress as the President deems appropriate.
(c) Assessments of Review.—Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall each prepare and submit to the Secretary a comprehensive assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) Report.—Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, from among the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the Senate and the Chairman and ranking member of the Committee on National Security of Representatives, from among recognized experts in matters relating to the national security of the United States.

(e) Duties.—The Panel shall—

(1) conduct and submit to the Secretary the comprehensive assessment of the review that is required by subsection (d) of this section;

(2) provide the Secretary with a report on the review under section 1083 that is required by subsection (b)(2) of that section;

(3) conduct an independent assessment of the Department of Defense strategy in the event of conflict of greater magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

(4) As part of the assessment, the Panel shall also—

(A) develop recommendations regarding a variety of force structures of the Armed Forces to permit the forward deployment of sufficient land- and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

(B) To the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment of the Secretary; and

(C) comment on each of the matters also to be included by the Secretary in the report required by section 1083(d).

(f) Information from Federal Agencies.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is provided in a timely manner.

(g) Personnel Matters.—(1) Each member of the Panel shall be compensated at a rate equal to the daily rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of its duties.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 57 of title 5, United States Code, and for travel from any places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, with regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than five additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to coordination by the President.

(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and general schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(h) Administrative Provisions.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services required by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(i) Payment of Panel Expenses.—The provisions of chapter 51 of title 5, United States Code, relating to payment of travel expenses, per diem allowances and subsistence allowances of members and employees of the Panel shall be paid out of funds available to
the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(i) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (b).

SEC. 1085. POSTPONEMENT OF DEADLINES.

In the event that the election of President of the United States in 1996 results in a change in administrations, each deadline set forth in this subtitle shall be postponed by 3 months.

SEC. 1086. DEFINITIONS.

In this subtitle:

(a) The term ‘‘above the line’’ force structure of the Armed Forces means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.


(c) The term ‘‘military operation other than war’’ means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counter-terrorism and anti-narcotics activities, disaster relief activities, and counter-drug operations and activities.

(d) The term ‘‘peace operations’’ means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

SEC. 1072. EQUITABLE TREATMENT FOR THE GENERIC DRUG INDUSTRY.

(a) Sense of the Senate.—It is the sense of the Senate that the generic drug industry should be provided equitable relief in the same manner as other industries are provided with such relief under the patent transition provision of section 154(c) of title 35, United States Code, as amended by section 532 of the Uruguay Round Agreements Act of 1994 (Public Law 103-465; 107 Stat. 4983).

(b) Approval of Applications of Generic Drugs.—For purposes of acceptance and consideration by the Secretary of Health and Human Services of an application under subsections (b), (c), and (j) of section 505, and subsections (b), (c), and (n) of section 521, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b), (c), and (n)), the expiration date of a patent that is the subject of a certification under section 505(j)(2)(A)(ii), of section 505(j)(2)(A)(viii), (II), (III), or (IV), or of section 521(n)(1)(H) (i), (ii), (iii), or (iv) of such Act, respectively, made in an application submitted on or after that date in which the applicant certifies that substantial investment would have expired under the law in effect on the day preceding December 8, 1994.

(c) Marketing Generic Drugs.—The remedies of section 271(e)(4) of title 35, United States Code, shall not apply to acts—

(1) that were commenced, or for which a substantial investment was made, prior to June 8, 1995; and

(2) that became infringing by reason of section 154(c)(1) of such title, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103-465; 107 Stat. 4983).

(d) Equitable Remuneration.—For acts described in subsection (c), equitable remuneration of the type described in section 154(c)(3) of title 35, United States Code, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103-465; 107 Stat. 4983) shall be awarded to a patentee only if there has been—

(1) the commercial manufacture, use, offer to sell, or sale, within the United States of an approved drug that is the subject of an application described in subsection (b); or

(2) the importation by the applicant into the United States of an approved drug active ingredient used in an approved drug that is the subject of an application described in subsection (b).

(e) Application.—The provisions of this section shall govern—

(1) the approval or the effective date of approval of applications under section 505(b)(2), 505(j), 507, or 512(n), of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2) and (j), 357, 360(n)) submitted on or after the date of enactment of this Act; and

(2) the effective date of approval of all pending applications that have not received final approval as of the date of enactment of this Act.

DORGAN AMENDMENT NO. 4130

(Ordained to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) Authority.—Subject to subsection (b), the Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln Municipal Airport Authority, Lincoln, Nebraska.

(b) Agreement.—The Air National Guard may not provide services under subsection (a) until the Air National Guard enters into an agreement with the authority reimburses the Air National Guard for the cost of the services provided.

GLENN AMENDMENT NO. 4133

(Ordained to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

On pages 332, 333, 334, and 335:

On page 333, strike out lines 9 through 24.

On pages 331 and 332, strike out lines 1 through 24.

On pages 333, 334, 335, and 336, strike out lines 1 through 25.
Strategic and Critical Materials Stockpile shall give a right of first refusal on all the stockpile provided for in section 4 of the provision of law, to enter into agreements pursuant to any provision of law. Pending conveyance, and for the maintenance of that plant in fiscal year 1995 for the maintenance of that plant in fiscal year 1996, and for the maintenance of that plant in fiscal year 1997. The Director of the Ballistic Missile Defense Organization shall designate the Army as the lead service in the National Missile Defense Joint Program Office for the initial deployment phase of the national missile defense program.

Amendment No. 4136

In section 1102(a)(2), strike out "during fiscal year 1997".

Amendment No. 4137

At the end of subtitle B of title I, add the following:

SEC. 113. TYPE CLASSIFICATION OF ELECTRO OPTIC AUGMENTATION (EOA) SYSTEM.

(a) REQUIREMENT.—The Secretary of the Army shall type classify the Electro Optic Augmentation (EOA) system.

(b) FUNDS.—Funds authorized to be appropriated for the Army by this divider, $100,000 shall be made available to the Armed Systems Modernization Program manager for the type classification required by subsection (a).

Amendment No. 4138

At the end of subtitle B of title I, add the following:

SEC. 113. BRADLEY TOW 2 TEST PROGRAM SETS.

Notwithstanding any other provision of law, funds appropriated pursuant to this section 101(3) of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204) and available for the procurement of the Armored Gun System Test Program sets shall be made available instead for the procurement of Bradley TOW 2 Test Program sets.

Amendment No. 4139

In section 330, in the matter preceding paragraph (1), insert "the Letterkenny Armory Depot," after "Sacramento Air Logistics Center."

Amendment No. 4140

At the end of subtitle C of title I, add the following:

SEC. 125. PROCUREMENT OF MAIN FEED PUMP TURBINES FOR THE CONSTELLATION (CV-64).

(a) IN GENERAL.—Authorization.—The amount authorized to be appropriated by section 102(4) is hereby increased by $4,200,000.

(b) AUTHORITY TO PROCE.—Of the amount authorized to be appropriated by section 102(4), as increased by subsection (a), $4,200,000 shall be available for the procurement of main feed pump turbines for the Constellation (CV-64).

COHEN AMENDMENTS NOS. 4141-4143

(Ordered to lie on the table.)

Mr. COHEN submitted three amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

Amendment No. 4141

At the end of subtitle F of title X, add the following:

SEC. 1072. INFORMATION TECHNOLOGY MANAGEMENT AMENDMENTS.

(a) REFORMS INDEPENDENT OF PAPERWORK REDUCTION LAW.—Title I of the Information Technology Management Reform Act of 1996 (Public Law 104-106; 110 Stat. 680) is amended—

(1) by striking out sections 5111 and 5121 (40 U.S.C. 1441 and 1421);

(2) in section 5112(a), by striking out "in fulfilling the responsibilities under section 3504(h) of title 44, United States Code," and inserting in lieu thereof "The";

(3) in section 5113(a), by striking out "in fulfilling the responsibilities assigned under section 3504(h) of title 44, United States Code," and inserting in lieu thereof "The";

(4) in section 5122(a), by striking out "in fulfilling the responsibilities assigned under section 3504(h) of title 44, United States Code," and inserting in lieu thereof "The";

(b) NATIONAL SECURITY SYSTEMS.—Sections 5131 of the Information Technology Management Reform Act is amended—

(1) by striking out subsection (a) and (b) and inserting "Notwithstanding any other provision of law, systems to which this title applies include national security systems;"

(c) RELATIONSHIP TO OTHER LAWS.—Section 5103 of the Information Technology Management Reform Act of 1996 (110 Stat. 703) is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "a relationship to Title 44, United States Code."—

Amendment No. 4142

At the end of subtitle F of title X, add the following:

SEC. 1072. INFORMATION TECHNOLOGY MANAGEMENT AMENDMENTS.

(a) REPORTING OF SIGNIFICANT DEVIATIONS FROM COST, PERFORMANCE, AND SCHEDULE GOALS.—Section 5127 of the Information Technology Management Reform Act of 1996 (division E of Public Law 104-106; 110 Stat. 687; 40 U.S.C. 1427) is amended—

(1) by striking out subsection (a) and (b) and inserting "Notwithstanding any other provision of law, to the head of an executive agency and inserting in lieu thereof "The";

(2) by adding at the end the following:

"(b) SEPARATE REPORTING FOR NATIONAL SECURITY SYSTEMS.—The head of each executive agency shall submit to Congress an annual report that identifies each major information technology acquisition program for acquisition of a national security system for the executive agency, and each phase or increment of such a program, that has significantly deviated during the year covered by the report from the cost, performance, or schedule goals established for the program."

"(c) NATIONAL SECURITY SYSTEM DEFINED.—In this section, the term "national security system" has the meaning given such term in section 5142.

(b) APPLICABILITY OF MANAGEMENT REFORMS TO NATIONAL SECURITY SYSTEMS.—Section 5141(b) of the Information Technology Management Reform Act of 1996 (110 Stat. 689; 40 U.S.C. 1451(b) is amended—

(1) in paragraph (1), by striking out "and" and inserting in lieu thereof "or";

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—(A) National security systems shall be subject to sections 5112(c) and 5122 (other than subsection (b)) of section 5122."
(B) To the maximum extent practicable, the heads of executive agencies shall apply the other provisions of section 5112 and section 5122(b)(4) to national security systems.

(3) in paragraph (3)—
(A) in subparagraph (A), by inserting "maximum before "extend practicable";
and
(B) in subparagraph (B) by striking out "section 5113(b)(5) except for subparagraph (B)(iv)" and inserting in lieu thereof "paragraphs (1), (2), and (5) of section 5113(b), except for paragraph (5)(B)(iv)".

(4) in paragraph (4)—
(A) by striking out "subsection (d) of this section:" and
(B) by striking out "(a)" in paragraph (4).

(5) in paragraph (5)—
(A) by inserting the following new subparagraphs at the end:
(1) in subparagraph (2), by striking out "(B)" and inserting in lieu thereof "(A)"
(B) by inserting the following new subparagraphs at the end:
(1) in subparagraph (3), by striking out "(B)" and inserting in lieu thereof "(A)"
(2) in subparagraph (4), by striking out "(B)" and inserting in lieu thereof "(A)"
(C) by striking out "(C)" and inserting in lieu thereof "(A)"

(6) in paragraph (6)—
(A) by striking out "subsection (d) of this section; or"
(B) by inserting the following new subparagraphs at the end:
(1) in subparagraph (1), by striking out "the new official station" and inserting in its place "the new official station when the employee was transferred when assigned to the post of duty outside the United States to an official station of the employee when the agency determined that such transfer is advantageous and cost-effective to the Government";
and
(2) in subparagraph (2), by striking out "subsection (d) of this section; or"

(7) in paragraph (7)—
(A) by inserting "section 5724a(b)(1) of title 5, United States Code," after "United States Code,"; and
(B) by striking out "subsection (d) of this section."
§5736. Relocation expenses of an employee who is performing an extended assignment.

(a) Under regulations prescribed under section 5731, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

(1) Travel expenses to and from the assignment location in accordance with section 5724(a).

(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724.

(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724.

(5) Subistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon completion and termination of the assignment in accordance with section 5724.

(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

(8) An allowance as authorized under section 5724(b) of this title for Federal, State, and locally owned motor vehicle to the extent authorized under section 5724(c).

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5724(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724.

(10) Expenses of property management services.

(b) An agency shall not make payment under subsection (a) on behalf of the employee for expenses incurred after termination of the temporary assignment.

(c) Subsection (a) is amended by striking "section 5724(a)(9), (10), and (11)" and inserting "section 5724a(a)(3) and (4)".

SEC. 1321. AUTHORITY TO PAY LIMITED RELOCATION ALLOWANCES TO AN EMPLOYEE WHO IS PERFORMING AN EXTENDED ASSIGNMENT.

(a) In General.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

§5736. Relocation expenses of an employee who is performing an extended assignment.

(a) Under regulations prescribed under section 5731, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

(1) Travel expenses to and from the assignment location in accordance with section 5724.

(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724.

(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724.

(5) Subistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon completion and termination of the assignment in accordance with section 5724.

(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

(8) An allowance as authorized under section 5724(b) of this title for Federal, State, and locally owned motor vehicle to the extent authorized under section 5724(c).

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5724(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724.

(10) Expenses of property management services.

(b) An agency shall not make payment under subsection (a) on behalf of the employee for expenses incurred after termination of the temporary assignment.

(c) Subsection (a) is amended by striking "section 5724(a)(9), (10), and (11)" and inserting "section 5724a(a)(3) and (4)".

SEC. 1316. AUTHORITY TO PAY LIMITED RELOCATION ALLOWANCES TO AN EMPLOYEE WHO IS PERFORMING AN EXTENDED ASSIGNMENT.

(a) In General.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

§5736. Relocation expenses of an employee who is performing an extended assignment.

(a) Under regulations prescribed under section 5731, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

(1) Travel expenses to and from the assignment location in accordance with section 5724.

(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724.

(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724.

(5) Subistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon completion and termination of the assignment in accordance with section 5724.

(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

(8) An allowance as authorized under section 5724(b) of this title for Federal, State, and locally owned motor vehicle to the extent authorized under section 5724(c).

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5724(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724.

(10) Expenses of property management services.

(b) An agency shall not make payment under subsection (a) on behalf of the employee for expenses incurred after termination of the temporary assignment.

(c) Subsection (a) is amended by striking "section 5724(a)(9), (10), and (11)" and inserting "section 5724a(a)(3) and (4)".

SEC. 1318. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding after the item relating to section 5736 the following new item:

§5736. Relocation expenses of an employee who is performing an extended assignment.

(a) Under regulations prescribed under section 5731, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

(1) Travel expenses to and from the assignment location in accordance with section 5724(a).

(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724.

(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724.

(5) Subistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon completion and termination of the assignment in accordance with section 5724.

(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

(8) An allowance as authorized under section 5724(b) of this title for Federal, State, and locally owned motor vehicle to the extent authorized under section 5724(c).

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5724(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724.

(10) Expenses of property management services.

(b) An agency shall not make payment under subsection (a) on behalf of the employee for expenses incurred after termination of the temporary assignment.

(c) Subsection (a) is amended by striking "section 5724(a)(9), (10), and (11)" and inserting "section 5724a(a)(3) and (4)".

SEC. 1332. TRANSFER OF AUTHORITY TO ISSUE REGULATIONS.

(a) In General.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding after the item relating to section 5736 the following new item:

§5736. Relocation expenses of an employee who is performing an extended assignment.

(a) Under regulations prescribed under section 5731, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

(1) Travel expenses to and from the assignment location in accordance with section 5724(a).

(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724.

(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724.

(5) Subistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon completion and termination of the assignment in accordance with section 5724.

(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

(8) An allowance as authorized under section 5724(b) of this title for Federal, State, and locally owned motor vehicle to the extent authorized under section 5724(c).

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5724(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724.

(10) Expenses of property management services.

(b) An agency shall not make payment under subsection (a) on behalf of the employee for expenses incurred after termination of the temporary assignment.

(c) Subsection (a) is amended by striking "section 5724(a)(9), (10), and (11)" and inserting "section 5724a(a)(3) and (4)".
(4) Section 5724(b) of title 5, United States Code, is amended by striking “Under such regulations as the President may prescribe” and inserting “Under regulations prescribed under section 5737 of this title”.

(5) Section 5726 of title 5, United States Code, is amended—

(A) in subsection (a), by striking “as authorized under regulations” and inserting “as authorized under regulations prescribed under section 5737 of this title”; and

(B) in subsections (b) and (c), by striking “Under such regulations as the President may prescribe” and inserting “Under regulations prescribed under section 5737 of this title”.

(6) Section 5727(b) of title 5, United States Code, is amended by striking “under such regulations as the President may prescribe” and inserting “Under regulations prescribed under section 5737 of this title”.

(7) Section 5728 of title 5, United States Code, is amended in subsections (a), (b), and (c)(1), by striking “Under such regulations as the President may prescribe” each place it appears and inserting “Under regulations prescribed under section 5737 of this title”.

(8) Section 5729 of title 5, United States Code, is amended in subsections (a) and (b), by striking “Under such regulations as the President may prescribe” each place it appears and inserting “Under regulations prescribed under section 5737 of this title”.

(9) Section 5730 of title 5, United States Code, is amended by striking “In accordance with regulations prescribed by the President” and inserting “In accordance with regulations prescribed under section 5737 of this title”.

SEC. 1333. REPORT ON ASSESSMENT OF COST SAVINGS.

No later than 1 year after the effective date of the final regulations issued under section 1334(b), the General Accounting Office shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives on an assessment of the cost savings to Federal travel administration resulting from statutory and regulatory changes under this Act.

SEC. 1334. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Administrator of General Services shall issue final regulations implementing the amendments made by this title by not later than the expiration of the period referred to in subsection (a).

Strike section 1114(b) of the bill.

BROWN AMENDMENTS NOS. 4144-4145

(Ordered to lie on the table.)

Mr. BROWN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4144

At the end of subtitle C of title II add the following:

SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BALLISTIC MISSILES CARRYING NUCLEAR, CHEMICAL, OR BIOLOGICAL WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The worldwide proliferation of ballistic missiles threatens United States national interests overseas and challenges United States defense planning.

(2) An attack using a nuclear, chemical, or biological weapon, Egypt's national missile defense, the United States remains vulnerable to long-range missile threats.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Senate a report on the study carried out under subsection (a).

AMENDMENT NO. 4145

At the end of subtitle B of title I, add the following:

SEC. 112. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility and including that cost in those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

SMITH (AND GREGG) AMENDMENT NO. 4146

(Ordered to lie on the table.)

Mr. SMITH (for himself and Mr. GREGG) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres and located on Rockland Avenue in Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres and located on Rockland Avenue in Manchester, New Hampshire.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized under subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Reserve Center to be constructed in the Manchester Airport, New Hampshire.

(c) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized under subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

BROWN (AND CAMPBELL) AMENDMENT NO. 4147

(Ordered to lie on the table.)

Mr. BROWN (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. SENSE OF SENATE REGARDING CLEAN-UP OF ROCKY MOUNTAIN ARSENAL, COLORADO.

(a) FINDINGS.—The Senate makes the following findings:

(1) It is in the interest of the Department of Defense and the state of Colorado to restore the Rocky Mountain Arsenal to a standard which will allow the community's effective reuse of the property.

(2) In the 20 years since the installation of the clean-up program began, the Army and Shell Oil Company have spent nearly $1 billion to study and control the environmental contamination. The majority of the cost has been for studying the site and resolving disagreements.
(3) Totaling approximately $400 million, the Arsenal's study phase is the costliest in the history of DOD clean-up programs.
(4) The study phase costs at the Rocky Mountain Arsenal are at least 16 percent of the Army's total study costs for approximately 1200 installations nationwide.

The conclusion of environmental restoration at Rocky Mountain Arsenal will reduce extraneous costs associated with long-term projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Army should complete environmental restoration at Rocky Mountain Arsenal in an expeditious manner and in conformity with the time schedule and commitments put forth by the Defense Department during negotiations within the state subject to authorize appropriations and the budget process.

GLENN AMENDMENTS NOS. 4148-4149

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4148

At the end of subtitle D of title XXXI add the following:

SEC. 3161. WORKER HEALTH AND SAFETY IMPROVEMENTS AT THE DEFENSE NUCLEAR COMPLEX, MIAMISBURG, OHIO.

(a) Worker Health and Safety Activities.—(1) Of the funds authorized to be appropriated pursuant to section 306(b), $5,200,000 shall be available to the Secretary of Energy to perform, in accordance with a settlement of Level et al. v. Monsanto Research Corp. et al., Case Number C-3-85-312 in the United States District Court for the Southern District of Ohio, activities to improve worker health and safety at the defense nuclear complex at Miami, Ohio.

(2) Activities under paragraph (1) shall include the following:

(A) Completing the evaluation of pre-1989 internal dose assessments for workers who have received a lifetime dose greater than 20 REM.

(B) Installing state-of-the-art automated personnel contamination monitors at appropriate radiation control points and facility exits.

(C) Purchasing and installing an automated personnel access control system, and integrating the software for the system with a radiological protection system.

(D) Upgrading the radiological records software.

(E) Immediately implementing a program that will characterize the radiological conditions of the site, buildings, and facilities before decontamination activities commence so that radiological hazards are clearly identified and the results of decontamination validated.

(F) Reviewing and improving the conduct and evaluation of health and safety practices and implementing a personal air sampling program as a means of preventing unnecessary internal exposure.

(G) Upgrading radiaossay and internal dose calculation methods that are specific to the radiological hazards identified at the site.

(3)(A) The Secretary shall complete the activities referred to in paragraph (2)(A) not later than September 30, 1997.

(B) The Secretary shall ensure that the activities referred to in paragraph (2)(F) are completed not later than December 31, 1996.

(b) Savings Provision.—Nothing in this section shall be construed as affecting applicable statutory or regulatory requirements relating to worker health and safety.

(c) Supplemental.—Nothing in this section shall prohibit the Secretary from obligating and expending additional funds under this title for the activities referred to in subsection (a)(2).

AMENDMENT NO. 4149

At the end of subtitle D of title XXXI add the following:

SEC. 3161. WORKER HEALTH AND SAFETY PROTECTION.

(a) Safety Compliance Review and Accountability.—Consistent with authority to review and evaluate the effectiveness of the regulations referred to in subsection (b) and with the state subject to authorize appropriations and the budget process.

(b) Nuclear Safety-Related Regulations Covered.—The regulations with which compliance is to be reviewed under this section are as follows:


(c) Reporting Requirements.—(1) Subject to paragraph (2), the Secretary shall include in the annual report submitted to Congress pursuant to section 170(p) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) a report on contractor and subcontractor compliance with the nuclear safety-related regulations referred to in subsection (b).

(d) Improvements in public safety and worker protection that have been required by the Secretary or the basis of the results of the compliance review.

(e) Description of the effectiveness of compliance review.

(2)(A) The first annual report under paragraph (1) shall be included in the annual report that is required by section 170(p) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) a report on contractor and subcontractor compliance with the nuclear safety-related regulations referred to in subsection (b).

(B) No report is required under paragraph (1) after all defense nuclear facilities covered by the regulations referred to in subsection (a) have undergone compliance review pursuant to this section.

(d) Personnel.—The Secretary shall ensure that the number of qualified personnel used to carry out the compliance review under this section is sufficient for achieving effective results. Only Federal employees may be used to carry out a compliance review activity pursuant to this section.

(e) Regulations.—Effective 18 months after the date of the enactment of the Act, violations of regulations prescribed by the Secretary shall be punishable under section 233 and 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2273 and 2273A).

AMENDMENT NO. 4150

(Ordered to lie on the table.)

Mr. DEWEINE (for himself and Mr. GLENN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of title XXXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) Conveyance Authorized.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may dispose of the property described in paragraph (2), without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the "Authority") all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the "airport parcel" in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to it on the Columbus Municipal Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of the Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) Requirement for Federal Screening.—The Federal official may not convey the property described in paragraph (2) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) Condition of Conveyance.—The conveyance shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) Reversion.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), the Authority shall return to the United States the property described in paragraph (2) as if it had never been conveyed.

AMENDMENT NO. 4151

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGY.

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be...
available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE 00031220), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

ROBB (AND WARNER)
AMENDMENTS NOS. 4152-4153
(Ordered to lie on the table.)
Mr. ROBB (for himself and Mr. WARNER) submitted two amendments intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4152
At the end of subtitle E of title X, add the following:
SEC. 1094. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriated amounts for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term “Guard and Reserve components” means the following:

(1) The Army Reserve.
(2) The Army National Guard of the United States.
(3) The Naval Reserve.
(4) The Marine Corps Reserve.
(6) The Air National Guard of the United States.

AMENDMENT NO. 4153
Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT.—The Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, the Secretary of the Army Reserve, the Secretary of the Air Force Reserve, the Secretary of the Navy Reserve, the Secretary of the Army National Guard, and the Secretary of the Air Force National Guard shall certify to the committees referred to in paragraph (6) that the transfer of lands under this section has been made in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, dated February 22, 1995.

The following amendments were intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4154
(Ordered to lie on the table.)
Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 103A, strike out “The Secretary of Defense” and insert in lieu thereof “Subject to subsection (e), the Secretary of Defense”.

