



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, MONDAY, JULY 24, 1995

No. 120

Senate

(Legislative day of Monday, July 10, 1995)

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

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Lord your God in your midst, the mighty One, will save; He will rejoice over you with gladness, He will quiet you in His love, He will rejoice over you with singing.—Zephaniah 3:17.

Lord, we begin this new week with this promise from Zephaniah. It sounds in our souls and gives us courage. We claim that You are in our midst. Fill this Senate Chamber with Your glory. May we humbly trust You as the only sovereign Lord of our lives and of America.

Because Your strength is limitless, our inner wells need never be empty. Your strength is artesian, constantly surging up to give us exactly what we need in every moment. You give us supernatural thinking power beyond our IQ. You provide emotional equipoise when we are under pressure. You engender resoluteness in our wills and vision for our leadership, and You energize our bodies with physical resiliency.

Lord, quiet our turbulent hearts with Your unqualified, indefatigable love. Give us profound confidence, security, and peace. We have absolute trust in Your faithfulness and we commit ourselves to You anew. Tune our hearts to the frequency of Your inner voice. Give us the clarity we need to lead our Nation. In Your never-failing power, we humbly pray. Amen.

The PRESIDENT pro tempore. The able Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, while we are waiting, I thought I would clarify the procedure which brought us here by a series of parliamentary inquiries.

My first inquiry of the Chair is whether or not I am correct in stating that by unanimous consent S. 101 was to be brought up today; that it was to be divided into two bills that could stand independent of each other, the first one on lobbying disclosure, which corresponds to title I of S. 101, and the second bill, which would correspond to title II of S. 101 relating to gifts; and that that action has been taken by the clerk, the bill has been divided into two separate freestanding bills, S. 1060, which relates to lobbying disclosure, and S. 1061, which relates to gifts.

The PRESIDENT pro tempore. The Senator is correct.

Mr. LEVIN. I thank the Chair. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LOBBYING REFORM

Mr. FORD. Mr. President, for several days in the last few weeks, we have attempted, as a bipartisan group, to develop an agreement, which we have been able to come close to on lobbying

reform, but not very close on the so-called gift ban.

One of the insinuations we had from the other side was that we start at 9 o'clock this morning—that we start at 9 o'clock this morning. Here we are at 9:35, and we see no one here, and they are refusing to come, do not want Members to lay anything down, do not want Members to talk, unless we do it in morning business.

Now, Mr. President, it seems, if you are going to insist on something, you ought to be part of the agreement. We find that this is happening too much of the time. I do not like to be here at 9 o'clock on Monday morning any more than anyone else. We are here. We are prepared. We are ready. So, where is the other side?

Mr. President, I think it behooves all Members, if we are going to start, if we want to start, we ought to do it at the time we agreed upon. I have already had my cup of coffee, as I am sure the Presiding Officer has. He did his swims this morning, his pushups, and he is here ready to go, but we are sitting here.

My statement has brought both doors open on the other side. That delights this Senator very much. So, after 35 minutes of pleading that we want someone here to start debate, which was insisted upon, I hope that we can start and not force this side to come when the other side does not appear.

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

The PRESIDING OFFICER (Mr. KYL). 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.

Mr. LOTT. Mr. President, I would like to start the debate in a positive

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



Printed on recycled paper.

S10511

way. There have been a lot of conversations going back and forth by both Senators on both sides of the aisle, Senators interested in lobbying reform legislation and gift rule changes. I think we have made progress. I felt like everything was going in a positive way.

We did come in right at 9 o'clock. Ordinarily, there is at least a Senator or two waiting, ready to make some comment in morning business. This morning we did not have them. We have one key Senator who is going to need to be involved in this discussion, Senator MCCONNELL, who is on his way, I believe, from the airport. So I think it is important that we begin with an open and positive debate and that we not start making accusations.

I know that the Senator from Kentucky has been working very hard. He is here ready to go. I am ready to go. I suggest, Mr. President, that we go ahead and begin the debate, sort of set out the basic parameters of where we are and move forward. We may have some amendments that will need to be offered. Some will be agreed to, I am sure, on lobbying reform. Our hope is that we can have genuine reform.

Personally, this Senator feels we need to tighten up the rules with regard to lobbying disclosure. I have always said we should err on the side of disclosure. Now, what is included in that disclosure is very important. It is not just technical language.

We need to make sure that it does not chill the ability of individual citizens at the grassroots level to talk with their Senators or their Congressmen. It is applicable to both bodies. I think that the concerns that we had in that area last year have been addressed, and everybody feels now grassroots lobbying by individual citizens, certainly, would be allowed under this legislation.

We need also to make sure it does not just become a paperwork nightmare. We need reasonable, logical