HELMS AMENDMENT NO. 4154
(Ordered to lie on the table.)
Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 103A(1), strike out “The Secretary of Defense” and insert in lieu thereof “Subject to subsection (e), the Secretary of Defense”.

At the end of section 103A, add the following:

(e) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (2) the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a written certification of the following:

(A) That the provision of support under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and material provided as support will be used only by officials and employees of the Government of Mexico who have undergone a background check by the United States Government.

(C) That the Government of Mexico has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in the subparagraph (B);

(ii) none of the equipment or material will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or material; and

(iii) the equipment and material will be used only for the purposes intended by the United States Government.

(D) That the Secretary of Mexico has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and material provided as support.

(E) That the departments, agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel unrestricted access, on an unannounced basis, to any of the equipment or material provided as support, or to any of the records relating to such equipment or material.

(F) That the Government of Mexico will provide security with respect to the equipment and material provided as support that is equal to the security that the United States Government would provide with respect to such equipment and material.

(G) That the Government of Mexico will permit continuous supervision by United States Government personnel of the use by the Government of Mexico of the equipment and material provided as support.

(3) The committees referred to in this paragraph shall:

(A) The Committees on Armed Services, Appropriations, and Foreign Relations of the Senate.

(B) The Committees on National Security, Appropriations, and International Relations of the House of Representatives.

THE SENATE CAMPAIGN FINANCE REFORM ACT OF 1996

HOLLINGS AMENDMENT NO. 4155
(Ordered to lie on the table.)
Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill (S. 1219) to reform the financing of Federal elections, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PROPOSED AMENDMENT TO THE CONSTITUTION RELATIVE TO CONTRIBUTIONS AND EXPENDITURES INTENDED TO BE PROPOSED FOR THE ELECTIONS FOR FEDERAL, STATE, AND LOCAL OFFICE.

The following article is proposed as an amendment to the Constitution, which, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:

‘‘ARTICLE—

‘‘SECTION 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

‘‘SECTION 2. Each State shall have power to set reasonable limits on expenditures made in support of, or in opposition to, the nomination or election of any person to office in that State office.

‘‘SECTION 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

‘‘SECTION 4. Congress shall have power to implement and enforce this article by appropriate legislation.’’

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

LIEBERMAN (AND OTHERS)
AMENDMENT NO. 4156
Mr. LIEBERMAN (for himself, Mr. COATS, Mr. ROBB, Mr. MCCAIN, Mr. INHOFE, Mr. LIEBERMAN, Mr. WARNER, Mrs. HUTCHISON, Mr. SANTORUM, Mr. MURKOWSKI, Mr. LEVIN, Mr. FORD, Mr. BOND, Mr. THURMOND, Mr. MOYNIHAN, and Mr. HOLLINGS) proposed an amendment to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4156
At the end of title X, add the following:

Subtitle C—Review of Armed Forces Force Structures

SEC. 1081. SHORT TITLE.
This subtitle may be cited as the “Armed Forces Force Structures Review Act of 1996”.

SEC. 1082. FINDINGS.
Congress makes the following findings:

(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two substantial assessments of the force structure of the Armed Forces necessary to meet United States defense requirements.

(2) The assessment by the Bush Administration (known as the “Base Force” assessment) and the assessment by the Clinton Administration (known as the “Bottom-Up Review”) were intended to reassess the force
structure of the Armed Forces in light of the changing realities of the post-Cold War world.

(3) Both assessments served an important purpose in evaluating the military posture of the United States, but the pace of global change necessitated a new, comprehensive assessment of the defense strategy of the United States, the force structure of the Armed Forces required to meet the threats to the United States in the 21st century.

(A) The Bottom-Up Review has been criticized on several points, including—

(A) the assumptions underlying the strategy of planning to fight and win two simultaneously occurring major conflicts;

(B) the force levels recommended to carry out that strategy; and

(C) the funding proposed for such recommended force levels.

(4) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Secretary intends to complete the review in 1997.

(5) The review is to involve a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components in the defense strategy of the United States and to establish a revised defense program for the year 2005.

(6) In order to ensure that the force structure of the Armed Forces is adequate to meet the national security interests of the United States in the 21st century, to assist the Secretary of Defense in conducting the review referred to in paragraph (5), the Secretary of Defense, in consultation with the Chairman and ranking members of the committees of the Congress with jurisdiction over military affairs, and others appointed by the Secretary, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall conduct and submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 1083(d).

(7) To conduct the review and the scenarios developed in the examination of such threats.

(8) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

(9) The force structure of preparations for and participation in peace operations and military operations other than war.

(10) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

(11) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

(12) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can discharge such roles and missions.

(13) The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the defense strategy, including, in particular, the appropriate number of major units and Department of Defense agencies for that purpose.

(14) The air-lift and sea-lift capabilities required to support the defense strategy.

(15) The forward presence, pre-positioning, and other deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(16) Any other significant threat, or combination of threats, identified by the Panel.

(a) REQUIREMENT IN 1997.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall conduct and submit to the Secretary the report under section 1083(d)

(b) MEMBERSHIP.—The Panel shall be composed of nine members and eight other individuals appointed by the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the House of Representatives referred to as the "Panel.

(1) The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of nine members and eight other individuals appointed by the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the House of Representatives.

(c) ASSESSMENTS OF REVIEW.—Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall each prepare an official written report to the Secretary, such report shall be part of the comprehensive nature of the assessment in its entirety in the report under subsection (d).

(d) REVIEW.—Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement the strategy.

(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

(4) The force structure of preparations for and participation in peace operations and military operations other than war.

(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can discharge such roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the defense strategy, including, in particular, the appropriate number of major units and Department of Defense agencies for that purpose.

(9) The air-lift and sea-lift capabilities required to support the defense strategy.

(10) The forward presence, pre-positioning, and other deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(11) Any other significant threat, or combination of threats, identified by the Panel.

(a) REQUIREMENT IN 1997.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements of the National Defense Authorization Act for Fiscal Year 1997 and the Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, the force structure, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

(b) INVOLVEMENT OF NATIONAL DEFENSE PANEL.—(1) The Secretary shall apprise the National Defense Panel established under section 1084, on an on-going basis, of the work undertaken in the conduct of the review.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel with respect to the review, including recommendations for additional matters to be covered in the review.
Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(j) Termination.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (a).

SEC. 1085. DEFINITIONS.

In this subtitle:

(1) The term ‘‘above the line’ force structure of the Armed Forces’’ means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.
(B) In the case of the Navy, the battle group.
(C) In the case of the Air Force, the wing.
(D) In the case of the Marine Corps, the expeditionary force.
(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.
(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, or the intercontinental ballistic missile force.


(3) The term ‘‘military operation other than war’’ means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counter-terrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term ‘‘peace operations’’ means military operations in support of diplomatic or military efforts to settle the elements of conflicts and includes peacemaking operations and peace enforcement operations.

LIEBERMAN AMENDMENT NO. 4157

(Ordained to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 237, Corps SAM/MEADS Program.

AMENDMENT NO. 4160

On page 410, line 10, strike ‘‘$2,000,000’’ and insert ‘‘$5,000,000’’.

AMENDMENT NO. 4161

On page 410, line 5, strike ‘‘$2,000,000’’ and insert ‘‘$5,000,000’’.

AMENDMENT NO. 4162

On page 408, after line 17, add the following new section:

SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) Funding.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE 63689C); and

(2) $513,710,000 is available for other Theater Missile Defense programs, projects, and activities (PE 63687C).

(b) International Cooperation.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) Limitations.—Not more than $35,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the demonstration and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

JOHNSON AMENDMENTS NOS. 4158±4163

(Ordained to lie on the table.)

Mr. JOHNSON submitted six amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4158

On page 413, line 25, strike ‘‘$2,000,000’’ and insert ‘‘$5,000,000’’.

AMENDMENT NO. 4159

On page 410, before line 14, add the following:

(c) Study on Permanent Authorization for General Plant Projects.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects.

AMENDMENT NO. 4160

On page 410, line 10, strike ‘‘$2,000,000’’ and insert ‘‘$5,000,000’’.

AMENDMENT NO. 4161

On page 410, line 5, strike ‘‘$2,000,000’’ and insert ‘‘$5,000,000’’.

AMENDMENT NO. 4162

On page 408, after line 17, add the following new section:

SEC. 3. INTERNATIONAL NUCLEAR SAFETY.

‘‘In addition to the funds authorized to be appropriated for international nuclear safety under section 3101, $513,710,000 shall be available for such purposes from the amounts authorized to be appropriated for other programs under sections 3101 and 3103.’’

AMENDMENT NO. 4163.

On page 408, line 10, strike ‘‘$15,200,000’’ and insert ‘‘$6,200,000’’.
AMENDMENT NO. 4164
(Ordered to lie on the table.)
Mr. BUMPERS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVII, add the following:

SEC. 3028. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(A) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the "Alliance"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not convey the property authorized under subsection (a) until the completion by the Secretary of an environmental restoration and remediation that is required with respect to the property under applicable law.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility constructed at Pine Bluff Arsenal.

(2) That the property be conveyed in and to the property shall revert to the Secretary of the Army if the facility is not being used in accordance with subsection (a) or if the Secretary determines that any activities on the property under the conveyance interfer with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal.

(d) COSTS OF CONVEYANCE.—The Alliance shall be responsible for all right, title, and interest of the United States in the property conveyed under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility with activities on the property after the conveyance.

(e) REVERSION INTERESTS.—If the Secretary determines that the property conveyed under this section is not being used in accordance with subsection (a), and (b), the Secretary may convey the property to the United States, and the United States shall have immediate right of entry thereon.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Alliance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

KENNEDY AMENDMENTS NOS. 4165-4167
(Ordered to lie on the table.)
Mr. KENNY submitted three amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4165
At the end of subtitle F of title X, add the following:

SEC. 1071. SENSE OF THE SENATE ON DEFENSE OF SHARE OF EXPERIENCES WITH MILITARY CHILD CARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Programs of the Department of Defense for youth who are dependent upon the Armed Forces have not received the same level of attention and resources as have child care programs of the Department.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas and information, and materials relating to youth programs and the provisions of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations; and

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of high-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken under this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such programs so as to benefit communities in the vicinity of military installations.

AMENDMENT NO. 4166
In section 301(5), strike out "$9,867,442,000" and insert in lieu thereof "$9,867,442,000".

GORTON AMENDMENT NO. 4168
(Ordered to lie on the table.)
Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXXI, add the following:

Subtitle E—Environmental Restoration and Construction at Defense Nuclear Facilities

SEC. 3172. SHORT TITLE.

This subtitle may be cited as the "Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996".

SEC. 3172. APPLICABILITY.

(A) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to...

June 25, 1996

CONGRESSIONAL RECORD — SENATE

S6867
the Secretary a request that the facility be covered by the provisions of this subtitle; and
(b) the Secretary approves the request.
SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.
(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.
(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a simplified, standardized, and timely process for the testing and verification of environmental technologies; and (c) CONTRACTS.—The Secretary may enter into contracts for the testing and verification of environmental technologies, including the terms of any environmental agreement.

SEC. 3177. DEPARTMENT OF ENERGY ORDERS.
Effective 60 days after the appointment of a site manager under this subtitle in section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at the facility may be imposed if the Secretary makes a finding that the order is—
(1) essential to the protection of human health or the environment or to the conduct of critical administrative functions; and
(2) will not interfere with the facility’s compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3178. TERMINATION.
The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.
In this subtitle:
(1) The term "Department" means the Department of Energy;
(2) The term "defense nuclear facility" has the meaning given in section 3174(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2289g);
(3) The term "Hanford" means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.
(4) The term "Secretary" means the Secretary of Energy.

KYL (AND BINGAMAN) AMENDMENT NO. 4169

Ordered to lie on the table.

Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra, as follows:

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DELTAED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.
(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination of any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for such purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.
(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery, for any purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.
Mr. KYL submitted six amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4170

At the end of subtitle C of title II, add the following:

SEC. 237. REQUIREMENT THAT MULTI-LATERALIZATION OF THE ABM TREATY BE DONE ONLY THROUGH DUAL-USE TECHNOLOGY.

Any addition of a new signatory party to the ABM Treaty (in addition to the United States and the Russian Federation) constitutes multi-lateralization of the treaty and can only be agreed to by the United States through the treaty-making power of the United States. No funds appropriated or otherwise available for any fiscal year may be obligated or expended for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

AMENDMENT NO. 4171

Strike out section 231 and insert in lieu thereof the following new section:

SEC. 231. POLICY CONCERNING COMPLIANCE WITH THE ABM TREATY.

(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test, production, test, and delivery of that component, or any other conventional military technology that is capable of countering modern theater ballistic missiles, and (2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(A) prescribing, enforcing, or implementing any trade, economic, visa, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of weapons of mass destruction.

(b) TABLE.—The table in this subsection is as follows:

<table>
<thead>
<tr>
<th>Material for disposal</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Titanium Sponge</td>
<td>10,000 short tons</td>
</tr>
</tbody>
</table>

On page 108, between lines 5 and 6, insert the following:

AMENDMENT NO. 4172

At the end of subtitle C of title II, add the following:

SEC. 237. DEPLOYMENT OF THEATER MISSILE DEFENSE SYSTEMS UNDER THE ABM TREATY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The threat posed to the national security of the United States, the Armed Forces, and our friends and allies by the proliferation of ballistic missiles is significant and growing both quantitatively and qualitatively.

(2) The deployment of theater missile defense systems will deny potential adversaries the operational and technical advantages of the United States Armed Forces and the armed forces of our coalition partners and allies.

(3) Although technology control regimes and other forms of international arms control agreements can contribute to non-proliferation, they are not adequate for dealing with missile proliferation and should not be viewed as alternatives to missile defense systems and other active and passive means of national defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the theater missile defense systems currently considered for deployment by the Department of Defense comply with the ABM Treaty.

(c) DEPLOYMENT OF SYSTEMS.—The Secretary of Defense may proceed with the deployment of theater missile defense systems currently considered for deployment by the Department of Defense.

AMENDMENT NO. 4173

At the end of subtitle D of title X add the following:

SEC. 1044. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, use weapons of mass destruction, missile delivery systems, and other significant military capabilities.

(3) The acquisition of sensitive commodities and technologies by those countries and end users whose actions or policies run counter to United States national security of foreign policy interests may enhance the military capabilities of those countries, particularly their ability to develop, test, produce, store, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities.

(4) Enhanced military capabilities of potential adversaries and the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiation, and other appropriate measures whenever possible.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States; and

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

AMENDMENT NO. 4174

At the end of title XXXIII, add the following:

SEC. 3303. ADDITIONAL DISPOSAL AUTHORITY.

(a) ADDITIONAL MATERIALS AUTHORIZED FOR DISPOSAL.—In addition to the quantities of materials authorized for disposal under subsection (a) of section 3302 as specified in the table in subsection (b) of that section, the President may dispose of the materials specified in the table below in accordance with this section in addition to the quantities specified in such section.

(b) TABLE.—The table in this subsection is as follows:

<table>
<thead>
<tr>
<th>Material for disposal</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Authorized Stockpile Disposal</td>
<td></td>
</tr>
</tbody>
</table>

AMENDMENT NO. 4175

On page 108, between lines 5 and 6, insert the following:
SEC. 368. PROHIBITION OF SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL.

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following:

"§2490b. Sale or rental of sexually explicit material prohibited

"(a) PROHIBITION OF SALE OR RENTAL.—The Secretary of Defense may not permit the sale or rental of any audio recording, a film or video recording, or a periodical with visual depictions, produced in any medium, of the dominant theme of which depicts or describes nudity, including sexual or excretory activities or organs in a patently offensive way.

"(b) EXCEPTIONS.—The Secretary of Defense may permit the sale or rental of sexually explicit material to the Armed Forces for stationing United States military forces permanently assigned or stationed outside the United States.

(b) Exception適用

"(a) PROHIBITION OF SALE OR RENTAL.—The Secretary of Defense may not permit the sale or rental of sexually explicit material to the Armed Forces for stationing United States military forces permanently assigned or stationed outside the United States.

SEC. 369. REIMBURSEMENT UNDER AGREEMENT FOR TECHNICAL TRANSLATION SERVICES.

(a) TECHNICAL TRANSLATION SERVICES.—The Secretary of Defense may use any budgetary or other funds authorized or made available to him for military purposes to reimburse the United States or its allies for the costs incurred in providing United States or allied personnel with technical translation services.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report on—

(1) the amount and type of technical translation services provided by the United States or its allies; and

(2) the total amount reimbursed to the United States or its allies.

(c) AUTHORITY.—The Secretary of Defense may enter into agreements and make payments for the provision of technical translation services in accordance with this section.

SEC. 370. AUTHORITY OF DEFENSE SECRETARY TO PROVIDE SECURITIZATION SERVICES.

(a) AUTHORITY.—The Secretary of Defense may enter into agreements to provide securitization services on behalf of the United States or any of its agencies, departments, or instrumentalities.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report on the activities and results of such agreements.

SEC. 371. AUTHORITY OF DEFENSE SECRETARY TO ENTER INTO AGREEMENTS FOR NATIONAL SECURITY BASES.

(a) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of national security bases in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such bases by such foreign countries; and

(3) provide for the transfer of ownership of such bases to such foreign countries.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report on—

(1) the amount and nature of the United States obligations under such agreements; and

(2) the terms and conditions of such agreements.

(c) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of national security bases in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such bases by such foreign countries; and

(3) provide for the transfer of ownership of such bases to such foreign countries.

SEC. 372. AUTHORITY OF DEFENSE SECRETARY TO PROVIDE SECURITY SERVICES.

(a) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of security services in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such services by such foreign countries; and

(3) provide for the transfer of ownership of such services to such foreign countries.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report on—

(1) the amount and nature of the United States obligations under such agreements; and

(2) the terms and conditions of such agreements.

(c) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of security services in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such services by such foreign countries; and

(3) provide for the transfer of ownership of such services to such foreign countries.

(d) REPORT.—The Secretary of Defense shall submit to Congress a report on—

(1) the amount and nature of the United States obligations under such agreements; and

(2) the terms and conditions of such agreements.

(e) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of security services in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such services by such foreign countries; and

(3) provide for the transfer of ownership of such services to such foreign countries.

SEC. 373. AUTHORITY OF DEFENSE SECRETARY TO ENTER INTO AGREEMENTS FOR NATIONAL SECURITY ARRANGEMENTS.

(a) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of national security arrangements in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such arrangements by such foreign countries; and

(3) provide for the transfer of ownership of such arrangements to such foreign countries.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report on—

(1) the amount and nature of the United States obligations under such agreements; and

(2) the terms and conditions of such agreements.

(c) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of national security arrangements in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such arrangements by such foreign countries; and

(3) provide for the transfer of ownership of such arrangements to such foreign countries.

(d) REPORT.—The Secretary of Defense shall submit to Congress a report on—

(1) the amount and nature of the United States obligations under such agreements; and

(2) the terms and conditions of such agreements.

(e) AUTHORITY.—The Secretary of Defense may enter into agreements with foreign countries to—

(1) provide for the establishment and maintenance of national security arrangements in such countries for the purpose of improving the effectiveness of the United States armed forces;

(2) provide for the financing of such arrangements by such foreign countries; and

(3) provide for the transfer of ownership of such arrangements to such foreign countries.
the United States Armed Forces outside the United States.
(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.
(D) The costs associated with the forward deployment of elements of the United States Armed Forces.
(E) The costs associated with the forward deployment of elements of the United States Armed Forces.
(F) The benefits of having the United States Armed Forces stationed outside the United States.
(G) The benefits of having the United States Armed Forces stationed outside the United States.
(H) The benefits of having the United States Armed Forces stationed outside the United States.
(I) The benefits of having the United States Armed Forces stationed outside the United States.
(J) The benefits of having the United States Armed Forces stationed outside the United States.
(K) The benefits of having the United States Armed Forces stationed outside the United States.

HARKIN AMENDMENT NO. 4178
(Ordered to lie on the table.)
Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

HARKIN AMENDMENT NO. 4178
(Ordered to lie on the table.)
Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

NUNN AMENDMENTS Nos. 4179-4180
(Ordered to lie on the table.)
Mr. NUNN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

NUNN AMENDMENTS Nos. 4179-4180
(Ordered to lie on the table.)
Mr. NUNN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

SEC. 315. PROHIBITION ON USE OF FUNDS TO PAY CONTRACTOR COSTS OF CERTAIN RESTRUCTURING.

None of the funds authorized to be appropriated for the Department of Defense by this Act may be obligated or expended to pay a contractor under a contract with the Department for any costs incurred by the contractor when it is known to the Federal official having authority to obligate or expend funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

NUNN AMENDMENTS Nos. 4179-4180
(Ordered to lie on the table.)
Mr. NUNN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

SEC. 104. REPORT ON NATO ENLARGEMENT.
(a) Findings.—Congress makes the following findings:
(1) Since World War II the United States has spent trillions of dollars to enable our European allies to recover from the devastation of the war and, since 1949, to enhance the stability and security of the Euro-Atlantic Alliance and the North Atlantic Treaty Organization (NATO).
(2) NATO has been the most successful collective security organization in history.
(3) The Washington Treaty (North Atlantic Treaty) provides that, "The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilization of their peoples, based on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic Area, and they undertake to assist one another in defending their armed forces in the territory of any of them against an attack by any armed forces of another country. Joint action is hereby taken for the purpose of ensuring peace, security and progress within the Area."
(b) Report.—Not later than the date on which the President submits the budget for fiscal year 2000 to Congress under section 1105 of title 31, United States Code, the President shall transmit a report to the Committees on Appropriations of the House of Representatives and the Senate and to the Committees on Foreign Relations of the Senate and the House of Representatives on the provisions of the North Atlantic Treaty Organization (NATO) and the Committee on Permanent and Contingent Relations of the House of Representatives and the Senate. The report shall contain a comprehensive discussion of the following:
(1) The costs, for prospective new NATO members, for NATO, and for the United States, that are associated with the illustrative options used by the Congressional Budget Office in the February 1996 study under section (a)(10) as well as any other illustrative options that the President considers appropriate and relevant.
(2) The manner in which prospective new NATO members would be defended against attack, including any changes required in NATO's nuclear posture.
(3) Whether NATO enlargement can proceed prior to France's reintegration into NATO's command structure and Germany's participation in NATO-conducted crisis management and conflict resolution operations.
(4) Whether NATO enlargement can proceed prior to reorganization of NATO's military command structure and the maturation of policies to perform non-Article 5 operations.
(5) Whether an enlarged NATO will be able to function in a consensus-based manner.
(6) The extent to which prospective new NATO members have achieved interoperability of their military, equipment, air defense, communications, and command, and control systems and conformity of military doctrine with those of NATO.
(7) The extent to which prospective new NATO members have established democratic institutions, free market economies, civilian control of their armed forces, including parliamentary oversight of military affairs and appointment of civilians to senior defense positions, and the rule of law.
(8) The extent to which prospective new NATO members are committed to protecting the rights of all of their citizens, including national minorities, and respecting the territorial integrity of their neighbors.
(9) The extent to which prospective new NATO members will be in a position to meet the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.
(10) The extent to which the United States has provided military assistance, including cost, provided by the United States to prospective new NATO members since the institution of the Partnership for Peace program.
(11) The extent to which the political, economic, and security well-being of prospective new NATO members, with a particular emphasis on Ukraine, if they are not selected for inclusion in the first tranche of NATO enlargement.
(12) The relationship of prospective new NATO members to the European Union, with special emphasis on the accession of such nations to membership in the European Union and on the extent to which the European Union has opened its markets to prospective new NATO members, with a particular emphasis on Ukraine, if they are not selected for inclusion in the first tranche of NATO enlargement.
(13) The impact of NATO enlargement on the CFM Treaty.
(14) The relationship of Russia with NATO, including the Russian Federation's accession of such nations to membership in the European Union and on the extent to which the European Union has opened its markets to prospective new NATO members, with a particular emphasis on Ukraine, if they are not selected for inclusion in the first tranche of NATO enlargement.
(15) The anticipated impact of NATO enlargement on the Russian Federation's military policies, including in particular the implementation of START I, the ratification of
START II, and the emphasis placed in defense planning on nuclear weapons.

(c) Classification of Report.—The report shall be submitted in unclassified form, but may contain a classified annex.

(d) Treaties Defined.—In this section:

(1) the terms "CFE Treaty" and "Treaty on Conventional Forces in Europe" mean the treaty signed in Paris on November 19, 1990, by 22 members of the North Atlantic Treaty Organization and the former Warsaw Pact to establish limitations on conventional armed forces in Europe, and all annexes and memoranda pertaining thereto.

(2) The term "START I Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 31, 1990.

(3) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding:

(A) The Protocol on Procedures Governing Elimination and Conversion of Intercontinental Ballistic Missiles Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

Amendment No. 4380

At the end of division A, add the following:

TITLE XIII—NATIONAL MISSILE DEFENSE

SEC. 1301. SHORT TITLE.

This title may be cited as the "National Missile Defense Act of 1996".

SEC. 1302. FINDINGS.

(a) Missile Defenses and Arms Control Agreements.—With respect to missile defenses and arms control agreements, Congress makes the following findings:

(1) Short-range theater ballistic missiles threaten United States Armed Forces engaged in peacekeeping operations, and the unexpected deployment of theater missile defenses to intercept ballistic missiles threatening the Armed Forces abroad is the highest priority among United States defense programs.

(2) The United States is developing defensive systems to protect the United States against the emerging threat of limited strategic ballistic missile attacks. Ground-based defensive systems are attainable, are permitted by the ABM Treaty, are available sooner and are more affordable than space-based or sea-based systems, and can protect all of the United States from limited ballistic missile attack.

(3) Deterring limited ballistic missile attacks that threaten our territory requires not only national missile defenses but arms control agreements and nonproliferation measures that can lower the threat and curb the spread of ballistic missile technology.

(4) The massive retaliatory capability of the United States deterred the Soviet Union, and active defenses in the future may be an effective response to an attack by intercontinental ballistic missiles throughout the Cold War. The Nuclear Posture Review conducted by the Department of Defense concluded that the effectiveness of deterrence of large-scale nuclear attacks now and into the future will depend on the United States having the option of an accidental or unauthorized attack by China or Russia.

(5) The United States arms control agreements (notably the START I Treaty and the START II Treaty, once implemented) will significantly reduce the threat to the United States of large-scale nuclear attack. The START I Treaty, when fully implemented, will reduce deployed strategic warheads by over 40 percent below 1990 levels. By the end of 1996, only Russia, among the states of the former Soviet Union, will deploy nuclear weapons. The START II Treaty, once implemented, will reduce strategic warheads deployed in Russia by 90 percent below their levels before the Start I Treaty.

(6) As strategic offensive weapons are reduced, the efficacy and affordability of defensive systems increase, and the long-term prospects for deterrence based upon effective defenses in addition to deterrence based on offensive forces improve.

(7) Countries hostile to the United States (such as Iraq, Iran, North Korea, and Libya) have manifested an interest in developing both nuclear weapons and ballistic missiles capable of reaching the United States. In the absence of outside assistance, newly emerging threats from these countries may take as long as 15 years or more to mature, according to recent intelligence estimates. These countries could accelerate the development of long-range missiles if they receive external support.

(8) The Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, the Biological and Chemical Weapons Conventions, and continuing United States efforts to enforce export controls may prevent or delay external assistance needed by these countries to develop intercontinental ballistic missiles and the nuclear destruc- tion. Cooperation among our allies and the Russian Federation to limit exports of the relevant hardware and knowledge can help.

(9) The ABM Treaty has added to strategic stability by restraining the requirement on both sides for strategic weapons. At the summit in May 1996, the President of the United States and the President of Russia each reaffirmed his country's commitment to the ABM Treaty.

(10) Allowing the ABM Treaty to deploy a noncompliant national missile defense system will not add to strategic stability if it impedes implementation of the START I or START II Treaties. The reductions to strategic weapons required by both treaties, the consequences and risks of unauthorized or accidental launches will increase.

(11) If the nuclear arsenal of the United States must be maintained at START I levels, significant unbudgeted costs will be incurred, encroaching on funds for ballistic missile defenses and all other defense requirements.

(12) Should the combination of arms control, nonproliferation efforts, and deterrence prove insufficient to defend against limited ballistic missile attack.

(13) National missile defense systems consistent with START II and START III will be capable of defending against limited ballistic missile attack. Should a national missile defense system require modification of the ABM Treaty, the treaty establishes the means for the parties to amend the treaty, which the parties have used in the past.

(14) While a single-site national missile defense system under the START I Treaty does not threaten United States Armed Forces defending against limited ballistic missile attacks, the addition of a second site would substantially improve the effectiveness of a limited national missile defense system.

(15) Adding a second national missile defense site to the initial national missile defense system at the site in North Dakota results in only a slight degradation of the site in North Dakota, results in only a slight degradation of the site in Texas, and results in only a slight degradation of the site in Texas. The United States entitled to deploy an antiballistic missile defense site at Grand Forks, North Dakota, results in only a slight degradation of the site in North Dakota. The United States entitled to deploy an antiballistic missile defense site at Grand Forks, North Dakota, results in only a slight degradation of the site in Texas.

(16) While a single-site national missile defense system does not threaten United States Armed Forces defending against limited ballistic missile attacks, an additional second national missile defense site at the site in North Dakota, results in only a slight degradation of the site in North Dakota. The United States entitled to deploy an antiballistic missile defense site at Grand Forks, North Dakota, results in only a slight degradation of the site in Texas.

(b) Weapons of Mass Destruction Other Than Nuclear Weapons.—With respect to threatened deployment of weapons of mass destruction other than nuclear weapons delivered by long-range ballistic missiles against the United States, Congress makes the following findings:

(1) In addition to the threat of nuclear weapons delivered by long-range ballistic missiles, the United States faces other threats of weapons of mass destruction, including chemical, biological, and radiological weapons, and other delivery means, including commercial or private aircraft, cruise missiles, international shipping containers, delivered by the United States, the United States, the United States, and the United States.

(2) Chemical weapons have already threatened United States citizens. The terrorist bomb used against the World Trade Center in New York City contained materials intended to generate lethal chemicals in addition to the explosive effect, and the materials failed to generate a toxic mixture.

(3) The explosive device used against the Murrah Federal Building in Oklahoma City was constructed of commonly available materials in the United States and delivered by rented truck.

(4) The Aum Shinrikyo sect in Japan manufactured lethal sarin gas and released it in Tokyo subways, causing numerous fatalities and thousands of casualties.

(5) Chechen rebels threatened to spread radiation to the Russian capital and revealed to the media the location of a small radioactive source hidden in a Moscow park.

(6) Federal, State, and local governments are all poorly prepared to detect, identify, and respond to weapons of mass destruction other than nuclear weapons deployed by long-range ballistic missiles and other delivery systems.

(7) Therefore, it is necessary for priorities to be established for dealing with the full spectrum of threatened use of weapons of mass destruction against the United States based on an assessment of the likelihood of the occurrence of each particular threat, and for funding to be allocated in accordance with these priorities.

(c) Development of Complex Systems.—With respect to the development of complex systems, Congress makes the following finding:

(1) The United States developed and deployed an antiballistic missile system known as Safeguard. The system was deactivated in the 1980s after achieving initial operating capability because of high cost and concern about limited effectiveness.

(2) Since 1983, the United States has expended more than $35,000,000,000 on the development of missile defenses, and most of that has been expended for the development of national missile defenses.

(3) There exists no operational hardware that could be deployed to provide a national missile defense capability against
strategic ballistic missiles. Therefore, there exist no test data from which to assess the performance and cost of a deployed national missile defense system.

(4) Congress traditionally insisted that major weapon systems be rigorously tested prior to full-rate production so that system performance is demonstrated and system cost estimates refined.

(5) Therefore, consistent with that tradition, it is appropriate that any national missile defense system developed for deployment be rigorously tested prior to a deployment decision in order to demonstrate successful performance and refine system costs.

SEC. 1303. NATIONAL MISSILE DEFENSE POLICY.

(a) DEVELOPMENT PROGRAM.—(1) The Secretary of Defense shall conduct a research and development program to develop an antiballistic missile system described in subsection (b) that could achieve initial operational capability by the end of 2003.

(2) A decision whether to deploy the antiballistic missile system shall be made by Congress during 2000 in accordance with this section.

(3) The Secretary shall ensure that the development, deployment, and operation of an antiballistic missile system under this section fully complies with the ABM Treaty and with all other treaty obligations.

(b) SYSTEM DESCRIPTION.—(1) The antiballistic missile system developed under subsection (a) shall—

(A) be designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or attacks by Third World countries;

(B) be developed for deployment at a single site; and

(C) include as the system components—

(i) fixed, ground-based, antiballistic missile battle management radars at the site;

(ii) up to 100 ground-based interceptor missiles;

(iii) as necessary, space-based adjuncts, including the Space Surveillance and Missile Tracking System, that are not prohibited by the ABM Treaty; and

(iv) as necessary, Long Phased Array Radars (upgraded from other radars or newly constructed) that are located on the periphery of the United States, face outward, and are not prohibited by the ABM Treaty.

(c) DEPLOYMENT DECISION FACTORS.—The factors determined by Congress for a decision to deploy the antiballistic missile system are as follows:

(1) The projected threat of ballistic missile attacks against the United States in 2000 and following years.

(2) The projected cost and effectiveness of the system, determined on the basis of the technology available in 2000 and the performance of the system as demonstrated in testing.

(3) The projected cost and effectiveness of the system if, at the time of the decision to deploy, development for deployment were to be continued for—

(A) one additional year,

(B) two additional years, and

(C) three additional years,

taking into consideration the projected availability of any synergistic systems that are under development in 2000.

(4) Arms control factors.

(5) The preparedness of the United States to defend the United States against the full range of threats of attack by weapons of mass destruction, and the relative priorities for funding of defenses against such threats.

(d) DEPLOYMENT RECOMMENDATION.—Not later than March 31, 2000, the President shall submit to Congress a report containing the President’s recommendation regarding whether to deploy the antiballistic missile system developed under this section. In addition, the report shall contain the following:

(1) A description of the system that could be deployed.

(2) A discussion of the basis for the President's recommendation in terms of the factors set forth in subsection (c).

(e) CONGRESSIONAL DISCUSSION AND DEPLOYMENT.—(1) The report of the President under subsection (d) shall be referred to the Committee on Armed Services of the Senate and to the Committee on National Security of the House of Representatives upon receipt in that House.

(2) A joint resolution described in paragraph (1), if introduced within the 30-day period beginning on the date on which Congress receives the President’s report shall be considered under the expedited procedures set forth in that subsection.

(f) EXPEDITED PROCEDURE.—(1) For the purposes of subsection (e)(2), “joint resolution” means only a joint resolution the matter after the resolving clause of which is as follows:

“Congress authorizes the Secretary of Defense to begin the deployment at the Safeguard antiballistic missile site, Grand Forks, North Dakota, of an antiballistic missile system that—

(1) is designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or attacks by Third World countries;

(2) is developed for deployment at a single site; and

(3) includes as the system components—

(A) fixed, ground-based, antiballistic missile battle management radars at the site;

(B) up to 100 ground-based interceptor missiles;

(C) as necessary, space-based adjuncts, including the Space Surveillance and Missile Tracking System, that are not prohibited by the ABM Treaty; and

(D) as necessary, Long Phased Array Radars (upgraded from other radars or newly constructed) that are located on the periphery of the United States, face outward, and are not prohibited by the ABM Treaty.

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on National Security and to the Committee on Armed Services of the Senate.

(3) A resolution described in paragraph (1) introduced in the House shall be referred to the Committee on Armed Services of the Senate.

(4) A resolution may not be reported—

(A) as an exercise of the rulemaking power of the House and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 1304. RELATIONSHIP OF ABM SYSTEM DEPLOYMENT AND ARMS CONTROL.

(a) FINDINGS.—Congress makes the following findings:

(1) Deployment of an antiballistic missile system in accordance with section 1303 is fully consistent with the rights of the parties to the ABM Treaty.

(2) Deployment of an antiballistic missile system in accordance with section 1303 would constitute modifications to the ABM Treaty; and

(3) establishment of conditions conducive to more effective national missile defense, such as reciprocating the 1972 Protocol to the ABM Treaty and making conforming changes to the ABM Treaty in order to permit in each country a second ballistic missile defense site, optimally located, and up to 100 additional interceptor missiles at such site.
(c) **ALTERNATIVE ACTION UNDER ABM TREATY.**—If the President determines that, due to increasing threats of ballistic missile attack on the United States, it is necessary to expand the national missile defense system provided for under section 1303 beyond limits provided under the ABM Treaty and that discussion with the United States of Russiania regarding cooperative liberalization of those limits is unsuccessful, the President shall consult with Congress on whether to exercise the right under Article XV of the ABM Treaty for a party to withdraw from the treaty.

**SEC. 1305. DEVELOPMENT OF FOLLOW-ON NATIONAL MISSILE DEFENSE TECHNOLOGIES.**

The Secretary of Defense, through the Ballistic Missile Defense Organization, shall maintain a robust program of research and development of national missile defense technologies while developing for deployment the antiballistic missile system provided for under section 1303. These research and development activities shall be conducted in full compliance with the ABM Treaty.

**SEC. 1306. POLICY REGARDING REDUCTION OF THE THREAT TO THE UNITED STATES OF WEAPONS OF MASS DESTRUCTION.**

(a) **MEASURES TO ADDRESS THREATS FROM WEAPONS OF MASS DESTRUCTION.**—In order to defend against weapons of mass destruction by preventing the spread of fissile materials and other components of weapons of mass destruction described in subsection (b), the President shall:

1. Enhance efforts, both unilaterally and in cooperation with other nations, to prevent terrorist organizations from obtaining and using weapons of mass destruction;
2. Expedite United States efforts to assist the Governments of Russia, Ukraine, Belarus, and Kazakhstan, as appropriate, in improving nuclear security, and accountability of fissile materials and nuclear warheads;
3. Undertake additional steps to prevent weapons of mass destruction and their components from being smuggled into the United States, through the use of improved security devices at United States ports of entry, increased numbers of Border Patrol agents, increased monitoring of international borders, and other appropriate measures;
4. Seek possible international adherence to the Missile Technology Control Regime and pursue to the fullest other export control measures intended to deter and counter exports of weapons of mass destruction and their components; and
5. Enhance conventional weapons systems to ensure that the United States possesses effective deterrent and counterforce capabilities against weapons of mass destruction and their delivery systems.

(b) **MEASURES TO ADDRESS THREATS FROM ICBM SYSTEMS.**—In order to defend against the threat to the United States from weapons of mass destruction delivered by intercontinental ballistic missiles, including accidental or unauthorized launches and ICBM by other nations, the President shall:

1. Urge the Government and Parliament of Russia to ratify the START II Treaty as soon as possible, in permitting its expeditious entry into force; and
2. Pursue with the Government of Russia, after START II entry-into-force, a symmetrical program of early deactivation of strategic forces to be eliminated under START II; and
3. Work jointly with countries possessing intercontinental ballistic missiles to improve command and control technology (such as permissive actions links and other safety devices) and operations to the maximum extent practicable.

(c) **PLAN TO REDUCE THREATS OF WEAPONS OF MASS DESTRUCTION.**—The Secretary shall develop a comprehensive plan for reducing the threat to the United States of weapons of mass destruction. The Secretary shall develop the plan jointly with the Secretary of State, the Secretary of Energy, the Secretary of the Treasury, the Attorney General, and the Director of Central Intelligence. The plan shall implement the requirements described in subsection (b) in order to determine priorities for future research and development, and possible deployment, of national missile defense technologies and for continued cooperation with Russia on arms control.

(d) **MATTERS TO BE REVIEWED.**—The review shall cover the following matters:

1. The status of cooperation and discussions between the United States and Russia on matters described in subsection (b) on other matters of common interest for the national security of both countries.
2. The projected threat of ballistic missile attack on the United States.
3. Other projected threats of attacks on the United States with weapons of mass destruction.
4. United States preparedness to respond to or defend against such threats.
5. The status of research and development on national missile defense technologies referred to in subsection (b).

**SEC. 1306. REPORTING REQUIREMENT.**

(a) **REQUIREMENT.**—Not later than March 15, 1997, the Secretary of Defense shall submit to Congress a report on the following plans:

1. The Secretary’s plan for the carrying out the national missile defense program in accordance with the requirements of this Act.
2. The plan for reducing the threat to the United States of weapons of mass destruction prepared pursuant to section 1306(c).
3. A plan for missile defense. With respect to the Secretary’s plan for the national missile defense program, the report shall include the following matters:
   (A) The antiballistic missile system architecture, including—
      (i) a detailed description of the system architecture selected for development; and
      (ii) a justification of the architecture selected and reasons for the rejection of the other candidate architectures.
   (B) The Secretary’s estimate of the amount of appropriations required for research, development, test, and evaluation, and for procurement, for each of fiscal years 1997 through 2003, in order to achieve an initial operational capability of the antiballistic missile system in 2003.
3. A description of promising technologies to be pursued in accordance with the requirements of section 1306.
4. A determination of the point, if any, at which any activity that is required to be carried out under this title (a) would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary’s determination, and the Secretary’s estimate of which missile system would be reached in order to meet an initial operating capability in the year 2003.

**SEC. 1309. TREATIES DEFINED.**

(a) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol")

(b) The Protocol on Exhibitions and Inspections of Heavy BOMBS RELATING TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE RUSSIAN FEDERATION ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (ALSO KNOWN AS THE "EXHIBITIONS AND INSPECTION PROTOCOL")

(c) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution")

(d) The term "ABM Treaty" means the Treaty Between the United States of America and the Russian Federation on the Reduction and Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes Protocols to that Treaty signed at Moscow on July 3, 1974, and all Agreed States and amendments to such Treaty in effect.

(e) The term "TREATY" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 3, 1991, including all annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(f) The term "START II" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103-1):

1. The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol")

2. The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspection Protocol")

3. The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution")

4. The term "Missile Technology Control Regime" has the meaning given such term in section 113(b) of the Export Administration Act of 1979 (30 U.S.C. App. 2102(b)).
Manufacturing programs and weapons programs presume large state efforts with detectable routings through multiple destinations. Nuclear, radiological, biological, and chemical weapons, which might be potentially procured by alternative delivery means that are much smaller and harder to detect than nuclear weapons facilities, and biological, chemical weapons or related materials.

The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the threat of an attack by long-range ballistic missiles carrying nuclear weapons.

The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction or are believed to have the technological capabilities to develop and deploy weapons of mass destruction. North Korea, as evidenced by its nuclear program and its accidental or uncontrolled nuclear, radiological, and chemical weapons and related materials, has already expanded the capability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials. The potential for the national security of the United States to be threatened by nuclear, radiological, biological, or chemical terrorism is greater for non-state actors than for nuclear weapons facilities, and biological, chemical weapons or related materials.

As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greatly increased. Facilities required for production of nuclear, radiological, biological, or chemical weapons, or related materials, are much smaller and harder to detect than nuclear weapons facilities, and biological, chemical weapons or related materials. Facilities required for production of biological weapons or related materials, are much smaller and harder to detect than nuclear weapons facilities, and biological, chemical weapons or related materials.

The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the threat of an attack by long-range ballistic missiles carrying nuclear weapons.
available for use by the Secretary of Defense to assist the Surgeon General of the United States in the establishment of metropolitan emergency medical response teams (commonly referred to as "Metro Strike Force Teams").

SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) Department of Defense. The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for:

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense for the purpose of nuclear weapons and related materials, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies.

(b) Department of Energy. The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for:

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons and related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under section 377 of this title.

(c) Funding. Of the total amount appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a). The amount available under subparagraph (A) for providing assistance described in subsection (b) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under section 377 of this title.

SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.

(a) Assistance Authorized.—(1) The chapter 301 of title 10, United States Code, is amended by adding after the end the following:

(b) Conforming Amendment to Condition for Providing Equipment and Facilities.—Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following:

(c) Conforming Amendments Relating to Assistance Provided Under the National Defense Authorization Act for Fiscal Year 1997.—Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the enactment of the National Defense Authorization Act for Fiscal Year 1997.

(d) Civilian Expertise.—The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials and other Federal, State, and local officials to counter the threat posed by the use or potential use of chemical and biological weapons...
of mass destruction within the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of nuclear, biological, and chemical weapons.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(f) Not later than three years after such date, the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1314. TESTING AND PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall develop and carry out a program to establish and improve the capabilities of the Federal Government on technical matters related to nuclear, biological, and chemical weapons. The program shall include the following:

(A) Equipment capable of detecting and interdicting the movement of weapons of mass destruction into the United States.

(B) Equipment capable of detecting and interdicting the movement of precursors to weapons of mass destruction into the United States.

(C) Other equipment and material necessary for the completion of the program.

(2) In carrying out the program, the Secretary of Defense shall consult with the Commissioner of Customs for use in detecting and interdicting the movement of nuclear, biological, and chemical weapons and related materials into the United States.

(b) EMERGENCIES INVOLVING NUCLEAR AND RADIOLOGICAL WEAPONS.—(1) The Secretary of Energy shall develop and carry out a program to establish and improve the capabilities of the Federal Government on technical matters related to nuclear, biological, and chemical weapons. The program shall include the following:

(A) Equipment capable of detecting and interdicting the movement of weapons of mass destruction into the United States.

(B) Equipment capable of detecting and interdicting the movement of precursors to weapons of mass destruction into the United States.

(C) Other equipment and material necessary for the completion of the program.

(2) In carrying out the program, the Secretary of Energy shall consult with the Commissioner of Customs for use in detecting and interdicting the movement of nuclear, biological, and chemical weapons and related materials into the United States.

SEC. 1315. PROVISIONS FOR DEVELOPMENT AND EXECUTION OF PROGRAM.

(a) PROCUREMENT OF DETECTION EQUIPMENT.—(1) Of the amount authorized to be appropriated under section 101, $15,000,000 is available for the procurement of equipment described in paragraph (2):

(A) equipment capable of detecting the movement of weapons of mass destruction into the United States; or

(B) equipment capable of interdicting the movement of weapons of mass destruction into the United States.

(2) The amount available under paragraph (1) for the procurement of items referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purposes.

SEC. 1316. NONPROLIFERATION AND COUNTERPROLIFERATION RESEARCH AND DEVELOPMENT.

(a) BIOLOGICAL AND CHEMICAL WEAPONS.—The Secretary of Defense shall be the lead official of the Federal Government for coordinating the research and development activities of the Federal Government on technical means for detecting the presence of, the illegal transportation of, the illegal production of, and the illegal use of materials and technologies, and for making available to the other Federal agencies a biological or chemical weapon or materials (including precursors) and technologies that are suitable for use in making such a weapon.

(b) NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS.—The Secretary of Energy shall be the lead official of the Federal Government for coordinating the research and development activities of the Federal Government on technical means for detecting the presence of, the illegal transportation of, the illegal production of, and the illegal use of materials and technologies, and for making available to the other Federal agencies a nuclear or radiological weapon and materials and technologies that are suitable for use in making such a weapon.

(c) REPORTS.—The Secretary of Defense and the Secretary of Energy shall submit to Congress, not later than 180 days after the date of enactment of this Act, a report describing the research and development activities conducted by the Federal Government under this section.

(d) CONSULTATION.—The Secretary of Defense and the Secretary of Energy shall consult with the Commissioner of Customs for the purpose of detecting and interdicting the movement of nuclear, biological, and chemical weapons and related materials into the United States.

SEC. 1317. CONSULTATION REQUIREMENT. —In carrying out research and development activities under subsection (a) or (b), the Secretary of Defense or the Secretary of Energy, respectively, shall consult with each other and the following officials:

(1) The Director of Central Intelligence.

(2) The Director of the Federal Bureau of Investigation.

(3) The Commissioner of Customs.

(4) The amount authorized to be appropriated for research and development coordinated by the Secretary of Defense under subsection (a) or (b) shall be available for the purpose of carrying out research and development directed to improving the effectiveness of the program.

(5) The amount authorized to be appropriated for research and development coordinated by the Secretary of Energy under subsection (b) shall be available for the purpose of carrying out research and development directed to improving the effectiveness of the program.

(6) The amount available under paragraph (4) or (5) is in addition to any other amount authorized to be appropriated under title XXXVI for research and development.

SEC. 1318. CRIMINAL PENALTIES.

It is the sense of Congress that the criminal sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, or attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses, and that Congress urges the United States Sentencing Commission to revise the relevant sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under title 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2401) and title 22 of the United States Code.
(b) Funding.—(1) Of the total amount authorized to be appropriated by section 301, $15,000,000 is available for carrying out the programs referred to in subsection (a).

(2) The amount available under paragraph (1) for programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for the fiscal year.

Subtitle C—Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States

SEC. 1331. PROTECTION AND CONTROL OF MATTER CONSTITUTING A THREAT TO THE UNITED STATES.

(a) Department of Energy Program.—
Subject to subsection (c)(1), the Secretary of Energy may provide materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within the former Soviet Union where effective controls for securing such materials are not in place.

(b) Department of Defense Program.—
Subject to subsection (c)(2), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Programs of the Department of Defense for securing from theft or other unauthorized disposition, or for destructive activities with respect to, biological, chemical, or weapons-related materials that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(c) Funding.—(1)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for materials protection, control, and accounting assistance of the Department of Energy for providing assistance under subsection (a).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy.

(2) Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for the Cooperative Threat Reduction Programs of the Department of Defense for providing materials protection, control, and accounting assistance under subsection (b).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated by the Department of Defense for materials protection, control, and accounting assistance of the Department of Defense.

SEC. 1332. VERIFICATION OF DISARMAMENT AND CONVERSION OF WEAPONS AND MATERIALS.

(a) Funding for Cooperative Activities for Developing Technologies.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Russian government of Russia to develop and deploy—

(1) technologies for improving verification of nuclear warhead dismantlement;

(2) technologies for converting plutonium from weapons into forms that—

(A) are better suited for long-term storage than are the forms from which converted;

(B) facilitate verification; and

(C) are suitable for nonweapons use; and

(3) technologies that promote openness in Russian production, storage, use, and final disposition of weapons-grade fissile material, including at tritium/iso- topes production reactors, uranium enrichment plants, chemical separation plants, and fabrication facilities associated with naval and civil research reactors.

(b) Weapons-Usable Fissile Materials To Be Used For Cooperative Threat Reduction Programs On Elimination or Transportation of Nuclear Weapons.—
SEC. 1338. TRANSFER AUTHORITY.
(a) SECRETARY OF DEFENSE.—(1) To the extent provided in appropriations Acts, the Secretary of Defense may transfer amounts appropriated pursuant to this subtitle (as well as any other amounts authorized under any other transfer authority provided for, except the Secretary of Defense for programs and authorities under this title) to the Department of Defense for programs and authorities under this subtitle to appropriated funds available for programs authorized under this title.
(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which they are transferred.
(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.
(b) SECRETARY OF ENERGY.—(1) To the extent provided in appropriations Acts, the Secretary of Energy may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriated funds available for programs authorized under such title.
(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.
(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

Subtitle D—Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction

SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERATION.
(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.
(b) DUTIES.—The Coordinator shall have the following responsibilities:
(1) To be the principal adviser to the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organized crime.
(2) To chair the Committee on Nonproliferation established under section 1342.
(3) To take such actions as are necessary to ensure an appropriate emphasis in, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies and programs of reprocessors funded by the Federal Government.
(c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS OF NATIONAL SECURITY COUNCIL.—(1) The senior directors of the National Security Council report to the Coordinator regarding the following matters:
(A) Nonproliferation of weapons of mass destruction and related issues.
(B) Management of crises involving use or threatened use of weapons of mass destruction, and on management of the consequences of the use or threatened use of such a weapon.
(C) Terrorism, arms control, and organized crime issues that relate to the threat of proliferation of mass destruction.
(2) Nothing in paragraph (1) shall be construed to affect the reporting relationship between a senior director and the Assistant to the President for National Security Affairs or any other supervisor regarding matters other than matters described in paragraph (1).
(d) ALLOCATION OF FUNDS.—Of the total amount authorized to be appropriated under section 201, $2,000,000 is available for carrying out research referred to in subsection (b).

SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.
(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this section referred to as the "Committee") is established as a committee of the National Security Council.
(b) MEMBERSHIP.—(1) The Committee shall be composed of:
(A) The Secretary of State.
(B) The Secretary of Defense.
(C) The Director of Central Intelligence.
(D) The Attache for Counterproliferation.
(E) The Secretary of Energy.
(G) The Secretary of Commerce.
(H) The Secretary of Transportation.
(I) Such other members as the President may designate.
(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.
(c) RESPONSIBILITIES.—The Committee has the following responsibilities:
(I) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.
(2) To make such recommendations to the President regarding the following:
(A) Integrated national policies for countering the threats posed by weapons of mass destruction.
(B) Options for integrating Federal agency budgets for countering such threats.
(C) Means to ensure that the Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and the use of such a weapon or related materials or technologies, and that use of those capabilities is coordinated.
(D) Means to ensure responsible cooperation on, and coordination of, the following:
(i) Preventing the smuggling of weapons of mass destruction and related materials and technologies.
(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.
(iii) Counterterrorism and the involvement of organized crime groups in proliferation-related activities.
(iv) Safeguarding weapons of mass destruction materials and related technologies.
(v) Improving coordination and cooperation among intelligence agencies, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.
(vi) Ensuring the continuation of effective export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.
(vii) Reducing proliferation of weapons of mass destruction and related materials and technologies.

SEC. 1343. COMPREHENSIVE PREPAREDNESS PLANS.
(a) PROGRAM REQUIRED.—The President, acting through the Committee on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.
(b) CONTENT OF PROGRAM.—The program set forth in the report shall include specific plans for:
(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.
(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.
(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.
(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.
(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.
(6) Plans for establishing in the United States appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.
(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.
(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the disarmament of nuclear weapons.
(9) Plans for reducing United States and Russian stockpiles of excess plutonium, refining plutonium; (A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition; and (B) an assessment of the options for United States cooperation and involvement in the disposition of Russian plutonium.
(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorist or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.
(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).
(2) The report shall include the following:
(A) The specific plans for the program that are required under subsection (b).
(B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.
(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

SEC. 1344. TERMINATION.
After September 30, 1999, the President—
(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and
(2) may terminate the Committee on Nonproliferation established under section 1342.

Subtitle E—Miscellaneous

SEC. 1351. CONTRACTING POLICY.
It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—
(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services to carry out plans and programs and authorities provided or referred to in subtitle C; and
used for any such purpose without regard to (Public Law 104–106; 110 Stat. 409) may be fencing Authorization Act for Fiscal Year 1996 section (a) of section 1202 of the National Disnated for the purposes set forth in sub-
(B) to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement which is the subject of the report.

(3) AFFIRMATIVE DETERMINATION.—The Commission shall make an affirmative determination under this paragraph with respect to the action of a panel or the Appellate Body, if the Commission determines that—

(A) any of the matters described in subparagraph (A), (B), or (C) of paragraph (2) has occurred; and

(B) written comments to the Commission. The Commission will make a determination under this paragraph with respect to the action of a panel or the Appellate Body if the Commission determines that—

(A) any of the matters described in subparagraph (A), (B), or (C) of paragraph (2) has occurred; and

(B) the action of the panel or the Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(2) AFFIRMATIVE DETERMINATION; REPORT.—

(A) AFFIRMATIVE DETERMINATION.—If a joint resolution described in subsection (b)(1) is adopted by the Dispute Settlement Body, the Commission shall inform the President of the affirmative determination in writing; and the President shall take action to—

(i) enforce the affirmative determination in accordance with the laws and procedures of the Uruguay Round Agreement

(ii) adopt the affirmative determination in accordance with the laws and procedures of the WTO.

(B) AFFIRMATIVE DETERMINATION; REPORT.—If a joint resolution described in subsection (b)(2) is enacted into law pursuant to section 1304(b)(2), and the President signs the joint resolution, the President shall transmit the joint resolution to Congress.

(2) AFFIRMATIVE DETERMINATION; REPORT.—

(A) AFFIRMATIVE DETERMINATION.—If a joint resolution described in subsection (b)(1) is adopted by the Dispute Settlement Body, the Commission shall inform the President of the affirmative determination in writing; and the President shall take action to—

(i) enforce the affirmative determination in accordance with the laws and procedures of the Uruguay Round Agreement

(ii) adopt the affirmative determination in accordance with the laws and procedures of the WTO.

(B) AFFIRMATIVE DETERMINATION; REPORT.—If a joint resolution described in subsection (b)(2) is enacted into law pursuant to section 1304(b)(2), and the President signs the joint resolution, the President shall transmit the joint resolution to Congress.

(3) AFFIRMATIVE DETERMINATION; REPORT.—

(A) AFFIRMATIVE DETERMINATION.—If a joint resolution described in subsection (b)(1) is adopted by the Dispute Settlement Body, the Commission shall inform the President of the affirmative determination in writing; and the President shall take action to—

(i) enforce the affirmative determination in accordance with the laws and procedures of the Uruguay Round Agreement

(ii) adopt the affirmative determination in accordance with the laws and procedures of the WTO.
making the motion announces to the House his or her intention to do so.
(5) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted such a resolution under this section relating to the same matter.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such rules;

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 1307. DEFINITIONS.
For purposes of this title:
(1) ADVERSE FINDING.—The term "adverse finding" means—
(A) in a panel or Appellate Body proceeding initiated against the United States, a finding by the panel or the Appellate Body that any law or regulation of, or application thereto of, the United States is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or
(B) in a panel or Appellate Body proceeding in which the United States is a complaining party, any finding by the panel or the Appellate Body that the provisions of the agreement complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).
(2) AFFIRMATIVE REPORT.—The term "affirmative report" means a report described in section 1304(b)(2) which contains affirmative determinations made by the Commission under paragraph (3) of section 1304(a).
(3) APPELATE BODY.—The term "Appellate Body" means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.
(4) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.
(5) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 19.6 of the Dispute Settlement Understanding.
(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the understanding agreed upon under Rules Governing the Settlement of Disputes referred to in section 102(d)(16) of the Uruguay Round Agreements Act.
(7) TERMS OF REFERENCE.—The term "terms of reference" has the meaning given such term in the Dispute Settlement Understanding.
(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.
(9) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.
(10) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(1) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

REID AMENDMENT NO. 4183
(Ordered to lie on the table.)
Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:
At the end of subtitle C of title XXXI, add the following:

SEC. 313B. PROTECTION OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.
Notwithstanding any other provision of law and effective as of September 30, 1997, the costs associated with operating and maintaining the infrastructure at the Nevada Test Site, Nevada, with respect to any activities carried out at the site by the Department of Defense shall be paid for by the Department of Energy from funds authorized to be appropriated to the Department of Energy for stockpile stewardship.

FEINSTEIN AMENDMENT NO. 4184
(Ordered to lie on the table.)
Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:
At the end of subtitle B of title II, add the following:

SEC. 223. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.
Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program, $3,000,000 shall be made available for research and development into the near-term development of a B52H system as a surgical strike vehicle for deterring and containment of hardened or deeply buried targets, including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

KYL (AND BINGAMAN) AMENDMENTS Nos. 4185-4186
(Ordered to lie on the table.)
Mr. KYL (for himself and Mr. BINGAMAN) submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4185
At the end of subtitle D of title X add the following:

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.
(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination of any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

AMENDMENT NO. 4188
At the end of subtitle D of title X add the following:

SEC. 1044. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.
(a) FINDINGS.—The Senate makes the following findings:
(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where the distribution to non-Federal entities of detailed or precise satellite imagery, and other significant military capabilities threatens the security of the United States by making a significant contribution to the military potential of individual countries, particularly in terms of the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(2) The acquisition of sensitive commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries, particularly in terms of the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technology by those countries and end users whose actions or policies run counter to United States national security or foreign policy interests may enhance the non-Federal entity's military capabilities, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missiles, and other significant military capabilities. This enhancement threatens the security of the United States
and its allies. The availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental problem. The United States and should be eliminated through deterrence, negotiation, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(5) On November 5, 1995, President William J. Clinton signed Executive Order No. 12938 regarding “Weapons of Mass Destruction,” and “declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons.”

(6) A successor regime to COCOM (the Coordinating Commission on Multilateral Controls) has not been established. Currently, each nation is determining independently which dual-use military items, if any, will be controlled for export.

(7) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of sensitive dual-use goods and technologies.

(b) Sense of Senate.—It is the sense of the Senate that—

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States.

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

THURMOND AMENDMENTS NOS. 4189-4190
(Ordered to lie on the table.)
Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4189
At the end of subtitle B of title IV, add the following:

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE SYSTEM.
Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting “subject to subsection (e),” after “to employ such number of civilians,”; and

(2) in subsection (e), by inserting the following:

(1) The number of armed forces personnel and civilian employees of the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress and the President.

(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of the limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.

AMENDMENT NO. 4190
At the end of title XI add the following:

Subtitle B—Defense Intelligence Personnel
SEC. 1131. SHORT TITLE.
This subtitle may be cited as the “Department of Defense Civilian Intelligence Personnel Reform Act of 1996.”

SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT.
Section 1590 of title 10, United States Code, is amended to read as follows:

“§ 1590. Management of civilian intelligence personnel of the Department of Defense

“(a) GENERAL PERSONNEL MANAGEMENT AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law, the number, classification, or compensation of employees—

“(1) establish—

(A) positions in the excepted service, such defense intelligence component positions (including Intelligence Senior Level positions) as the Secretary determines necessary to carry out the intelligence functions of the defense intelligence components; and

(B) such Intelligence Senior Executive Service positions as the Secretary determines necessary to carry out functions referred to in subparagraph (B);

“(2) appoint individuals to such positions (after taking into consideration the availability of preference eligibles for appointment to such positions); and

“(3) fix the compensation of such individuals for such positions.

“(b) BASIC PAY.—(1)(A) Subject to subparagraph (B) and paragraph (2), the Secretary of Defense shall fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

(B) Except as otherwise provided by law, no rate of basic pay fixed under subparagraph (A) for a position established under subsection (a) may exceed—

(i) in the case of an Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

(ii) in the case of an Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

(iii) in the case of any other defense intelligence component position, the maximum rate provided in section 5306(e) of title 5; and

(iv) in the case of any other defense intelligence component position, the maximum rate provided in section 5306(e) of title 5.

(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) Employees in defense intelligence component positions may be paid additional compensation, including benefit and allowing funds in accordance with this subsection and, to the extent, authorized in regulations prescribed by the Secretary of Defense.

“(2) Additional compensation under this subsection shall be consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

(3) (A) Employees in defense intelligence component positions, if citizens or nationals of the United States, may be paid an allowance while stationed outside the continental United States or in Alaska.

(B) Subject to subparagraph (C), allowances under subparagraph (A) shall be based on—

(i) living costs substantially higher than in the District of Columbia;
"(A) considers such action to be in the interests of the United States; and

"(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

(3) The Secretary of Defense shall promptly notify the Committee on National Security of the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the head of a defense intelligence component (with respect to employees of that component).

(6) No action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

(7) RE neutral OTHER ADJUSTMENTS IN FORCE.—(1) The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the separation of employees in defense intelligence component positions, including members of the Intelligence Senior Executive Service, for cause under the authority of the Office of Personnel Management, and is designated as a defense intelligence component by the Secretary of Defense.

(2) The term 'defense intelligence component' means a component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

(3) The term 'intelligence Senior Level position' means an intelligence component position designated as an Intelligence Senior Level position pursuant to subsection (4).

(4) The term 'excepted service' means the meaning given such term in section 7103(8) of title 5.

(5) The term 'collective bargaining agreement' has the meaning given such term in section 7103(8) of title 5:

SEC. 1133. REPLACES. (a) DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Sections 1601, 1603, and 1604 of title 10, United States Code, are repealed.

(b) NATIONAL SECURITY AGENCY PERSONNEL MANAGEMENT AUTHORITIES.—(1) Sections 2 and 4 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) are repealed.

(2) Section 303 of the Internal Security Act of 1950 (50 U.S.C. 833) is repealed.

SEC. 1233. CLERICAL AMENDMENTS. (a) AMENDED SECTION HEADING.—The item relating to section 1590 in the table of sections at the beginning of chapter 81 of title 10, United States Code, is amended to read as follows:

"1590. Management of civilian intelligence personnel of the Department of Defense."

(b) REPEALED SECTIONS.—The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by striking out the items relating to sections 1601, 1603, and 1604.

THURMOND (AND WARNER) AMENDMENT NO. 4191

(Ordained to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title 1061 add the following:

(C) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Year 1990 (10 U.S.C. 1191) is repealed.

(2) Subsection (e)(1) of that section is amended by striking out "the judge who is first appointed to the new position created as of October 1, 1990" and all that follows and inserting in lieu thereof "the judge who is first appointed to the new position of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being seven years after the number of years referred to in subparagraph (B) of that paragraph shall be treated as seven years after".
PELL (AND HELMS) AMENDMENT NO. 4193
(Ordered to lie on the table.)
Mr. PELL (for himself and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

SEC. 4. GENERAL LIMITATION.
Notwithstanding any other provision of this Act, any proposal for award to be based on the scientific merit and program relevance of the proposed research.

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

--CHAFEE AMENDMENT NO. 4195
(Ordered to lie on the table.)
Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION. The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2708(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended.

(2) The dates on which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) The status of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies or other potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISPARITIES. Section 348(d) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out ``that service after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ``for service on active duty as a member of the Selected Reserve''

(2) Section 348(d) of such section is amended by striking out ``that service after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof "for service on or after August 1, 1979, as a member of the Selected Reserve".

(3) Section 2107(d) of such section is amended by striking out "other than enlisted service performed after August 1, 1979, as a member of Selected Reserve" after "service as a cadet or with concurrent enlisted service".

(a) AMENDMENTS TO TITLE 10—
(1) Section 2106(c) of title 10, United States Code, is amended by striking out "while serving on active duty other than for training after July 31, 2011" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(2) Section 2107(g) of such section is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(b) AMENDMENTS TO TITLE 32—
(1) Section 205(d) of title 32, United States Code, is amended by striking out "that service after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "for service that the officer performed on or after August 1, 1979, as a member of the Selected Reserve".

(c) The term "Gulf War service" means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(d) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(e) The term "child of a Gulf War veteran" means any child of a Gulf War veteran

(f) The term "child" means a natural child.

(g) The term "Secretary" shall prescribe in regulations a definition of the terms "congenital defect" and "catastrophic illness" for the purposes of this section.

FEINSTEIN AMENDMENTS NOS. 4199±4200
(Ordered to lie on the table.)
Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 1745, supra; as follows:

--AMENDMENT NO. 4199
At the appropriate place, insert the following:

SEC. 708. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.
Section 315(a)(4) of FECA (2 U.S.C. 441b(a)(4)) is amended by striking out "(B)" and inserting in lieu thereof "(B) (individual or association) that shall (B) for the purposes of this subsection:"

(1) (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
under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C), if the candidate—

(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph and that the amount exceeding $250,000;

(B) spends such funds in the primary and general election in an amount exceeding $250,000; or

(C) fails to file the declaration required by paragraph (1).

(3) For purposes of paragraph (2) if a candidate described in paragraph (2)(B) spends funds in an amount exceeding $250,000, the limitation under subsection (a)(1)(A) shall be increased to $2,000, and

(B) if a candidate described in paragraph (2)(B) spends funds in an amount exceeding $250,000, the limitation under subsection (a)(1)(A) shall be increased to $5,000.

(4) If—

(A) the modifications under paragraph (3) apply for charging such declaration or expenditure by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election in paragraph (3) shall cease to apply to the other candidates in such campaign.

(5) No increase described in paragraph (3) shall apply under paragraph (2) to an eligible Senate candidate in any election if eligible Senate candidates are participating in the same election campaign.

(G) A candidate—

(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000, and

(B) subsequently changes such declaration or spends such funds in excess of that amount, shall file an amended declaration with the Commission and notify all other candidates for the same office not later than 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

BRYAN AMENDMENTS NOS. 4201-4202

(Ordered to lie on the table.)

Mr. BRYAN submitted two amend-

ments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT No. 4201

At the end of the title F of title X, add the following new section:

SEC. 1072. FEDERAL RETIREMENT PROVISIONS RELATING TO MEMBERS OF CONGRESS AND CONGRESSIONAL EMPLOYEES.

(a) SHORT TITLE.—This section may be cited as the "Congressional Annuity Reform Act of 1996.

(b) RELATING TO THE MAXIMUM ANNUITY ALLOWABLE PURSUANT TO COST-OF-LIVING ADJUSTMENTS.—Section 8403(g)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "or" and inserting "and";

(2) in subparagraph (B)—

(A) by striking "employee or Member" and inserting "employee; and"

(B) by striking "employee or Member," and inserting "employee,"

(C) by striking employee’s or Member’s" and inserting "employee’s; and"

(D) by striking the period at the end of subparagraph (B)(ii) and inserting "; or;

and

(3) by adding at the end the following:

(C) the final pay of the Member with respect to whom the annuity is paid.".

(c) RELATING TO THE YEARS OF SERVICE AS A MEMBER OF CONGRESS AND CONGRESSIONAL EMPLOYEES FOR PURPOSES OF COMPUTING AN ANNUITY.—

(1) CSRS.—Section 8339 of title 5, United States Code, is amended—

(A) in subsection (a) by inserting "or Member" after "employee;"

(B) by striking subsections (b) and (c); and

(C) in subsection (h)—

(i) in the first sentence by striking out "subsections (a)," and inserting in lieu thereof "subsections (a) and (f)"; and

(ii) in the second sentence by striking out "subsections (c) and (f)" and inserting in lieu thereof "subsections (a) and (f)."

(2) FERS.—Section 8415 of title 5, United States Code, is amended—

(A) by striking subsections (b) and (c);

(B) in subsections (a) and (g) by inserting "or Member after "employee; each place it appears; and

(C) in subsection (g)(2) by striking out "Congressional employee.

(d) CONTRIBUTION RATES.—

(1) CSRS.—Section 8334(a)(1) of title 5, United States Code, is amended—

(A) by striking the "employee, 71½ per-

cent of the basic pay of a Congressional em-

ployee," and inserting in lieu thereof "an employee, a Member," and

(B) by striking out "basic pay of a Mem-

ber," and inserting in lieu thereof "basic pay of;

(2) The table under section 8334(c) of title 5, United States Code, is amended—

(i) in the item relating to Member or employee for Congressional employee service by striking out

" 7½....... After December 31, 1969."

and inserting in lieu thereof

" 7½....... December 31, 1964 to but not in-
cluding the effective date of the Congressional Annuity Reform Act of 1996.

...... On and after the effective date of the Congressional Annuity Reform Act of 1996.

and

(ii) in the item relating to Member for Service by striking out

" 8....... After December 31, 1969.

and inserting in lieu thereof

" 8....... December 31, 1969 to but not in-
cluding the effective date of the Congressional Annuity Reform Act of 1996.

...... On and after the effective date of the Congressional Annuity Reform Act of 1996.

(2) FERS.—Section 8422(a)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A) by striking out "employee (other than a law enforcement of-

ficer, firefighter, air traffic controller, or Congressional employee)" and inserting in lieu thereof "employee or Member (other than a law enforcement officer, firefighter, or air traffic controller); and

(B) in subparagraph (B)—

(i) by striking out "a Member;" and

(ii) by striking out "air traffic controller, or Congressional employee," and inserting in lieu thereof "air traffic controller,".
AMS. JUNE 25, 1996
CONGRESSIONAL RECORD — SENATE S6887

(e) Administrative Regulations.—The Office of Personnel Management, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, may adopt provisions to carry out the provisions of this section and the amendments made by this section for applicable employees and Members of Congress.

1. Effect of Event.—

(1) Short Title.—Section (a) of the first section of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (c); and

(B) by inserting after subsection (c) the following new subsection:

``(d) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

(A) the individual is convicted of such offense because of a commission of an act which constitutes an offense under subparagraph (A); and

(B) the offense is punishable by imprisonment for more than 1 year.

(2) The offenses under this paragraph are as follows:

(A) An offense within the purview of—

(i) section 201 of title 18 (bribery of public officials and witnesses);

(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States);

(viii) section 597 of title 18 (expenditures for influence voting);

(ix) section 599 of title 18 (promise of appointment by candidate);

(x) section 602 of title 18 (solicitation of political contributions);

(xi) section 606 of title 18 (intimidation to secure political contributions);

(xii) section 607 of title 18 (place of solicitation);

(xiii) section 641 of title 18 (public money, property or records); or

(xiv) section 1003 of title 18 (statements or entries generally).

(2) A violation committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).

(D) by adding at the end of this paragraph—

``(E)Any such offense committed by a former President is an offense described by section 838; 3 U.S.C. 102 note) is amended—

(1) by striking ``Each former President'' and inserting ``(1) Subject to paragraph (2), each former President''; and

(2) by inserting at the end the following new paragraph:

``(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

(A) the individual is convicted of an offense described under section 832(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act; and

(B) such individual committed such offense during the individual's term of office as President.

(C) the offense is punishable by imprisonment for more than 1 year.

GLENN (AND PELL) AMENDMENT NO. 4203
(Ordered to lie on the table.)
Mr. GLENN (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following new section:

SEC. 1072. CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) Short Title.—This section may be cited as the "Constitutional, Presidential, and Judicial Pension Forfeiture Act".

(b) Conviction of Certain Offenses.—

(1) In General.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1); and

(B) by striking the period at the end of paragraph (2) and inserting "or".

(c) by adding after paragraph (2) the following new paragraph:

"(3) is convicted of an offense named by subparagraph (d), to the extent provided by that subparagraph."

(d) by striking "and" at the end of subparagraph (A);

(e) by striking the period at the end of subparagraph (B) and inserting ";"; and

(f) by adding after subparagraph (B) the following new subparagraph:

"(C) the offense committed by a former President is an offense described by section 838; 3 U.S.C. 102 note; and

"(D) by striking "willfully aided or abetted" the following: "or any person who has knowingly aided or abetted;"

"(2) by striking "or countries" and inserting "countries, or other purposes"; and

"(3) by inserting after "United States exports to such country" the following: "or in the case of any such person, give approval to or take action to approve an application for, or otherwise participate in, the extension of a credit in support of, exports to or by any such person for a 12-month period;"

"(3) by inserting "(A)" immediately after "(4)";

"(5) by inserting after "United States exports to such country" the following: "the second place it appears the following", except as provided in subparagraph (b); and

"(6) by striking "or" after the word "have"; and

"(7) by striking the period at the end of paragraph (2) and inserting "or".

2. Modification.—

(1) Effective Date of Event.—

(A) the effective date of this Act; and

(B) the date of the enactment of this Act; and

(C) the date of the enactment of this Act.

(2) COLA Adjustments.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply with regard to annuities commencing on or after such date.

(3) Years of Service; Annuity Computation.—(A) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act and shall apply only with regard to the computation of an annuity relating to—

(i) the service of a Member of Congress as a Member or as a Congressional employee performed after such date; and

(ii) the service of a Congressional employee as a Congressional employee performed after such date.

(B) An annuity shall be computed as though the amendments made under subsection (c) had not been enacted with regard to—

(i) the service of a Member of Congress as a Member or a Congressional employee or military service performed before the date of the enactment of this Act; and

(ii) the service of a Congressional employee as a Congressional employee or military service performed before the date of the enactment of this Act.

(4) Contribution Rates.—The amendments made by subsection (d) shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

(5) Regulations.—The provisions of subsection (e) shall take effect on the date of the enactment of this Act.

(6) Alternative Effective Date Relating to Members of Congress.—If a court of competent jurisdiction makes a final determination that the provisions of this subsection violate the 27th amendment of the United States Constitution, the effective date and application date relating to Members of Congress shall be January 3, 1997.

(AMENDMENT NO. 4202)

At the end of subtitle F of title X, add the following new section:

SEC. 1072. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR Proliferation ACTIVITIES.

(a) In General.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 632(b)(4)) is amended—

(1) by inserting after "any country has willfully aided or abetted" the following: "or any person who has knowingly aided or abetted;"

(2) by striking "or countries" and inserting "countries, or other purposes"; and

(3) by inserting after "United States exports to such country" the following: "or in the case of any such person, give approval to or take action to approve an application for, or otherwise participate in, the extension of a credit in support of, exports to or by any such person for a 12-month period;"

4. Forfeiture of Presidential Allowance.—Subsection (a) of the first section of title 4, United States Code, is amended—

(1) by striking (A)";

(2) by striking (B)"; and

(3) by inserting "(C) the offense is punishable by imprisonment for more than 1 year.

GLENN (AND PELL) AMENDMENT NO. 4203
(6) by adding at the end the following: "(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and"

"(ii) the President has received reliable assurances from the country or person that such determination has ceased to aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

"(C) For purposes of subparagraphs (A) and (B),--

"(i) the term ‘country’ has the meaning given in section 182(a) of title 28, United States Code;

"(ii) the term ‘knowingly’ is used within the meaning of the term ‘knowing’ in section 104 of the Bank Secrecy Act of 1970, as amended; and

"(iii) the term ‘person’ means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, group, or any governmental entity operating as a business enterprise, and any successor to any entity.

(b) EFFECTIVE DATE.-(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the determination made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

HARKIN AMENDMENT NO. 4204

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 305(b), strike out "search and rescue missions" and insert in lieu thereof "shall be made available to" and "in lieu thereof" as follows:

"shall be made available to".

In section 305(b), strike out "search and rescue missions" and insert in lieu thereof "shall be made available to" and "in lieu thereof"

SARBANES AMENDMENTS NOS. 4205-4206

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

Amendment No. 4205

At the end of subtitle F of title X, add the following:

SEC. 1072. NATIONAL MILITARY MUSEUM FOUNDATION FOR THE PRESERVATION OF MILITARY TECHNOLOGY AND MATERIEL.

(a) ESTABLISHMENT.—There is established a nonprofit corporation to be known as the National Military Museum Foundation for the Preservation of Military Technology and Materiel (in this section referred to as the "Foundation"). The Foundation is not an agency or instrumentality of the United States.

(b) PURPOSES.—The Foundation shall have the following purposes:

(1) To encourage and facilitate the preservation of military material having historical or technological significance.

(2) To promote innovative solutions to the problems associated with the preservation of such military material.

(3) To facilitate research on and educational activities relating to military history.

(4) To promote voluntary partnerships between the Federal Government and the private sector for the preservation of such military material and of military history.

(5) To facilitate the display of such military material for the education and benefit of the public.

(c) FACILITIES.—(1) The Foundation shall develop publications and other interpretive materials pertinent to the historical collections of the Armed Forces that will supplement similar publications and materials available from public, private, and corporate sources.

(2) To provide financial support for educational, interpretive, and conservation programs of the Armed Forces relating to such military material.

(3) To broaden public understanding of the role of the private sector in building and maintaining military history.

(4) To promote voluntary partnerships between the Federal Government and the private sector for the preservation of military material.

(5) To facilitate the display of such military material for the education and benefit of the public.

(d) BOARD OF DIRECTORS.—(1) The Foundation shall have a Board of Directors (in this section referred to as the "Board") composed of the individuals appointed by the Secretary of Defense from among individuals who are United States citizens.

(2) Of the individuals appointed under paragraph (1), the Board shall:

(A) at least one shall have an expertise in historical preservation;

(B) at least one shall have an expertise in military history;

(C) at least one shall have an expertise in the administration of museums; and

(D) at least one shall have an expertise in military technology and material.

(3) The Secretary shall designate one of the individuals first appointed to the Board under paragraph (1) as the chairperson of the Board. The individual designated shall serve as chairperson for a term of 4 years.

(4) Subject to the approval of the Board, the Board shall elect a chairperson of the Board from among its members.

(5) A majority of the members of the Board shall constitute a quorum.

(6) The Board shall meet at the call of the chairperson of the Board. The Board shall meet at least once a year.

(e) O FFICERS AND EMPLOYEES.Ð(1) The Foundation may employ such individuals;

(f) POWERS AND RESPONSIBILITIES.ÐIn order to carry out the purposes of this section, the Secretary of Defense may, at his discretion, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation; enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation; enter into such other contracts, leases, cooperative agreements, and other transactions as the Secretary of Defense may consider appropriate.

(g) AUDITS.Ð(1) The Foundation shall hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(h) REPORTS.—The Foundation shall provide to Congress a statement in a form acceptable to the Secretary of Defense describing the activities of the Foundation during the preceding fiscal year, which shall include a full and complete statement of the receipts, expenditures, and other financial activities of the Foundation; and

(i) INITIAL SUPPORT.—In addition to any other amounts authorized to be appropriated by this Act, there is authorized to be appropriated for the purposes of carrying out the functions of the Foundation $1,000,000 for the purpose of making a grant to the Foundation in order to assist the Foundation in defraying the costs of its activities.

(j) Initial Support.—In addition to any other amounts authorized to be appropriated by this Act, there is authorized to be appropriated for the purposes of carrying out the functions of the Foundation $1,000,000 for the purpose of making a grant to the Foundation in order to assist the Foundation in defraying the costs of its activities.

(k) Reports.—As soon as practicable after the end of each fiscal year of the Foundation, the Board shall submit to Congress and to the Secretary of Defense a report on the activities of the Foundation during the preceding fiscal year, including a full and complete statement of the receipts, expenditures, investment activities, and other financial activities of the Foundation during such fiscal year.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the...
Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forrest Glen Annex of Walter Reed Army Medical Center, Maryland, together with a reprogramming request for funds necessary to implement the plan.

SIMON AMENDMENTS NOS. 4207-4208
(Ordered to lie on the table.)
Mr. SIMON submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4207
At the end of subtitle D of title II, add the following:

SEC. 243. DESALTING TECHNOLOGIES.
(a) FINDINGS.—Congress makes the following findings:
(1) Access to scarce fresh water is likely to be a cause of future military conflicts in the Middle East and has a direct impact on stability and security in the region;
(2) The Middle East is an area of vital and strategic importance to the United States;
(3) The United States has played a military role in the area, most recently in the Persian Gulf War, and may likely be called upon again to deter aggression in the region;
(4) Units of United States military forces have used desalting technologies to guarantee the availability of fresh water in past deployments in the Middle East;
(5) Adequate, efficient, and cheap access to high-quality fresh water will be vital to maintaining the readiness and sustainability of United States troops, and those of our allies;
(b) SENSE OF SENATE.—It is the sense of the Senate that, as improved access to fresh water will be an important factor in helping prevent conflicts in the Middle East, the United States should, in cooperation with its allies, promote and invest in technologies to reduce the costs of converting saline water into fresh water.

AMENDMENT NO. 4208
At the end of subtitle C of title II, add the following:

SEC. 237. TEMPORARY PROHIBITION ON USE OF certain funds for research and development relating to national missile defense.
Of the funds authorized to be appropriated by section 201(4) for the Ballistic Missile Defense Organization for the purpose of research and development relating to national missile defense systems, $500,000,000 may not be obligated or expended for such research and development until the later of—
(1) the date of the enactment of an Act entitled "Defend America Act"; or
(2) the date of the enactment of this Act.

HELMS AMENDMENT NO. 4209
(Ordered to lie on the table.)
Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

SEC. . SENSE OF THE SENATE.
(a) FINDINGS.—The Senate finds that—

(1) President Clinton has repeatedly voiced the need for increased protection and strengthening of moral values among our children, including using school uniforms, curfews, and zero-tolerance drug policies;
(2) pornography and smut of the most indecent and offensive nature is proliferating on the Internet and throughout the electronic world, including sites often visited by children;
(3) increasing numbers of electronic pornographers are participating in the transmission of pornography and other indecent material that is easily accessible to children;
(4) pornographers are targeting children as potential customers;
(5) Congress enacted the Communications Decency Act of 1996 (referred to in this resolution as the "Act") to protect our young people and most vulnerable generation from the morally corrupting influence of depravity on the Internet, to protect our young people and most vulnerable generation from the morally corrupting influence of depravity on the Internet, and to protect United States troops, and those of our allies, from the availability of fresh water in past deployments in the Middle East;
(6) Congress specifically described indecent communications in the Act by using language upheld by the Supreme Court in FCC v. Pacifica Foundation, 438 U.S. 726 (1978);
(7) on February 18, 1996, the Act was signed into law, the American Civil Liberties Union and others filed suit in the United States District Court for the Eastern District of Pennsylvania, seeking a preliminary injunction against enforcement of the Act on the specious and erroneous grounds that the Act violates the first and fifth amendments to the Constitution;
(8) on June 11, 1996, the District Court granted such injunction based on the unworthy pretext, by the American Civil Liberties Union and others, contrary to applicable Supreme Court precedents, that the Act is "unconstitutional on its face";
(9) section 561(b) of the Act provides for direct appeal to the Supreme Court, as a matter of right, should any part of the Act be held unconstitutional by a District Court;
(10) the Department of Justice has hesitated to appeal the District Court's injunction;
(11) the Clinton Administration's 1993 failure to defend aggressively Federal child pornography statutes in the case of United States v. Knox, 92 F.3d 733 (3d Cir. 1994) compelled the Senate to resolve that the Administration defend the statute, which called into question the Administration's resolve in this case;
(12) the Senate finds it imperative that the Department of Justice vigorously defend the Act before the Supreme Court.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice should appeal directly to the Supreme Court the order of the District Court in ACLU v. Reno, No. 96-963 (E.D. Pa. June 11, 1996).

BINGAMAN AMENDMENTS NOS. 4210-4211
(Ordered to lie on the table.)
Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4210
On page 398, after line 23, insert the following:

SEC. 228A. RENOVATION OF THE PENTAGON RESERVATION.
The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

AMENDMENT NO. 4211
Strike out section 402 and insert in lieu thereof the following:

SEC. 402. REPEAL OF PERMANENT END STRENGTHS.
(a) REPEAL.—Section 601 of title 10, United States Code, is repealed.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of this title is amended by striking out the item relating to section 601.

FEINGOLD AMENDMENTS NOS. 4212-4213
(Ordered to lie on the table.)
Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4212
At the end of subtitle B of title II, adds the following:

SEC. 223. COST-BENEFIT ANALYSIS OF F/A-18E/F AIRCRAFT PROGRAM.
(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A-18E/F aircraft program.
(b) CONTENT OF REPORT.—The report shall contain the following:
(1) An analysis and estimate of the productivity of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:
(A) 18 aircraft.
(B) 24 aircraft.
(C) 36 aircraft.
(2) A comparison of the costs and benefits of the program with the costs and benefits of the F/A-18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.
(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A-18E/F aircraft before the date that is 90 days after the date on which the congressional defense committees receive the report required under subsection (a).

AMENDMENT NO. 4213
Strike out section 902 and insert in lieu thereof the following:

SEC. 902. TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.
(a) TERMINATION.—The Uniformed Services University of the Health Sciences is terminated.
(2)(A) Chapter 104 of title 10, United States Code, is repealed.
(B) The table of chapters at the beginning of subtitle A of such title is amended by striking out the item relating to chapter 104.
(c) EFFECTIVE DATE.—The termination referred to in subsection (a), and the amendments made by such subsection, shall take effect on the date of the graduation from the Uniformed Services University of the Health Sciences of the last class of students that enrolled in such university on or before the date of the enactment of this Act.

BINGAMAN AMENDMENT NO. 4214
(Ordered to lie on the table.)
Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 402, strike out "5" in the last line and insert in lieu thereof "100".

June 25, 1996
CONGRESSIONAL RECORD — SENATE
S6889

FEINGOLD AMENDMENTS NOS. 4212-4213
Ordered to lie on the table.
Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4212
At the end of subtitle B of title II, adds the following:

SEC. 223. COST-BENEFIT ANALYSIS OF F/A-18E/F AIRCRAFT PROGRAM.
(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A-18E/F aircraft program.
(b) CONTENT OF REPORT.—The report shall contain the following:
(1) An analysis and estimate of the productivity of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:
(A) 18 aircraft.
(B) 24 aircraft.
(C) 36 aircraft.
(2) A comparison of the costs and benefits of the program with the costs and benefits of the F/A-18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.
(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A-18E/F aircraft before the date that is 90 days after the date on which the congressional defense committees receive the report required under subsection (a).

AMENDMENT NO. 4213
Strike out section 902 and insert in lieu thereof the following:

SEC. 902. TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.
(a) TERMINATION.—The Uniformed Services University of the Health Sciences is terminated.
(2)(A) Chapter 104 of title 10, United States Code, is repealed.
(B) The table of chapters at the beginning of subtitle A of such title is amended by striking out the item relating to chapter 104.
(c) EFFECTIVE DATE.—The termination referred to in subsection (a), and the amendments made by such subsection, shall take effect on the date of the graduation from the Uniformed Services University of the Health Sciences of the last class of students that enrolled in such university on or before the date of the enactment of this Act.

BINGAMAN AMENDMENT NO. 4214
(Ordered to lie on the table.)
Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 402, strike out "5" in the last line and insert in lieu thereof "100".
(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Beginning on page 90, strike line 1 and all that follows through page 91, line 17.

J. JOHNSTON (AND BREAUX) AMENDMENT NO. 4216

(Ordered to lie on the table.)

Mr. J. JOHNSTON (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1) if the deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to in paragraph (1) within the time provided for in that subsection, the Secretary of Agriculture shall enter into a transfer agreement with Fort Polk, Louisiana. The Secretary of Agriculture shall allocate responsibility for land management activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(c) LIMITATION OF ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2) of such subsection, the Secretary of Agriculture may use the property transferred under this section for military maneuvers, training and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives;

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives;

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture;

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana;

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.Ð(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under paragraph (2) of such subsection and

(B) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement a management plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall be designed to manage the property in the following order of priority:

(1) the implementation of the management plan developed under subparagraph (B); and

(2) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall be restored to the Secretary of the Army who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

MOSELEY-BRAUN AMENDMENT NO. 4217

(Ordained to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended—

(A) by adding at the end the following:

"(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the former spouse under section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subsection only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408;".

(b) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (4)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the former spouse under section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408;".

(b) CONFORMING AMENDMENT.—Paragraph (3) of such subsection is amended by striking "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2), (3), and (5)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

LAUTENBERG AND OTHERS AMENDMENT NO. 4218

(Ordered to lie on the table.)
Mr. LAUTENBERG (for himself, Mr. SIMON, Mrs. FEINSTEIN, and Mr. BUMPERS) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of title X, add the following:

Subtitle G—Civilian Marksmanship

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the "Self-Financing Civilian Marksmanship Program Act of 1996".

SEC. 1082. PRIVATE SHOOTING COMPETITIONS AND FIREARM SAFETY PROGRAMS.

Nothing in this subtitle prohibits any private person from establishing a privately financed program to support shooting competitions or firearm safety programs.

SEC. 1083. REPEAL OF CHARTER LAW FOR THE CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND SAFETY.


T. 3602. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.

None of the funds appropriated under section 103(1) may be obligated or expended for more than six new production F-16 aircraft.

Amendment No. 4226

In section 103(1), strike out "$7,003,528,000" and insert in lieu thereof "$6,958,028,000".

Amendment No. 4227

In section 103(1), strike out "$1,508,515,000" and insert in lieu thereof "$1,508,515,000".

Amendment No. 4228

In section 103(1), strike out "$1,508,515,000" and insert in lieu thereof "$1,388,515,000".

Amendment No. 4229

At the end of title X of the bill, S. 1745, supra; as follows:

Subtitle E—Reserve Components

SEC. 134. RESERVE COMPONENT EQUIPMENT.

(a) APPlicability of MODernization PRIorities.—The selection of equipment to be procured for a reserve component with funds appropriated under section 105 shall be made in accordance with the highest priorities established for the modernization of that reserve component.

(b) REPORTS.—Not later than December 1, 1996, each officer referred to in paragraph (2) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(1) The officers referred to in paragraph (1) are as follows:

(A) The Chief of the National Guard Bureau.

(B) The Chief of Army Reserve.

(C) The Chief of Air Force Reserve.

(D) The Director of Naval Reserve.

(E) The Commanding General, Marine Forces Reserve.

Amendment No. 4224

At the end of subtitile F of title X, add the following:

SEC. 1072. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.

(a) STATUS OF EXCESS AIRCRAFT.—Operational support airlift aircraft excess to the requirements of the Department of Defense shall be placed in an inactive status and stored at Davis-Monthan Air Force Base, Arizona, pending the completion of any study or analysis of the costs and benefits of disposing of or operating such aircraft that precedes a decision to dispose of or continue to operate such aircraft.

(b) OPERATIONAL SUPPORT AIRLIFT AIRCRAFT DEFINED.—In this section, the term ‘operational support airlift aircraft’ has the meaning given such term in section 1086(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 458).

Amendment No. 4225

In section 103(1), strike out "$7,003,528,000" and insert in lieu thereof "$6,958,028,000".

Amendment No. 4226

In section 103(1), strike out "$7,003,528,000" and insert in lieu thereof "$6,958,128,000".

Amendment No. 4227

In section 103(1), strike out "$1,508,515,000" and insert in lieu thereof "$1,388,515,000".

Amendment No. 4228

In section 103(1), strike out "$1,508,515,000" and insert in lieu thereof "$1,388,515,000".
In section 103(1), strike out "$7,003,528,000" and insert in lieu thereof "$6,958,028,000".

At the end of subtitle B of title I, add the following:

SEC. 113. CONVERSION OF OH-58/C HELICOPTERS.

None of the funds authorized to be appropriated under section 101(1) may be obligated or expended for conversion of OH-58/A/C helicopters to the OH-58D configuration.

At the end of subtitle D of title I, add the following:

SEC. 122. F-16 AIRCRAFT PROGRAM.

None of the funds authorized to be appropriated under section 103(1) may be obligated or expended for more than six new production F-16 aircrafts.

Amendment No. 4229

Strike out section 233.

Amendment No. 4230

Beginning with the section heading for section 231, strike out all through section 232.

Amendment No. 4231

Beginning with the section heading for section 231, strike out all through section 232, and insert in lieu thereof the following:

SEC. 231. DEMARCATION OF THEATER Missile DEFENSE SYSTEMS FROM ANTI-BALLISTIC MISSILE SYSTEMS.

(a) REAFFIRMATION OF SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—Congress reaffirms the expression of the sense of Congress concerning compliance policy that is set forth in subsection (b) of section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 230).

(b) EXTENSION OF PROHIBITION ON FUNDING.—Subsection (c) of section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 232) is amended by inserting "or fiscal year 1997" after "fiscal year 1996".

Kennedy Amendment No. 4232

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

SEC. 102. TRANSFERS FOR PELL GRANT MERIT BONUS.

(a) EDUCATION PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense shall transfer to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

SEC. 103. TRANSFERS FOR PELL GRANT MERIT BONUS.

(a) EDUCATION PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense shall transfer to the bill, S. 1745, supra; as follows:

KENNEDY (AND PELL) AMENDMENT NO. 4233

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

SEC. 102. TRANSFERS FOR PELL GRANT MERIT BONUS.

(a) EDUCATION PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense shall transfer to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:
CONGRESSIONAL RECORD – SENATE
S6893

June 25, 1996

supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

COHEN AMENDMENT NO. 4235
(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X add the following:

SEC. 1072. INFORMATION TECHNOLOGY MANAGEMENT ACT.

(b)(2) The definition of "national security system" shall not be construed to include any system which involves storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information except to the extent that such system is covered by paragraphs (1) through (5) of subsection (a).

KYL AMENDMENT NO. 4236
(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

On page 1021, between lines 7 and 8, insert the following:

Subtitle —National Missile Defense

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Defend America Act of 1996".

SEC. 262. FINDINGS.

Congress makes the following findings:

(1) Although the United States possesses the technological means to develop and deploy defensive systems that would be highly effective in countering limited ballistic missile threats to its territory, the United States has not deployed such systems and currently has no policy to do so.

(2) The trend that poses the greatest threat to the national security of the United States by the proliferation of ballistic missiles is significant and growing, both qualitatively and quantitatively.

(3) The trend in ballistic missile proliferation is toward longer range and increasingly sophisticated missiles.

(4) Several countries that are hostile to the United States (including North Korea, Iran, Libya, and Iraq) have demonstrated an interest in acquiring ballistic missiles capable of reaching the United States.

(5) The Intelligence Community of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed.

(6) There are ways for determined countries to acquire missiles capable of threatening the United States with little warning by means other than indigenous development.

(7) Because of the dire consequences to the United States of not being prepared to defend itself against a rogue missile attack and the long-lead time associated with preparing an effective defense, it is prudent to commence a national missile defense deployment effort before new ballistic missile threats to the United States are unambiguously confirmed.

(8) The timely deployment by the United States of an effective national missile defense system will reduce the incentives for countries to develop or otherwise acquire intercontinental ballistic missiles, thereby inhibiting proliferation of missiles and weapons of mass destruction.

(9) Deployment by the United States of a national missile defense system will reduce concerns about the threat of an accidental or unauthorized ballistic missile attack on the United States.

(10) The offense-only approach to strategic deterrence presently followed by the United States and Russia is fundamentally adversarial and is not a suitable basis for stability in a world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War-era arrangements.

(11) Pursuing a transition to a form of strategic deterrence based increasingly on defensive capabilities is in the interest of all countries seeking to preserve and enhance strategic stability.

(12) The deployment of a national missile defense system capable of defending the United States against limited ballistic missile attacks would (A) strengthen deterrence at the levels of forces agreed to by the United States and Russia under the START I Treaty, and (B) further strengthen deterrence if reductions below START II levels are implemented in the future.

(13) Article XII of the ABM Treaty envisons "possible changes in the strategic situation which have a bearing on the provisions of this treaty".

(14) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(15) Article XIV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice "if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests".

(16) Previous discussions between the United States and Russia, based on President Yeltsin's proposal for a Global Protection System, envisioned an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

SEC. 263. NATIONAL MISSILE DEFENSE POLICY.

(a) It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system.

(b) The Secretary of Defense shall identify (A) a detailed description of the system architecture selected for development under section 264(b); and

(c) A cost and operational effectiveness analysis of follow-on options to improve the effectiveness of such system.

(d) A determination of the point at which any activity that is required to be carried out under this subtitle would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in section 264(a).
Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

**AMENDMENT NO. 4241**

At the end of subtitlC of title XXXI, add the following:

**SECTION 312B. DISPOSAL OF CERTAIN ASSETS OF THE DEPARTMENT OF ENERGY.**

(a) PROGRAM.—(1) In order to maximize the use of department assets and Department funds to reduce costs related to asset management at the facilities and laboratories of the Department, the Secretary of Energy shall carry out a program to dispose of assets of the Department that the Secretary determines to be unnecessary for the discharge of the functions of the Department. The Secretary shall carry out the program so as to result in not less than $110,000,000.

(b) AUTHORITY TO PROCURE.—Of the amount authorized to be appropriated by this Act is $265,583,000,000.

(c) COSTS NOT INCLUDED.—The previous authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out "subparagraph (d)" and inserting in lieu thereof "subsections (b) and (c)"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"Disposal Not Inclusive.—The previous obligations of $745,700,000 for the SSN-23, SSN-24, and SSN-25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a)."

**AMENDMENT NO. 4242**

In section 216, strike out the section heading and insert in lieu thereof the following:

**SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.**

**PRESSLER (AND DASCHLE) AMENDMENT NO. 4243**

(Ordere to lie on the table.)

Mr. PRESSLER (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

On page 313, between lines 9 and 10, insert the following:

**SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINES THE "SOUTH DAKOTA".**

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the "South Dakota".

**THURMOND (AND NU)N AMENDMENT NO. 4244**

(Ordere to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

After section 3, add the following:

**SEC. 4. GENERAL LIMITATION.**

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $283,503,000,000.

**THURMOND AMENDMENT NO. 4245**

(Ordere to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title I, add the following:

**SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.**

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out "subparagraph (d)" and inserting in lieu thereof "subsections (b) and (c)"; and

(2) by striking subsection (c) and inserting in lieu thereof the following:

"Disposal Not Inclusive.—The previous obligations of $745,700,000 for the SSN-23, SSN-24, and SSN-25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a)."

**WARNER AMENDMENT NO. 4246**

(Ordere to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bills, S. 1745, supra; as follows:
At the end of subtitle B of title I, add the following:

SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.
Section 194a of the Arms Replenishment Act of 1976 is amended to delete the term "commercial" and to add the following:

"(a) EXCLUSIVE USE.ÐThe President shall ensure that all arms provided under this Act are used exclusively by the government of the country or geographic area concerned that is routinely available from commercial sources.

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munition parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the appropriate committees of Congress on the study carried out under subsection (a).

THURMOND AMENDMENT NO. 4247

(ORDERED TO THE TABLE.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bills, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 1043. PROHIBITION OF COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

CHAFEE AMENDMENT NO. 4252

(ORDERED TO THE TABLE.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 348, add the following:

"(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for construction of a total of 12 Arleigh Burke class destroyers covered by such subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of the Act.

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 601 of this title and carries the grade of three-star admiral of the Navy has determined can comply with Regulation 5 of Annex I to the Convention and transporting the neutralized remains and all munition parts to a centrally located incinerator within the United States for incineration.

SEC. 124. ARMED FORCES BRANCH CLASS DESTRUCTION PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 213) for construction for the third of the three Arleigh Burke class destroyers covered by such subsection, in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall include in each report on environmental impact to the Congress under section 2706(c) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out sub-paragraph (A) and inserting in lieu thereof the following:

"(A) In section 3(e)(4) of the Act to Prevent Pollution from Ships, as amended by subsection (b)(1)(A) of this section owned or operated by the Department of Defense to the contractor for any termination of the contract.

SEC. 1043. PROHIBITION OF COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

CHAFEE AMENDMENT NO. 4252

(ORDERED TO THE TABLE.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 348, add the following:

"(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for construction of a total of 12 Arleigh Burke class destroyers covered by such subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of the Act.

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 601 of this title and carries the grade of three-star admiral of the Navy has determined can comply with Regulation 5 of Annex I to the Convention and transporting the neutralized remains and all munition parts to a centrally located incinerator within the United States for incineration.

SEC. 124. ARMED FORCES BRANCH CLASS DESTRUCTION PROGRAM.

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(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall include in each report on environmental impact to the Congress under section 2706(c) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out sub-paragraph (A) and inserting in lieu thereof the following:

"(A) In section 3(e)(4) of the Act to Prevent Pollution from Ships, as amended by subsection (b)(1)(A) of this section owned or operated by the Department of Defense to the contractor for any termination of the contract.

SEC. 1043. PROHIBITION OF COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.
SEC. . AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAMS.

Section 2701(d) of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out "or with any State or local government agency," and inserting in lieu thereof "with any State or local government agency;" and

(2) by adding at the end the following:

"(3) Definition.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36))."

AMENDMENT NO. 4256

In section 3136(a), in the matter preceding paragraph (1), strike out "3102" and insert in lieu thereof "3102(b)(1)."

In section 3136(a)(1), strike out "$43,000,000" and insert in lieu thereof "$55,700,000".

In section 3136(a)(2), strike out "$15,000,000" and insert in lieu thereof "$80,000,000".

In section 3136(a)(2), strike out "stainless steel" and insert in lieu thereof "non-aluminum clad.".

LOTT AMENDMENTS NOS. 4257-4258

(Ordered to lie on the table.)

Mr. LOTT submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4257

At the end of subtitle E of the title X add the following:

SEC. 1054. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

AMENDMENT NO. 4258

At the end of subtitle A of title V add the following:

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 502(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Unless appointed to a grade under this section before being considered for grade elevation, any officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half)."

THURMOND AMENDMENT NO. 4259

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Beginning on page 127, strike out line 20 and all that follows through page 129, line 10, and insert in lieu thereof the following:

"(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

"(B) In the administration of subparagraph (A), the following officers shall not be count-

(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36))."

McCAIN (AND OTHERS) AMENDMENT NO. 4261

(Ordered to lie on the table.)

Mr. MCCAIN (replacing Mr. HATCH, Mr. BENNETT, and Mr. NUNN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Strike out section 366 and insert in lieu thereof the following new section:

SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORTING EVENTS

(a) SECURITY AND SAFETY ASSISTANCE.—At the request of a Federal, State, or local government agency responsible for providing law enforcement services, security services, or emergency medical services, the Secretary of Defense may authorize the commander of a military installation or other facility of the Department of Defense or the commander of a specified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other civilian sporting event in support of essential security and safety at such event, but only if the Attorney General certifies that such assistance is necessary to meet essential security and safety needs.

(b) OTHER ASSISTANCE.—The Secretary may authorize a commander referred to in subsection (a) to provide assistance for a sporting event referred to in that subsection in support of other needs relating to such event, but only—

(1) to the extent that such needs cannot reasonably be met by a source other than the Department; and

(2) to the extent that the provision of such assistance does not adversely affect the military readiness of the Armed Forces, and if the organization providing such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 377 of title 10, United States Code, and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following sporting events:

(1) Sporting events for which funds have been appropriated before the date of the enactment of this Act.

(2) The Special Olympics.

(3) The Paralympics.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary of Defense provides services under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided;

(2) the amount expended by the Department in providing the assistance;

(3) if the assistance was provided under subsection (a), the certification of the Attorney General with respect to the assistance under that subsection; and

(4) if the assistance was provided under subsection (b)—

(A) an explanation why the assistance could not reasonably be met by a source other than the Department; and

(B) the amount the Department was reimbursed under that subsection.

(f) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 375 and 376 of title 10, United States Code.

DOMENICI AMENDMENT NO. 4262

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:
AMENDMENT NO. 4263

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

In section 1022(a), strike out ". Such transfers" and insert in lieu thereof ". If the Secretary determines that the tugboats are not needed for transfer, donation, or other disposal under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 462 et seq.), a transfer made under the preceding sentence.

WELLSTONE AMENDMENTS NOS. 4264-4265

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT No. 4264

At the end of subtitle A of title X add the following:

SEC. 708. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting "before "Female"; and

(ii) by adding at the end the following new paragraph:

(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1974 of this title shall also be entitled to preventive health care screening for colon or prostate cancer under such methods as the administering Secretaries consider appropriate; and

(B) in subsection (b), by adding at the end the following new paragraph:

(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2)."

(2) The heading of such section is amended to read as follows: "§ 1074d. Primary and preventive health care services"

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows: "1074d. Primary and preventive health care services"

WELLSTONE (AND HARKIN) AMENDMENT NO. 4266

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

After section 3, insert the following:

SEC. 1072. SALE OF CHEMICALS USED TO MANUFACTURE CONTROLLED SUBSTANCES BY FEDERAL DEPARTMENTS OR AGENCIES.

A Federal department or agency may not sell or otherwise dispose of any chemical described in section 102 of the Controlled Substances Act (21 U.S.C. 802) to the extent that such disposal would result in the illegal manufacture of a controlled substance.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 4267

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. SALE OF CHEMICALS USED TO MANUFACTURE CONTROLLED SUBSTANCES BY FEDERAL DEPARTMENTS OR AGENCIES.

A Federal department or agency may not sell or otherwise dispose of any chemical described in section 102 of the Controlled Substances Act (21 U.S.C. 802) to the extent that such disposal would result in the illegal manufacture of a controlled substance.

FEINSTEIN AMENDMENT NO. 4268

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 2101 ET SEQUENTIUM; AND PROVISIONS OF TITLE XVI OF PUBLIC LAW 104-106.

(a) USE OF PROCEEDS OF SALES FOR BREAST CANCER RESEARCH.—(1) Section 1614 of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104-106; 110 Stat. 517; 36 U.S.C. 5504) is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

"(d) USE OF PROCEEDS OF SALES.—Proceeds from the sale of rifles, ammunition, targets, repair parts and accoutrements, and other supplies and appliances under this subsection shall be deposited in the Defense Health Program account and available for breast cancer research. Amounts so deposited shall be available for that purpose without fiscal year limitation."

(2) Section 1618(a)(3) of that Act (110 Stat. 520; 36 U.S.C. 5508(a)(3)) is amended by striking ", including the proceeds" and all that follows through "supplies and appliances."

(b) TRANSFER OF FUNDS FOR BREAST CANCER RESEARCH.—Notwithstanding section 1621a(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104-106; 110 Stat. 521; 36 U.S.C. 5521(a)), funds to be transferred to the Corporation for the Promotion of Rifle Practice and Firearms Safety in accordance with that section shall be transferred instead to the Defense Health Program and available only for breast cancer research. Funds so transferred shall be available for that purpose without fiscal year limitation.

(c) DETERMINATION OF FAIR MARKET VALUE OF ITEMS SOLD.—Section 1614(b) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104-106; 110 Stat. 517; 36 U.S.C. 5504(b)) is amended by adding at the end the following:

"(3) in determining the fair market value of rifles, ammunition, targets, repair parts..."
and accoutrements, and other supplies and appliances sold under this subsection, the Corporation shall use the average price for such items at a variety of retail gun stores nationwide.".

SMITH AMENDMENT NO. 4269
(Ordred to lie on the table.)
Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert:

SEC. 2.. SENSE OF THE SENATE CONCERNING USS LCS 102.
It is the sense of the Senate that the Secretary of Navy should use existing authori-
ties in conjunction with an expeditionary unit of the former USS LCS 102 from the Govern-
ment of Thailand in order for the ship to be transferred to the United States Shipbuilding
Museum in Quincy, Massachusetts.

WARNER AMENDMENT NO. 4270
(Ordred to lie on the table.)
Mr. WARNER submitted an amend-
ment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II add the follow-
ing:

SEC. 223. CYCLONE CLASS CRAFT SELF-DEFENSE.
(a) STUDY REQUIRED.—Not later than March 31, 1997, the Secretary of Defense shall—

(1) carry out a study of vessel self-defense options for the Cyclone class patrol craft; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Represent-
atives a report on the results of the study.

(b) USE OF FINDINGS.—The Secretary shall carry out the study through the Com-
mander of the Special Operations Command.
(c) SPECIFIC SYSTEM TO BE EVALUATED.—
The study under subsection (a) shall include an evaluation of the BARAK ship self-de-
fense missile system.

(d) FUNDING.—Of the amount authorized to be appropriated by section 104, $2,000,000 is available for carrying out this section.

HATFIELD (AND WYDEN) AMENDMENT NO. 4271
(Orders to lie on the table.)
Mr. HATFIELD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Insert at the appropriate place the follow-
ing:

SEC. 2201. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.
(a) SHORT TITLE.—This section may be cited as the "Employee Commuting Flexibil-
ity Act of 1996."
(b) USE OF EMPLOYER VEHICLES.—Section 203(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(2) by striking "In determining the war"
and all that follows through "which re-
sults in the use of such vehicle for commerce, not less than $5.15 an hour after December 31, 1996, nor less than $4.25 an hour during the year beginning on January 1, 1997, and not less than $5.15 an hour after December 31, 1997;";

(3) by striking "(A) any employee who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, but is not employed in an enterprise engaged in commerce or in the production of goods for commerce, not less than $4.25 an hour;"
and all that follows through ";";
(c) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

BOND AMENDMENT NO. 4272
(Ordered to lie on the table.)
Mr. BOND (for Mr. SMITH) submitted an amendment intended to be proposed by him to the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, and for other purposes; as follows:

Strike title II and insert the fol-
lowing:

TITLE II.—PAYMENT OF WAGES
SEC. 2204. BONDS...

It is the sense of the Senate that the State of Oregon has the authority to and may enter into a joint memorandum of understand-
ing with the State of Washington and the Site Man-
ger of the Hanford Reservation in order to address issues of mutual concern to such States regarding the Hanford Reservation.

THE SMALL BUSINESS JOB PROTECTION ACT OF 1996
BOND AMENDMENT NO. 4272
(Ordered to lie on the table.)
Mr. BOND (for Mr. SMITH) submitted an amendment intended to be proposed by him to the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, and for other purposes; as follows:

Strike title II and insert the fol-
lowing:

SEC. 2205. BONDS

It is the sense of the Senate that the State of Oregon has the authority to and may enter into a joint memorandum of understand-
ning with the State of Washington and the Site Man-
ger of the Hanford Reservation in order to address issues of mutual concern to such States regarding the Hanford Reservation.

THE SMALL BUSINESS JOB PROTECTION ACT OF 1996

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THE SMALL BUSINESS JOB PROTECTION ACT OF 1996

It is the sense of the Senate that the State of Oregon has the authority to and may enter into a joint memorandum of understand-
ning with the State of Washington and the Site Man-
ger of the Hanford Reservation in order to address issues of mutual concern to such States regarding the Hanford Reservation.
'(B) Subparagraph (A) shall not apply with respect to any tipped employee unless—

(i) such employee has been informed by the employer of the provisions of this subsection and such notice shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

(ii) all tips received by such employee have been retained by the employee, except that such employee shall not be required to conduct an audit to determine the amount of tips received, and

(iii) such employer is initially employed by such employer, a wage which is not less than $4.25 an hour.

(2) No employer may take any action to displace employees (including partial displacements such as a reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

(3) Any employer who violates this subsection shall be deemed to have violated section 15(a)(3).

KENNEDY AMENDMENT NO. 4273

(Ordained to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 3445, supra; as follows:

Strike Title II and replace with the following:

TITLE II—LABOR PROVISIONS

SEC. 1. INCREASE IN THE MINIMUM WAGE RATE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(g)(1) In lieu of the rate prescribed by subsection (a)(1), any employer may pay any employee of such employer, during the first 180 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than $4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as a reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph 1.

(3) Any employer who violates this subsection shall be deemed to have violated section 15(a)(3)."

BINGHAMAN (AND OTHERS) AMENDMENT NO. 4275

Mr. BINGAMAN (for himself, Mr. BRADLEY, and Mr. FEINGOLD) proposed
an amendment to the bill, S. 1745, supra; as follows:

On page 398, after line 23, insert the following:

SEC. 2828. RENOVATION OF THE PENTAGON RESERVATION.

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

BINGAMAN AMENDMENT NO. 4276

Mr. BINGAMAN proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out section 402 and insert in lieu thereof the following:

SEC. 402. REPEAL OF PERMANENT END STRENGTHS. (a) REPEAL.—Section 691 of title 10, United States Code, is repealed. (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the

GREGG AMENDMENT NO. 4277

Mr. GREGG proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

SEC. (a) The Congress finds that—
(1) Federal Bureau of Investigation background files contain highly sensitive and extremely private information;
(2) the White House is entrusted with Federal Bureau of Investigation background files for legitimate security purposes but it should ensure that any files requested are needed for such purposes and that these files remain confidential and private;
(3) the White House has admitted that the personnel security office headed by Mr. Livingstone inappropriately requested the files of over 400 former White House pass holders who worked under the past two Republican Presidents;
(4) Craig Livingstone, the director of the White House personnel security office, has been placed on paid administrative leave at his own request;
(5) the President has taken no action to reprimand those responsible for improperly collecting sensitive Federal Bureau of Investigation files; and
(6) the taxpayers of the United States should not bear the financial responsibility of paying Mr. Livingstone's salary.
(b) It is the sense of the Senate that the President should terminate Mr. Livingstone from his position at the White House immediately.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURkowski. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1678, a bill to abolish the Department of Energy, and for other purposes.

The hearing will be held on Tuesday, July 23, 1996, at 9:30 a.m., and will take place in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Karen Hunsicker, counsel or Betty Nevitt, staff assistant.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 9:30 a.m., to conduct a closed hearing on broadcast spectrum reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 10 a.m., to hold a hearing.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 2 p.m., to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 2 p.m., to hold a nominations hearing.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 25, 1996, to hold hearings on security in cyberspace.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct an oversight hearing Tuesday, June 25, at 9:30 a.m., hearing room (SD-406) on the federal streamlining efforts on GSA leasing activities.

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

TRIBUTE TO THE MILFORD MIDDLE SCHOOL FIFTH-GRADE STUDENTS FOR SUPPORTING THE SHRINERS HOSPITAL

Mr. SMITH. Mr. President, I rise today to pay tribute to the eighth-grade students in Pam Moreau's math class at Milford Middle School in New Hampshire. Pam and her students organized an elaborate recycling system and donated 80,000 metal pull-tabs from soft drink cans to the Shriners hospital in Springfield, MA. The Shriners Hospital uses the money to buy medical and nonmedical supplies for the hospital's burn victims and orthopaedic patients, all of whom are children. I congratulate the Milford students who worked for so many months to collect and recycle the tabs. These 80 fifth-graders and the 80,000 tabs they collected are an example of the type of goodwill exemplified all across the country for the Shriners hospital. The Shriners Hospital network is the only hospital system in the Nation that provides 100-percent charitable care, accepting no government or insurance reimbursement for treating hundreds of thousands of children. The only way the Shriners are able to help so many young patients is due to the generous support of the American people like the Milford fifth-graders.

Since 1922, when the first Shriners hospital was founded, the Shriners hospital network has helped over 500,000 children. Last year, the hospitals treated close to 100,000 orthopaedic cases and conducted over 200,000 outpatient and outreach clinic visits. Money raised from the tabs collected by the Milford students will help pay for x-ray film, children's books, and VCR tapes for the patients at the Milford Shriners Hospital. This hospital and other Shriners hospitals make the largest single contribution on a continuing basis to the care of disabled children in the United States.

I have always been impressed with the number of children the Shriners hospital helps each year and have worked with them over the years to promote and assist their efforts. I am particularly pleased that a group of young students in New Hampshire worked so diligently to contribute to this outstanding institution. These young fifth-graders will help make a difference in the lives of the sick and disabled children at the Shriners hospital. They should be very proud of their volunteer efforts.

Mr. President, I ask that this recently published article from the Telegraph describing the students' hard work be inserted into the RECORD.
Ralph Goodpasteur was born on December 12, 1923, in Columbus, IN. He was educated in the public schools in Richmond, IN. He was a graduate of the University of Southern California, with a degree in English and music, and George Williams College, where he received a master's degree in music.

His musical ability was apparent at an early age, and he began a musical career at age 7. His church life dates back almost as long as his musical interests. He was baptized at the Second Baptist Church at age 7. His entire life was spent combining those two great loves. Religious music, songs of praise and spiritual uplift, were all part of his special gift, one that he shared with millions.

In 1943, he became pianist and director of the gospel choir of the Grant A.M.E. Church in Los Angeles, CA. In 1948, however, my home town of Chicago, IL was fortunate enough to become Ralph Goodpasteur’s home town.

In Chicago, he brought life and joy, not just to the congregation at the First Church but also to every life he touched. His impact on his community was enormous. The love, the admiration, and the respect his adopted home town of Chicago had for him was evidenced by the fact that Mayor Harold Washington of Chicago issued a proclamation making October 4, 1987, Ralph Goodpasteur day. He has been recognized for his many contributions by institutions ranging from the Chicago Historical Society to the Smithsonian Institution to academic institutions throughout the world.

His life was a life of service to others, through his work in the church, and through his music generally. He was a wonderful gospel singer and composer, and used gospel music to move people, and to bring them closer to God. He was the first African-American to have a song published as a hymn in the 1975 edition of the National Baptist Hymnal, Southern Baptist Convention.

He was a special friend to me personally, I called him Uncle Ralph, as did many others, and he gave of his time to help me in my election effort. “Uncle Ralph” helped in may ways, but most importantly, with campaign finance. He was good at that, and brought the same commitment to excellence to the task that he brought to every endeavor he undertook. I will miss him.

Ralph Goodpasteur lived a life filled with accomplishment. He will be long remembered by all those who knew him, or who heard him perform. He has left all of us something very enduring, however; his legacy of music will live on and on for generations to come.

I regret that all of my colleagues have not had the opportunity to come to know Ralph Goodpasteur. I urge every Member of this Senate to allow his wonderful music to become a part of their lives.

DEATH OF RALPH H. GOODPASTEUR

Ms. MOSELEY-BRAUN. Mr. President, on June 20, 1996, the First Church of Deliverance in Chicago lost a minister, a music director, a friend and a leader who had brought great joy, great energy, and great spirituality to its services for over 48 years. On that same date, gospel music lost an innovator, and a tremendous talent, a singer, pianist, composer, and arranger who performed with and inspired generations as his mentor Dr. Johnson, Ethel Waters, Earl “Fatha” Hines, Sally Martin, and Nat King Cole.

Ralph H. Goodpasteur died on June 20, 1996. It is a great loss to the First Church of Deliverance in its ministers, staff, and congregation, to gospel music, to his relatives, and to his legions of friends.

Mr. D’AMATO. Mr. President, I rise today to honor Col. Stanley F. Davidson, who will retire from the U.S. Army on July 1, 1996 after completing a long and distinguished career of more than 30 years of service to our Nation, including several assignments in the Office of the Secretary of Defense. I would like to take a few minutes to highlight some of his contributions and accomplishments.

Colonel Davidson joined the U.S. Army Reserve as a private on August 30, 1965 and rose to the rank of sergeant. After completing 4 years of enlisted service, he was selected to attend Officer Candidate School and was appointed a second lieutenant on June 16, 1969. He served in several Army Reserve units within the 77th U.S. Army Reserve Command and the 98th Division (Training) in the State of New York and in the Missouri Army National Guard. He then rose through the commissioned ranks and was promoted to the grade of colonel on June 25, 1996.

Prior to entering on active duty, Colonel Davidson’s military positions included platoon commander, platoon leader, and company commander in various engineer and military police units. Colonel Davidson entered on active duty for the U.S. Army Reserve as a member of the Active Guard and Reserve Program on August 1, 1977. His initial active duty assignment was as a captain in the Office of Recruiting and Retention at Headquarters, U.S. Army Forces Command, Fort McPherson, GA. Following this assignment, he was transferred to the Pentagon where he served as a staff officer in the Office of the Deputy Chief of Staff for Personnel. He was later assigned as a manpower mobilization planner in the Office of the Assistant Secretary of Defense for Force Management and Personnel.

His subsequent assignments were in the Personnel Division of the Office of the Chief of Staff of the Army. He was then transferred to the newly established U.S. Army Reserve Command in Atlanta, GA, where he served as Chief of the Personnel Management Division. Returning once again to the Pentagon, Colonel Davidson served as the Chief of the Office of Policy and Liaison in the Office of the Chief of the Army Reserve.

Colonel Davidson also served as liaison officer to the Reserve Forces Policy Board in the Office of the Secretary of Defense; to the Army Reserve Forces Policy Command in the Office of the Chief of Staff of the Army; and to the Reserve Components Coordination Council in the Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs.

Colonel Davidson’s current assignment is as a field representative on the staff of the National Committee for Employer Support of the Guard and Reserve.
Reserve in the Office of the Assistant Secretary of Defense for Reserve Affairs where he has served since October 1994.

His performance of duty in each of these assignments has been exemplary. His role as the Legion of Merit, the Defense Meritorious Service Medal, the Meritorious Service Medal with three Oak Leaf Clusters, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Selective Service Meritorious Service Award, the Army Components Achievement Medal, the National Defense Service Medal, the Army Reserve Components Achievement Medal with one Oak Leaf Cluster, the Armed Forces Reserve Medal with two 10-year Devices, the Army General Staff Identification Badge, the Office of Secretary of Defense Identification Badge, and numerous other awards and decorations.

Mr. President, Colonel Davidson is an extraordinary officer. I have been impressed by his outstanding service and contributions to our Nation by his service in our Armed Forces. As he prepares to retire from military service, I congratulate him and thank him for many years of outstanding service to our Nation and extend my best wishes for his future endeavors.

PORTRAIT OF HATTIE CARAWAY
• Mr. BUMPERS, Mr. President, last evening more than 200 folks braved the weather to pay tribute to a former Member of this body and a fellow Arkansan, Hattie Caraway

Mr. colleague, Senator DAVID PRYOR, ably presided over a ceremony dedicating a portrait of Hattie Caraway, the first woman ever to place her name on a ballot and be elected to the Senate. This portrait is the second in the Senate art collection which honors a woman; the first is Pocahontas.

Members of the Caraway family, representatives from the Capitol historical and arts communities, congressional staffers, and a number of members of the Arkansas State Society heard Dr. David Malone and Prof. Diane Blair, both authors of books about this Arkansan, extol the many virtues of Hattie Caraway.

They heard Senator STROM THURMOND tell of her trailblazing accomplishments and Senator NANCY KASSERBAUM tell of how the example set by Senator Caraway was an inspiring one to her when she first entertained ideas of seeking a seat in the U.S. Senate.

Hattie Ophelia Wyatt Caraway was appointed to the U.S. Senate on November 13, 1931, to fill the vacancy caused by the death of her husband, Thaddeus Caraway. She was subsequently elected in a January 2, 1932, special election to complete the term. She ran for reelection to a full 6-year term that year.

At first, Senator Caraway spoke so infrequently that she became known as “Silent Hattie.” As she grew more comfortable in her new role, she emerged as a staunch supporter of the New Deal legislation, seconding the nomination of President Franklin Roosevelt at the 1936 Democratic Convention.

Senator Caraway was reelected in 1938. Thus, she served from November 13, 1931, to January 2, 1945. She was the first woman to preside over the Senate—on May 9, 1932—and the first to chair a Senate committee. Hattie died December 21, 1950, and is buried in her hometown, Jonesboro, AR.

Mr. President, I want to pay tribute to the Hattie Caraway Portrait Committee, so superbly chaired by Mary Ellen Jesson of Fort Smith. Members of the committee, which Senator PRYOR and I were proud to appoint to oversee this project—including raising the necessary funds—are: Diane Alderson, Diane Blair, Cassie Brothers, Irma Hunter Brown, Meredith Catlett, Gwen Cuff, Arma Dawson, Dorine Deacon, J.L. Ditch, Jacqueline Douglas, Lib Dunklin, Judy Gaddy, Jane Huffman, Dr. Charlotte Jones, Chloe Kirksey, Karen Lackey, Bev Lindsey, Donna Kay Matteson, Susan Mayes, Cinda McAdam, Susan McCullough, J.J. McDevitt, Billie Rutherford, Irene Samuel, and Helen Walton.

Betty Bumpers and Barbara Pryor, were honorary co-chairs of the committee and had the honor of initially unveiling the portrait in Little Rock back in April.

Supporting the committee in this project were the Arkansas Humanities Council, the Committee for the Humanities, and the Arkansas Community Foundation. Special thanks also go to Thom Hall at the Arkansas Arts Center.

I also want to pay tribute to Senator Senate Sergeant at Arms, Howard Greene, Senate Historian Dick Baker, Assistant Senate Historian J.O. Quatannens, Senate Registrar Melinda Smith, and Frank Wright, an artist and member of the advisory panel for the Senate Commission on Art, for their support and advice.

Kelly Johnston, Secretary of the Senate and executive secretary of the U.S. Senate Commission on Art, and Diane Skvarla, Senate Curator, were the guiding forces behind this project and instrumental in bringing us from initial approval of the project to dedication day.

The U.S. Senate Commission on Art selected J.O. Buckley, a Little Rock, AR, artist to paint the portrait. He was selected from among a number of fine Arkansas portraitists. I invite my colleagues to step outside the Senate Chamber and take a look at this magnificent work which hangs at the end of the main corridor.

Mr. President, last evening was indeed a proud one for Arkansans as a portrait of one of our State’s most famous citizens was added to the prestigious collection of art in these hallowed Halls.

Mr. President, I ask that a letter that Bob Nash, Assistant to the President and Director of Presidential Personnel, read on behalf of the President last evening, as well as a letter read on behalf of Congresswoman BLANCHE LINCOLN, be included in the Record at this point.

The letters follow:

THE WHITE HOUSE,
Washington, D.C., June 20, 1996.

Warm greetings to everyone gathered for the unveiling of the portrait of Senator Hattie Caraway of Arkansas.

On August 26, 1920, a new era dawned in America. Recognizing that the right to vote is essential to women’s citizenship, suffragists succeeded in empowering women with the political voice that was their due. Elected to her seat in the Senate twelve years later in 1932, Hattie Caraway was a proud voice on the important progress of the women’s movement as America’s first elected female senator. Since then, women like Hattie Caraway have carved out for themselves positions of leadership from industry and government to academia and the arts, proving time and again that society benefits immeasurably when all people enjoy equal rights and opportunities.

We must continue the progress she made and urge a new generation to follow the example set by Senator Hattie Caraway and so many other pioneering women. As you install Hattie’s portrait into the Senate’s permanent collection, let us dedicate ourselves to building on her legacy of opportunity and achievement.

Best wishes to all for a memorable event.

BILL CLINTON.

BILLY CLINTON.

Dear Fellow Arkansans and Hattie Caraway Admirers:

It is with deep regret that I cannot share in this historic occasion with you. As I am sure you are all aware, my new family has kept me home in Arkansas, but be assured I am with you in heart and spirit. I join with everyone gathered here today in honoring Senator Caraway for her service to our great state and for her courage to enter a profession which was hereditary for men.

I have both a unique bond with and debt to Hattie Caraway. As the first woman ever elected to the Senate, first woman to chair a Senate committee, and the first woman to preside over the Senate, Mrs. Caraway paved the way for the women who would follow her.

By blazing the trail over 60 years ago for other women to pursue a political career and by serving with distinction and diligence, she was an inspiration to me in becoming the first woman elected as Representative from the First District of Arkansas.

Without the tireless efforts of Senator and Mrs. Bumpers, Senator and Mrs. Pryor, and the members of the Hattie Caraway Portrait Committee, it would have been impossible to bring her portrait to the Capitol. This is a fitting tribute to a great and illustrious citizen whom we so proudly honor today.

Many people are surprised to learn that Arkansas elected the first woman to the United States Senate. This dedication is indeed a celebration of the open-mindedness and fairness of the people of Arkansas.

When I return to Washington and resume my Congressional schedule, one of my first stops on the Hill will be to view the portrait of Hattie Caraway.

Thank you all for making this unveiling a reality.

Sincerely,

BLANCHE LAMBERT LINCOLN,
Member of Congress.
TRIBUTE TO LT. GEN. GEORGE R. CHRISTMAS, U.S. MARINE CORPS—A MARINE'S MARINE

Mr. NUNN. Mr. President, I would like to take a few moments today to offer a tribute to Lt. Gen. George R. Christmas, U.S. Marine Corps. General Christmas is currently the Deputy Chief of Staff for Manpower and Reserve Affairs at the Headquarters of the Marine Corps and will be retiring from the Corps in the very near future after more than 34 years of faithful and outstanding service.

General Christmas was commissioned as a second lieutenant in 1962. During the next 34 years, he served in command and staff assignments true to the Marine's Hymn—in every aspect of the Marine Corps:

He has been a student and an instructor;
He has served at the flagpole in the Marine Corps Headquarters as a Special Assistant to the Assistant Commandant of the Marine Corps and thousands of miles from the flagpole as the Director for Operations for the United States Pacific Command.

In peacetime, he has commanded an infantry battalion, an infantry regiment, an expeditionary brigade, a Force Service Support Group, and a Marine Expeditionary Force.

In combat, he commanded an infantry platoon, a recruit training battalion, an infantry regiment, an expeditionary brigade, a Force Service Support Group, and a Marine Expeditionary Force.

In July of 1994, General Christmas assumed his current duties as the Deputy Chief of Staff for Manpower and Reserve Affairs for the Marine Corps.

General Christmas is no stranger to the Armed Services Committee having appeared before the committee on many occasions to help us work through the many challenging issues that have faced the military services in the post-cold war era.

He is, in every sense, a Marine's Marine—an eager student, a dedicated teacher, a superb resources manager, an outstanding leader, a combat warrior, a very talented professional and a true gentleman.

Most importantly, through the years, General Christmas has never lost sight of the importance of the individual Marine to our Nation's combat readiness. His concern for every Marine, for every family member and for every retiree was readily apparent each time the committee has sought his views.

The Marine Corps is a better place, a more ready force, and a greater national asset because Gen. Ron Christmas chose to dedicate his life to wearing the Globe and Anchor.

As Gen. Ron Christmas leaves active service, I would like to express my sincere appreciation and admiration for a job tremendously well done and, on behalf of those who have come to know him and to value his counsel, I would like to offer my very best wishes to him and to his wonderful family for every happiness and success in the future.●

UNANIMOUS-CONSENT AGREEMENT—S. 1219

Mr. GRAMS. Mr. President, I ask unanimous consent that S. 1219 not be considered the pending business.

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

ORDERS FOR WEDNESDAY, JUNE 26, 1996

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate then resume consideration of S. 1745, the DOD authorization bill, and the cloture vote with respect to S. 1745 occur immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.
TRIBUTE TO NORTHEAST MISSOURI STATE UNIVERSITY

HON. HAROLD L. VOLKMER
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 25, 1996

Mr. VOLKMER. Mr. Speaker, I rise today to honor Northeast Missouri State University in Kirksville, MO, and to inform my colleagues of the university’s exciting new name, Truman State University. The university’s commitment to excellence has been recognized nationally, and with its mission as Missouri’s liberal arts and sciences university, it is only fitting that its name honor the State’s most famous native son, Harry S. Truman.

Like President Truman, the university had humble beginnings when it was founded by Joseph Baldwin in 1867, as Missouri’s first Normal School. In 1870, the Normal School graduating class numbered 15 students. In 1996, approximately 1,200 students will graduate from Northeast Missouri State University. Since founding the university has educated more than 45,000 graduates who can be found in every State and throughout the world pursuing careers in education, sciences, public service, business, law, and the arts.

In addition to this explosive growth the university has expanded into new fields of study since those first graduates. In recognition of the university’s strong emphasis on the liberal arts and sciences, it was designated Missouri’s official liberal arts and sciences university by the Missouri State Legislature in 1986. Northeast has also distinguished itself as a leader in student achievement and has been repeatedly recognized as a national leader in excellent, cost-effective, education.

On July 1, 1996, Northeast Missouri State University will officially become Truman State University. It is with this change in mind that I offer my warmest congratulations on more than a century of outstanding education and the hope that Truman State will enjoy continued success as Missouri’s liberal arts and sciences university.

TRIBUTE TO THE SOUTH JERSEY RADIO ASSOCIATION

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 25, 1996

Mr. ANDREWS. Mr. Speaker, I rise today to pay special tribute to the South Jersey Radio Association (SJRA), which is celebrating its 80th anniversary this year. The importance of radio in this society is intangible. From reporting news stories at critical moments to stretching our mental capabilities with thoughtful commentary, the radio has played an integral role in the development of this Nation. As the oldest active amateur radio club in the United States, the South Jersey Radio Association built the foundation of the radio industry.

The SJRA, originally known as the South Jersey Wireless Association, first met on June 12, 1916 at the home of William G. Phillips in Collingswood, NJ. The meeting was composed of 13 ambitious individuals who were eager to learn more about the technical development and operation of wireless communication. Harry William Denham presided at this historic meeting which was attended by William G. Phillips, George Haldeman, C. Waldo Batchelor, Leon W. Ashton, William A.F. Yale, Gordon Kressel, William L. Kirby, Edward B. Patterson, Henry Wetzel, Henry S. Byam, Taylor Stokes, and Roger W. Barrington. The South Jersey Wireless Association grew in size to 40 individuals by the time World War I began. The group responded to the growing need of wireless operators brought about by the war by conducting a wireless school in the physics lab of the Collingswood High School. After the war the club went on to advanced training at the Harvard University Radio School. Soon after the war, the activity of the association declined because of the rise in broadcasting and neighborhood annoyance over interference from local wireless telegraph stations. However, a small group of dedicated pioneers still met at each others homes to continue their pursuit. During this time, Normal Wible, a member of the SJRA, gained national prominence by being the first North American amateur to communicate with a South American over shortwave and vacuum tube transmitters. However, in the 1920’s, the club started to grow. The group responded to the growing amateur radio market by hosting the first Apple Festival, and the New Jersey Cranberry Festival. The service of the SJRA to the community makes them worthy of special recognition.

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During the 1930’s, the SJRA, gained national prominence by being the first North American amateur to ________ and the postmaster general of the United States.

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dropped to approximately 13 percent. Similarly, the Postal Service is moving considerably fewer parcels today than 25 years ago. In 1971 the Postal Service handled 536 million parcel pieces and enjoyed a 65 percent share of the ground surface delivery market. Compare this to 1990 where the Postal Service parcel volume had dropped to 122 million parcels with a resulting market share of about 6 percent.

Even the Postal Service’s “bread and butter,” first-class financial transactions and personal correspondence mail, are beginning to show the effect of electronic alternatives. Financial institutions are promoting computer software to consumers as a method of conducting their billpaying and general banking, while Internet service providers and online subscription services are offering consumers the ability to send electronic messages to anyone in the world or around the corner. Similarly, many of us have become accustomed to the immediacy of the facsimile machine. These new communication technologies all carry correspondence that formerly flowed through the postal system. These sources of revenues supported a postal infrastructure dedicated to the mission of universal service.

This shift in postal revenues will have a negative impact on the financial well being of the Postal Service. Should the service continue to labor under the parameters established by the 1970 act, its inability to compete, develop new products and respond to changing market conditions jeopardizes its ability to continue to provide universal service to the diverse geographic areas of our Nation. We must make adjustments to the Postal Reorganization Act of 1970 which will allow the Postal Service more flexibility in those areas in which it faces competition while assuring all postal customers of a continued universal mail service with the protection of reasonable rates that can be easily calculated and predicted.

My legislation meets this goal by replacing the zero-sum game that has driven postal rate-making for the last 25 years with a system that reflects today’s changing communication markets.

Mr. Speaker, I propose to allow the U.S. Postal Service the opportunity to make a profit and remove the break-even financial mandate of existing law that promotes the wide, yearly, swings of postal profit and deficit and weeks of negotiations on arcane economic assumptions for ratemaking purposes.

I propose to divide the product offerings of the Postal Service into two primary categories. The first, the “non-competitive mail” category, represents all single piece letters, cards and parcels that are not competitive with other forms of delivery services. The Postal Service provides through the competitive marketplace. Within this category the Postal Service may set its rates according to market forces subject to an annual audit provided to the Postal Rate Commission to assure that the rates are reflective of costs while providing a contribution to the overhead of the U.S. Postal Service. In addition, it would allow the Postal Service freedom to experiment with new offerings for a period of 3 years before requiring the Postal Rate Commission to permanently place it in either the competitive or non-competitive mail categories.

This legislation grants significant freedoms and flexibility to the Postal Service. Consequently, other changes are needed to reflect this status. I propose to remove the safety net of the U.S. Savings and the Federal Financing Bank from postal operations and repeal the remaining authorizations for taxpayer appropriations to the Postal Service. Similarly, I propose to apply the anti-trust laws of our Nation to the Postal Service products offered in either the competitive or the experimental market test categories. I am also proposing that the Postal Service conduct a demonstration project that will provide us with the data needed to determine the continued necessity of providing the Postal Service with sole access to individual private mailboxes. This bill, Mr. Speaker, will also settle once and for all the nagging problem of an agency’s chief law enforcement officer and member of postal management serving as its Inspector General by establishing an independent, Presidentially-appointed, Inspector General for the Postal Service.

The bill enacts stringent reporting requirements to the Congress and to the U.S. Postal Rate Commission by providing the Commission with the ability to issue subpoenas, manage proprietary documentation and procure necessary information. This legislation places significant responsibilities on the Commission and, reflective of that, directs that the Commission will have for the first time its own Inspector General.

My proposal, Mr. Speaker, also increases the penalties for repeated mailings of unsolicited sexually oriented advertising as well as the mailing of hazardous materials and controlled substances. It protects workers on the job by making it a felony to stalk, assault or rob a postal employee. Just this past month we saw a letter carrier killed while on duty in our Nation’s capital and we cannot allow those that would harm or rob postal carriers to go without significant punishment. My proposal addresses this serious situation by increasing the penalties for such acts of violence.

I stress that significant areas of current law remain intact. This legislation does not affect the existing collective-bargaining process. However, the subcommittee recognizes that serious problems exist between postal management and labor. To address this serious situation, I propose to form a Presidentially appointed commission made up of non-postal union and corporate representatives as well as those well known in the field of labor-management relations. The commission would be charged with addressing these issues in detail and provide guidance to the Congress and the Postal Service on any needed changes.

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CONGRESSIONAL RECORD — Extensions of Remarks

J une 25, 1996

Mr. SHADEGG. Mr. Speaker, I rise today to remember Harold Webster Wales, a longtime friend of mine from the district I represent. I am usually reluctant to single anyone out from my district for praise because there are many outstanding citizens in the Fourth District of Arizona. However, Hal’s expertise in tax law inspired and encouraged me to take actions to ease the burden our tax system places on small businesses and American families.

Harold Webster Wales was born June 23, 1928, in Seattle, Washington. He graduated from Phoenix, AZ, on June 1, 1946. Hal was an Air Force veteran, who served his country honorably. He graduated cum laude from Seattle University with a degree in accounting and received his juris doctorate from the University of San Francisco. Admitted to the California and Arizona bars, Hal practiced extensively as a tax and estate planning attorney. He was a recognized authority in these fields, lecturing widely on matters of estate planning, income tax, and charitable organizations.

A member of professional organizations, Hal was active in the community both in his professional and civic life. He was president of the Central Arizona Estate Planning Council, president of the Catholic Social Service, and Arizona chairman of the National Foundation for the March of Dimes. Additionally, Hal served as a board member of the Garysk Wellness Foundation and Camelback Hospital as well as a finance committee member of the Marie Academy and St. Thomas the Apostle Church.

I have always been concerned by the inequities contained within the current Tax Code. However, when I met with Hal last February he spoke of his clients—honest hardworking Arizonans who were being victimized as a result of overburdensome tax regulations and penalties. These tax horror stories as well as his great knowledge and understanding of these issues prompted me to host a public hearing into the subject at the Phoenix City Council chambers on April 3, 1996. His participation and guidance helped me make this hearing a success.

Hal’s greatest legacy is his family—his wife, Dorothy; two daughters, Lissa and Mary, grandsons, Andrew, three sisters, Joan Wales, Shirley Hoctor, Duane Jones; his brother Bill, and aunt, Betty Spence. My sincere condolences go out to them on this sad occasion.

Mr. Speaker, I plan to continue to fight to reform our Nation’s tax system. Whatever success we may achieve will be a result of the tireless effort and wisdom Hal brought to this issue. I owe a great debt to Hal for his knowledge and friendship. His death is a personal loss to me and to the citizens of the Fourth District of Arizona.
Like many of my colleagues, I voted for the original emergency timber salvage provisions because I believe that salvage logging, when used properly, can be an important tool in forest management. Unfortunately, I am disappointed with the implementation of the law and have come to realize it was too broadly written.

I am concerned that waiving the environmental laws that would ordinarily apply to timber sales increases the strain timber, in general, have on the environment.

I am also concerned that there may not be the economic benefits to salvage sales that we had hoped. While I understand it is the environmental regulations and analyses that are blamed for much of the added costs to timber sales, and that by waiving these requirements the sales will be more economical, I am concerned that the taxpayers will still lose money on the sales.

For these reasons, I would have voted for the Furse amendment to the Interior appropriations bill.

TRIBUTE TO POLICE CHIEF JOE SULLIVAN OF FERNDALE, MI

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 25, 1996

Mr. LEVIN. Mr. Speaker, Police Chief Joe Sullivan of Ferndale, MI will retire on June 30, 1996 after almost 27 years with the Ferndale Police Department.

Joe Sullivan has been an exceptional law enforcement officer. From his early days as a patrolman, as the youngest captain in the history of the Ferndale Police Department and finally to his service as chief of police, he has had a distinguished and rewarding career.

His approach toward law enforcement is rooted in his family, his commitment to community and respect for his colleagues. Joe Sullivan’s career in law enforcement has spanned three decades—an era of major change in law enforcement. The problems experienced in our communities have intensified and have become more complex. They have required new techniques. Joe Sullivan has been successful because he has been a leader in combining sophisticated new methods with some old-fashioned, community-based methods.

It has been my pleasure to know Joe Sullivan and to work closely with him on a variety of efforts. 1994, Joe Sullivan spent time helping to provide me the hands of knowledge I needed to make the anti-crime bill more effective for local communities. We worked together, with other chiefs of police in the 12th District and with Attorney General Janet Reno to strengthen the community policing provisions of the bill by allowing communities to work together to meet their unique needs.

Joe Sullivan has been a person who combines a direct, no-nonsense approach with a sensitivity to others. He will tell you what’s on his mind, while listening to the views of others. And he speaks passionately about what local law enforcement needs to be successful.

Joe Sullivan has won 17 commendations during his career on the Ferndale Police Force. One such distinction emanated from his work as commander of a SWAT intervention that terminated a dangerous hostage situation in 1984.

Joe Sullivan was born and raised in Ferndale. He is a husband of 30 years, a father of two and a grandfather of four. His strong family values are rooted in his Irish heritage.

Joe Sullivan has given his adult career to the safety and security of the citizens of Ferndale. I join them in paying tribute to Joe Sullivan and wishing him health and happiness in his much deserved retirement. Many thanks, Joe, for all of your efforts on our behalf.

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 25, 1996

Mr. BARCIA. Mr. Speaker, how well a community does is directly related to the willingness of its people to commit themselves to making their community better. The first ward of Saginaw, MI, has benefited from the commitment of its citizens who, later this week, will be celebrating the 60th anniversary of the First Ward Community Center and the 50th anniversary of the First Ward Old Timers Club.

More than 60 years ago, a community center was begun at 1013 North 6th Street to improve the neighborhood. Everyone in the community was invited to join in programs that were offered to help individuals, and through that make the first ward as good as it could be. Sixty years ago the center became part of the Welfare League, which predated United Way of Saginaw. In 1944, hands were joined across the community to make a human chain to move two old barracks to the center’s current location at 1410 North 12th Street.

Over these many years of making the first ward better and better, the center has offered programs in adult counseling, recreation, preschooling, athletic activities, classroom and library facilities, and many, many memorable moments for the thousands of people who used the First Ward Community Center even just once.

The center has been widely supported by the community, but not more strongly than by the Old Timers Club, which is celebrating its 50th anniversary. This wonderful group worked to provide support for the center to help the youth of the community. They have done so since their first picnic for youth in 1946, through the annualization of this event, and through the operation of a bingo for the center. The center offers and invaluable hours of volunteer service to the center were vital in the growth of the First Ward Community Center and its positive impact on the neighborhood.

Mr. Speaker, when people ask for examples of where local community, constant probing for new solutions to problems, and devotion to higher ideals exist, tell them to look no further than the First Ward Community Center and the First Ward Community Center Old Timers Club of Saginaw. MI. For 60 years the First Ward Community Center has had a positive impact on Saginaw neighborhoods which continues today under the capable leadership of Charles Braddock, executive director, and the board of dedicated community volunteers. I urge all of our colleagues to join me in wishing both of these excellent organizations the very best on their anniversaries, and many more to come.

HON. DAVID R. OBEY
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 25, 1996

Mr. OBEY. Mr. Speaker, today, I would like to salute two outstanding young women who have been honored by the Girl Scouts of the U.S.A. Gold Award by the Indian Waters Girl Scout Council in Eau Claire, WI. They are Carrie Shufelt and Carrie Meyer.

They are being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award is the Girl Scout’s highest honor and recognizes outstanding accomplishments in the areas of leadership, community service, career plan-

The Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award project, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the Girl Scout and an adult Girl Scout volunteer.

The earning of the Girl Scout Gold Award is a major accomplishment for these young women, and I believe they should receive the public recognition due them for this significant service to their community and their country.

WHY CONGRESS NEEDS THE MENTAL HEALTH BENEFIT

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 25, 1996

Mr. STARK. Mr. Speaker, I know it is not fashionable to seek perks for Members of Congress, but we desperately, desperately need one—and the country would be better for it if we obtained this benefit for ourselves.

We need the mental health parity amendment, because a majority of the Members are clearly suffering from severe mental dis-

I refer, of course, to the insanity of spending long hours trying to pass the Kennedy-Kassebaum amendment to improve health insurance coverage, while we are also about to pass Medicaid budget cuts which will effectively re-

Mr. Speaker, when people ask for examples of where local community, constant probing for new solutions to problems, and devotion to higher ideals exist, tell them to look no further than the First Ward Community Center and the First Ward Community Center Old Timers Club of Saginaw. MI. For 60 years the First Ward Community Center has had a positive impact on Saginaw neighborhoods which continues today under the capable leadership of Charles Braddock, executive director, and the board of dedicated community volunteers. I urge all of our colleagues to join me in wishing both of these excellent organizations the very best on their anniversaries, and many more to come.

SECRETARY OF STATE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 25, 1996

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Mr. CLEMENT. Mr. Speaker, I would like to bring to the attention of my colleagues a prestigious award received by a good corporate citizen in my district, Nashville, TN. The Committee on Economic Development recently honored Northern Telecom [NORTEL], a telecommunications equipment manufacturer with its domestic headquarters in my district, with the CED's first annual Corporate Citizenship Award.

I want to congratulate Donald Schuenke, chairman of NORTEL's board of directors and the over 1,000 employees NORTEL has in my district. The award salutes active involvement in the policy dialogue and a carefully considered commitment to social and community responsibility. The award recognizes the principle and values NORTEL has held throughout the 100 years it has been in business. They invest in research and development, in customer satisfaction, in the training and education of their work force, in the quality of their management and in their overall business performance. But they also have a strong and ongoing commitment to our Nation's communities.

For example, more than 50 community organizations are supported by contributions from employees of NORTEL's Nashville office. Employees there have a longstanding relationship with the students at Pennington Elementary School where they have served as tutors, judged science fairs and spelling bees, produced the school's semiannual creative writing magazine, and organized and run the school's annual field day. Moreover, NORTEL underwrites the cost of school books for disadvantaged students, provides computer training for teachers, and furnishes equipment for classroom use.

NORTEL employees work with Fisk University's Division of Business as adjunct faculty advisors and provide resources to students preparing to enter the work force. Employees also serve as consultants to area schools in advancing technology in the classroom and the company provides computers and training. Artistic endeavors are supported through events such as the NORTEL young musicians competition, a partnership with a school system's music education program and the Nashville Symphony to recognize outstanding young musicians. NORTEL volunteers have also turned out to build homes in their community in conjunction with Habitat for Humanity, to donate blood, and to contribute food to the second harvest food bank.

My thanks to Donald Schuenke and to NORTEL CEO Jean Monty for their fine leadership and to all NORTEL employees for these and all the other many contributions they make to the State of Tennessee. Congratulations on winning this prestigious award, and I urge the corporate citizens of our country to follow your fine example.
Right now, the agenda consists solely of trying to obtain two new flights from Osaka, Japan, to Jakarta, Indonesia. Unbelievably, the larger issues are not on the agenda—the issues that affect travelers in the United States, the people who work in tourism and the people whose livelihood depend on the aviation industry.

Mr. Speaker, now is the time to think of those and renegotiate the United States-Japan passenger aviation agreements.

Mr. Speaker, I speak for myself and my staff when I say that we are sad to lose such an outstanding individual and friend. However, I am also proud to recognize the achievement of Allison Dalton, and I know that my colleagues will join me in honoring him for his dedicated service to the House of Representatives and to congratulate him on his appointment as president of the South Carolina Baptist Foundation.

Mr. Speaker, I rise today to recognize the achievements and contributions of Allison Dalton. For nearly 40 years Allison has been a tireless servant of his community and this country.

Allison Dalton started serving his country upon graduation from Clemson University. He entered the U.S. Army, where he was stationed in El Paso, TX. After serving his country in the Army, Allison returned home with his wife Carolyn and obtained a masters degree from Clemson University. Upon graduating from Clemson, Allison went to work for the textile industry—which is a paramount industry to South Carolina and the United States.

In the mid 1960’s Allison Dalton went into business with his brother Charles in Pickens, SC. They opened a furniture business and ran it successfully for 13 years, until Allison left his business to work on Senator Strom Thurmond’s reelection in 1978. After Thurmond was successfully reelected, Allison went back to his alma mater at Clemson University working in the athletic department. While there, Allison helped make the athletic fundraising operation one of the best in the country.

What is amazing about the life of Allison Dalton is that during this extensive work history, Allison raised two successful children, was and still is a Sunday school teacher, was a school board member, State School Board Association president, and has served on a board of directors for a local utility.

In 1994, Allison Dalton came to Washington to serve as my Chief of Staff. The job that he has done can only be described as extraordinary. The outstanding constituent services enjoyed in the Third district of South Carolina are due to Allison’s implementation and hard work.

Later this year I received an unwelcome surprise when Allison came to me with the news that he had been sought out by the South Carolina Baptist Foundation to serve as their president. This is an opportunity that comes available every 30 years or so—you could say it’s a once-in-a-lifetime opportunity. Very reluctantly, Allison has decided to accept this new opportunity and bid the House of Representatives farewell.

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turning soldiers, helping to stimulate the post-
war economy and provide homes for our most
deserving veterans.

After serving as campaign manager and
personal advisor to the Presidential campaigns
of Adlai Stevenson, Mr. Wyatt ran for lieuten-
ant governor alongside Bert Combs and
served Kentucky by concentrating on the fu-
ture of agriculture, forests, atomic energy, re-
search, and industry within the State. He
crowned his political service with an appoint-
ment as a special emissary to negotiate an oil
agreement with Indonesia on behalf of Presi-
dent Kennedy.

After his various experiences in elective of-
face, Wilson Wyatt remained dedicated to the
constituents he was so eager to serve. He put
his leadership skills to work in developing
Leadership Louisville, an organization built to
breed outstanding leaders for our city for the
next generation. A dedicated philanthropist, he
led efforts to establish the $12 million Re-
gional Cancer Center of Louisville as well as
the Kentucky Center for the Arts. He served
on the boards of many local organizations
such as the Louisville Area Chamber of Com-
merce, the Louisville Heart Association, Uni-
versity of Louisville Board of Trustees, and the
American Heritage Foundation.

Wilson Wyatt was a symbol of service and
commitment to his fellow countrymen. His life
in both the public and private sectors was al-
ways focused on the betterment of society and
his influence in Louisville, in Kentucky, and in
the Nation, will be continually felt.
Tuesday, June 25, 1996

Daily Digest

Senate

Chamber Action
Routine Proceedings, pages S6761-S6903

Measures Introduced: Five bills were introduced, as follows: S. 1902-1906.

Measures Reported: Reports were made as follows:
   S. 1802, to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming. (S. Rept. No. 104-290)
   H.R. 1772, to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex.
   H.R. 2660, to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.
   H.R. 2679, to revise the boundary of the North Platte National Wildlife Refuge.
   H.R. 2982, to direct the Secretary of the Interior to convey the Carbon Hill National Fish Hatchery to the State of Alabama.
   S. 1784, to amend the Small Business Investment Act of 1958, with an amendment in the nature of a substitute.

Measures Passed:

Bill Emerson Memorial Bridge: Senate passed S. 1903, to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri Highway 74 spanning from East Girardeau, Illinois, to Cape Girardeau, Missouri, as the “Bill Emerson Memorial Bridge”.

Campaign Finance Reform: Senate resumed consideration of S. 1219, to reform the financing of Federal elections.

During consideration of this measure today, Senate took the following action:

By 54 yeas to 46 nays (Vote No. 168), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to close further debate on the bill.

DOD Authorizations: Senate resumed consideration of S. 1745, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, with committee amendments, taking action on amendments proposed thereto, as follows:

   Adopted:
      By a unanimous vote of 100 yeas (Vote No. 169), Lieberman Amendment No. 4156, to provide for a quadrennial defense review and an independent assessment of alternative force structures for the Armed Forces.
      Byrd Amendment No. 4274, to provide for certain scientific research on possible causes of Gulf War syndrome, and to provide medical and dental benefits for children of Gulf War veterans who have congenital defects or catastrophic illnesses.
      Bingaman Amendment No. 4275, to require the Secretary of Defense to take such actions as are necessary to reduce the cost of renovation of the Pentagon Reservation.

   Withdrawn:
      Bingaman Amendment No. 4276, to repeal the permanent end strengths.
      Gregg Amendment No. 4277, to state the sense of the Senate relating to the use of Federal Bureau of Investigation files.

   Pending:
      Kyl/Reid Amendment No. 4049, to authorize underground nuclear testing under limited conditions.
      Kempthorne Amendment No. 4089, to waive any time limitation that is applicable to awards of the Distinguished Flying Cross to certain persons.

Warner/Hutchison Amendment No. 4090 (to Amendment No. 4089), to amend title 18, United States Code, to provide for a quadrennial defense review and an independent assessment of alternative force structures for the Armed Forces.
Committee Meetings

(Sessions not listed did not meet)

SPECTRUM MANAGEMENT
Committee on Commerce, Science, and Transportation: Committee concluded hearings in closed session to examine Federal Government use and management of the electromagnetic radio frequency spectrum, after receiving testimony from Clarence L. Irving, Jr., Assistant Secretary of Commerce for Communications and Information; Barry Horton, Principal Deputy Secretary of Defense; Vice Adm. Arthur K. Cebrowski, USN, Director, Command, Control, Communications, and Computer Systems Directorate, Joint Staff/ Joint Chiefs of Staff; Steve Killion, Section Chief, Information Resources Division, Federal Bureau of Investigation, Department of Justice; and Frank E. Kruesi, Assistant Secretary of Transportation for Transportation Policy.

GSA LEASING
Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded oversight hearings to examine the impact of Federal streamlining efforts on General Services Administration leasing activities, after receiving testimony from Robert Peck, Commissioner, Public Buildings Service, and Thomas Sherman, Acting Regional Administrator, National Capital Region, both of the General Services Administration; Bruce A. Lehman, Assistant Secretary of Commerce/Commissioner of Patents and Trademarks; and Michael T. Shehadi, Charles E. Smith Realty Companies, Arlington, Virginia.

NOMINATIONS
Committee on Foreign Relations: Committee concluded hearings on the nominations of James Francis Creagan, of Virginia, to be Ambassador to the Republic of Honduras, Leslie M. Alexander, of Florida, to be Ambassador to the Republic of Ecuador, and Lino Gutierrez, of Florida, to be Ambassador to the Republic of Nicaragua, after the nominees testified and answered questions in their own behalf. Mr. Creagan was introduced by Senator Robb.

AFGHANISTAN
Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs resumed hearings to examine prospects for peace in Afghanistan, receiving testimony from Abdul Rahim Ghafoorza, Afghanistan Deputy Foreign Minister, and Mohammad Ishaghi, Afghan News, both of Kabul, Afghanistan;
Abdul Ahad Karzai, Tribal Confederation of Southwest Afghanistan; Haji Mohammad Mohaqiq, Hizb-i-Wahdat/Khalili, Bamian, Afghanistan; Hashmatullah Mojaddedi, Afghan National Liberation Front, Peshawar, Pakistan; Haji Qadir, Nangarhar Shura, Jalalabad, Afghanistan; Syed Ahmed Gailani, National Islamic Front of Afghanistan, and Hedayat Amin Arsala, both of Islamabad, Pakistan; Sardar Sultan Mahmoud Ghazi, Rome Italy; Said Mansour Naderi, Mazar-I-Sharif, Afghanistan; Sadig Moddabir, Hazajarat, Afghanistan; and other Afghan witnesses.

Hearings continue tomorrow.

INFORMATION SECURITY

Committee on Governmental Affairs: Permanent Subcommittee on Investigations resumed hearings to examine the vulnerabilities of national computer information systems and networks, and Federal efforts to promote security within the information infrastructure, focusing on foreign information warfare programs and capabilities, receiving testimony from John M. Deutch, Director, Central Intelligence Agency; Peter G. Neumann, Computer Science Laboratory/SRI International, Menlo Park, California; and Roger C. Molander and Robert H. Anderson, both of RAND Corporation, Santa Monica, California.

Hearings were recessed subject to call.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Arthur Gajarsa, of Maryland, to be United States Circuit Judge for the Federal Circuit, Joan B. Gottschall, to be United States District Judge for the Northern District of Illinois, Robert L. Hinkle, to be United States District Judge for the Northern District of Florida, Lawrence E. Kahn, to be United States District Judge for the Northern District of New York, Margaret M. Morrow, to be United States District Judge for the Central District of California, and Frank R. Zapata, to be United States District Judge for the District of Arizona, after the nominees testified and answered questions in their own behalf. Mr. Gajarsa was introduced by Senators Sarbanes and Mikulski and Representative Morella, Ms. Gottschall was introduced by Senators Simon and Moseley-Braun, Mr. Hinkle was introduced by Senators Graham and Mack, Mr. Kahn was introduced by Senators D'Amato and Moynihan and Representative McNulty, Ms. Morrow was introduced by Senator Boxer, and Mr. Zapata was introduced by Senator Kyl and Representative Pastor.

BUSINESS MEETING

Committee on Veterans Affairs: Committee began consideration of an original bill to authorize construction projects for fiscal year 1997 and for other purposes relating to VA real property management, but did not complete action thereon, and recessed subject to call.
Order of Business: It was made in order to extend the debate on H.R. 3604 to seventy minutes, equally divided and controlled by the majority and the minority.

Suspension: The House voted to suspend the rules and pass H.R. 3604, amended, to amend title XIV of the Public Health Service Act, the “Safe Drinking Water Act”.

Condolence Resolution: Agreed to H. Res. 459, expressing the condolences of the House on the death of Representative Bill Emerson.

Bill Emerson Memorial Bridge: The House passed S. 1903, to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the “Bill Emerson Memorial Bridge”—clearing the measure.

VA, HUD, and Sundry Independent Agencies Appropriations: The House completed all general debate and began consideration of amendments on H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997; but came to no resolution thereon. Consideration of amendments will resume on Wednesday, June 26.

Agreed To:

The Hefner amendment that strikes language that limits personnel compensation and travel for the Office of the Secretary of Veterans Affairs;

The Lewis of California amendment that increases funding for the Community Development Block Grant Program by $300 million and reduces funding for HUD Annual Contributions for Assisted Housing by $100 million and FEMA Disaster Relief by $200 million;

The Lewis of California amendment that strikes language concerning $40 million identified for Economic Development Initiative Grants and Economic Development Grants;

Rejected:

The Kennedy of Massachusetts amendment that sought to increase HUD Assisted Housing funding by $174 million and decrease NASA Human Space Flight funding by $174 million;

The Kennedy of Massachusetts amendment that sought to increase Homeless Assistance Funds by $297 million and decrease NASA Human Space Flight funding by $297 million (rejected by a recorded vote of 138 ayes to 277 noes, Roll No. 270);

Pending when the Committee on the Whole rose thereon were the following amendments on which recorded votes were postponed:

The Lazio amendment that seeks to increase funding for Supportive Housing for the Elderly by $100 million and Supportive Housing for the Disabled by $40 million and decrease funding for HUD Annual Contributions for Assisted Housing, section 8 contracts, by $140 million;

The Shays amendment that seeks to increase funding for the Housing Opportunities for Persons with AIDS program by $15 million and reduce NASA mission support funding by $15 million;

The Sanders amendment that seeks to increase funding for the Court of Veterans Appeals by $1.4 million and reduce funding for HUD salaries and expenses by $1.4 million; and

The Hefley amendment that seeks to increase EPA Leaking Underground Storage Tank Trust Fund by $20 million and reduce HUD salaries and expense funding by $42 million.

A point of order was sustained against language in the bill that sought to authorize provisions relating to HUD portfolio management and section 8 contract renewal.

The Weller amendment was offered, but subsequently withdrawn, that sought to limit FHA Mortgage Insurance Premiums for first-time homebuyers who complete an approved program with respect to the responsibilities of home ownership. It was made in order to consider the Weller amendment during consideration of the general provisions of the bill.

H. Res. 456, the rule which provided for consideration of the bill, was agreed to earlier by a yea-and-nay vote of 246 yeas to 166 nays, Roll No. 269.

Committee Resignation: Read a letter from Representative Fox wherein he resigns as a member of the Committee on Government Reform and Oversight.

Committee Election: Agreed to H. Res. 462, electing Members to certain standing committees of the House of Representatives.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6765-66.

Senate Messages: Message received from the Senate today appears in next issue.

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of the House today and appear in next issue. There were no quorum calls.
Adjournment: Met at 10:30 a.m. and, pursuant to the provisions of H. Res. 459, adjourned at 11:59 p.m. as a further mark of respect to the memory of the late Representative Bill Emerson of Missouri.

Committee Meetings

LABOR-HHS-EDUCATION APPROPRIATIONS
Committee on Appropriations: Ordered reported the Labor, Health and Human Services, Education appropriations for fiscal year 1997.

PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT
Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 3452, Presidential and Executive Office Accountability Act. Testimony was heard from Representatives Mica and Shays; Franklin S. Reeder, Director, Office of Administration, Executive Office of the President; and public witnesses.

PERSIAN GULF WAR SYNDROME
Committee on Government Reform: Subcommittee on Human Resources and Intergovernmental Relations continued hearings on the Status of Efforts to Identify Persian Gulf War Syndrome, Part III. Testimony was heard from Stephen Joseph, Assistant Secretary, Health Affairs, Department of Defense; the following officials of the Department of Veterans Affairs: Gary Hickman, Director, Compensation and Pension; and Frances Murphy, Director, Environmental Service; and public witnesses.

INTERNATIONAL EXCHANGES
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on International Exchanges. Testimony was heard from the following officials of the USIA: Joseph D. Duffey, Director; and John P. Loiello, Associate Director, Bureau of Educational and Cultural Affairs.

EXTREMIST ACTIVITY IN THE MILITARY
Committee on National Security: Held a hearing on extremist activity in the military. Testimony was heard from the following officials of the Department of Defense: Togo D. West, Jr., Secretary of the Army; John H. Dalton, Secretary of the Navy; Sheila E. Widnall, Secretary of the Air Force; and Edwin Dorn, Under Secretary, Personnel and Readiness; and public witnesses.

Oversight
Committee on Resources: Held an oversight hearing on lifting the moratorium on listings of species under the Endangered Species Act. Testimony was heard from John Rogers, Acting Director, U.S. Fish and Wildlife Service, Department of the Interior; Roland Schimmenti, Assistant Administrator, Fisheries, NOAA, Department of Commerce; Teel Bivins, Senator, State of Texas; and public witnesses.

CHINA—MOST FAVORED NATION
Committee on Rules: Granted, by voice vote, a rule providing for consideration in the House of H.J. Res. 182, disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the Products of the People's Republic of China, and waives all points of order against the joint resolution and its consideration. The rule provides for two hours of debate, equally divided between the Chairman of the Committee on Ways and Means and a proponent of the joint resolution. The rule further provides that, pursuant to the Trade Act of 1974, the previous question is ordered to final passage without intervening motion.

The rule provides that after the disposition of H.J. Res. 182, it shall be in order to consider in the House a resolution, expressing the sense of the Congress regarding U.S. concerns with human rights abuses, nuclear and chemical weapons proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army, and directing the committees of jurisdiction to commence hearings and report appropriate legislation.

The rule provides one hour of debate equally divided between Representative Cox, or his designee, and a Member opposed. Finally, the rule orders the previous question to adoption without intervening motion. Testimony was heard from Representatives Archer, Rohrabacher, Cox, Hunter, Funderburk, Gigibbons, Pelosi, and Kaptur.

TRANSPORTATION APPROPRIATIONS
Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3675, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997.

The rule waives section 401(a) of the Budget Act (prohibiting consideration of legislation containing contract authority not yet previously subject to appropriations) against consideration of the bill.

The rule waives clause 6 (prohibiting reappropriation) of rule XXI against provisions in the bill and clause 2 (prohibiting unauthorized and legislative
provisions) of rule XXI against provisions in the bill except as otherwise specified in the rule.

The rule provides that the amendment printed in section 2 of the resolution shall be considered as adopted.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule provides that a motion to rise and report the bill to the House with such amendments as may have been adopted shall have precedence over a motion to amend, if offered by the Majority Leader or a designee after the reading of the final lines of the bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Wolf.

OVERSIGHT—RESEARCH LABORATORY PROGRAMS

Committee on Science, Subcommittee on Technology held an oversight hearing on research Laboratory programs at NIST. Testimony was heard from the following officials of the National Institute of Standards and Technology, Department of Commerce: Robert Hebner, Acting Deputy Director; and Shukri Wakid, Acting Director, Information Technology Laboratory; and public witnesses.

AVIATION SAFETY

Committee on Transportation and Infrastructure, Subcommittee on Aviation held a hearing on Aviation Safety: Issues Raised by the Crash of Valujet Flight 592. Testimony was heard from Senator Cohen; James E. Hall, Chairman, National Transportation Safety Board; the following officials of the Department of Transportation: Mary Schiavo, Inspector General; David R. Hinson, Administrator; and Anthony Broderick, Associate Administrator, Regulations and Certification, both with the FAA; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 26, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs, business meeting, to mark up S. 1317, to repeal the Public Utility Holding Company Act of 1935, establish a limited regulatory framework covering public utility holding companies, and eliminate duplicative regulation, 10 a.m., SD-538.

Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to resume hearings on S. 1726, to promote electronic commerce by facilitating the use of strong encryption, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources, to hold hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated States of the United States, on a proposed amendment relating to Bikini and Enewetak medical care, and to hold oversight hearings on the law enforcement initiative in the Commonwealth of the Northern Mariana Islands, and S. 1889, to authorize the exchange of certain lands conveyed to the Kenai Native Association pursuant to the Alaska Native Claims Settlement Act, and to make adjustments to the National Wilderness System, 9:30 a.m., SD-366.

Committee on Finance, business meeting, to mark up S. 1795, Personal Responsibility and Work Opportunity Act, and to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 178, establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, 10 a.m., SD-215.

Committee on Foreign Relations, business meeting, to consider pending calendar business, 10:30 a.m., SD-419.

Subcommittee on Near Eastern and South Asian Affairs, to continue hearings to examine prospects for peace in Afghanistan, 2 p.m., SD-106.

Committee on Governmental Affairs, business meeting, to mark up S. 1376, to terminate unnecessary and inequitable Federal corporate subsidies, 9:30 a.m., SD-342.

Committee on Governmental Affairs, business meeting, to hold hearings on S. Res. 254, expressing the sense of the Senate regarding the reopening of Pennsylvania Avenue, 10 a.m., SD-342.

Committee on Labor and Human Resources, business meeting, to mark up S. 1221, to authorize funds for fiscal years 1996 through 2000 for the Legal Services Corporation, S. 1400, to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts, and pending nominations, 9:30 a.m., SD-430.

Committee on Rules and Administration, to hold hearings on proposed legislation authorizing funds for the Federal Election Commission, and on campaign finance reform proposals, 9:30 a.m., SR-301.

Committee on Indian Affairs, to hold hearings on proposals to reform the Indian Child Welfare Act, 9:30 a.m., SH-216.

House

Committee on Appropriations, to consider the Legislative appropriations for fiscal year 1997, 9 a.m., 2360 Rayburn.

Subcommittee on the District of Columbia, on 1997 Budget Overview, 10 a.m., 2362A Rayburn.
Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, hearing regarding practices of FDIC-Insured Institutions Selling Nondeposit Investment Products, 10 a.m., 2128 Rayburn.

Committee on Economic and Educational Opportunities, to mark up the following bills: H.R. 2391, Working Families Flexibility Act; and H.R. 2428, to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law, 1 p.m., 2175 Rayburn.

Subcommittee on Employer-Employee Relations, hearing on Promoting Expansion of Pensions for American Workers, 9 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, hearing on Security of FBI Background Files, 10 a.m., 2154 Rayburn.

Subcommittee on International Relations, hearing on Administration Actions and Political Murders in Haiti, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on Bloody Hands: Foreign Support for Liberian Warlords, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing regarding the Legal Services Corporation, 10 a.m., 2237 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 3024, United States-Puerto Rico Political Status Act; H.R. 1786, to regulate fishing in certain waters in Alaska; H.R. 2505, to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions; H.R. 3006, to provide for disposal of public lands in support of the Manzanar Historic Site in the State of California; H.R. 2636, to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia; and H.R. 2292, Hanford Reach Preservation Act, 11 a.m., 1324 Longworth.

Subcommittee on Native American and Insular Affairs, hearing on the following bills: H.R. 3634, to amend provisions of the Revised Organic Act of the Virgin Islands which relate to the temporary absence of executive officials and the priority payment of certain bonds and other obligations; and H.R. 3635, to direct the Secretary of the Interior to enter into an agreement with the Governor of the Virgin Islands, upon request, that provides for the transfer of the authority to manage Christiansted National Historic Site; and to hold an oversight hearing on Northern Mariana Islands issues, 2 p.m., 1334 Longworth.

Committee on Science, to mark up H.R. 2779, Savings in Construction Act of 1996, 1 p.m. 2318 Rayburn.

Committee on Small Business, Subcommittee on Government Programs, hearing on the Department of Labor's compliance with the Paperwork Reduction Act of 1995, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Federal requirements for evidence of financial responsibility under the Oil Pollution Act of 1990, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care, hearing on the future of health care provided by the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Ways and Means, to markup, H.R. 361, Omnibus Export Administration Act of 1995, 1 p.m., H-208 Capitol.

Permanent Select Committee on Intelligence, executive, hearing on Digital Telephony, 3 p.m., H-405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe, to hold hearings to examine whether the conditions in Bosnia-Herzegovina will allow free and fair elections to be held in mid-September and, if not, whether the Dayton Agreement-mandated elections should be postponed until such conditions exist, 1:30 p.m., 311 Cannon Building.
Next Meeting of the SENATE
9:30 a.m., Wednesday, June 26

Program for Wednesday: Senate will continue consideration of S. 1745, DOD Authorizations, with a cloture vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, June 26

Program for Wednesday: Complete consideration of H.R. 3666, VA, HUD, and Independent Agencies Appropriations Act for FY 1997 (open rule, 1 hour of general debate);

Consideration of the rule providing for both H.J. Res. 182, disapproving the most-favored-nation status to the People's Republic of China and H. Res. 461, regarding the People's Republic of China (2 hours of general debate); and

Consideration of H.R. 3675, Transportation and Related Agencies Appropriations Act for FY 1997 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE
Andrews, Robert E., N.J., E 1159, E 1162
Barcia, James A., Mich., E 1161
Bono, Sonny, Calif., E 1163
Clement, Bob, Tenn., E 1162

Graham, Lindsey O., S.C., E 1163
Jacobs, Andrew, J.r., Ind., E 1162
Kieckhe, Gerald D., Wis., E 1162
Levin, Sander M., Mich., E 1161
MCHUGH, JOHN M., N.Y., E 1190
Obey, David R., Wis., E 1161
Ramstad, Jim, Minn., E 1160
Ros-Lehtinen, Ileana, Fla., E 1163
Shadegg, John, Ariz., E 1160
Stark, Fortney Pete, Calif., E 1161

Volkmer, Harold L., Mo., E 1159
Ward, Mike, Ky., E 1163

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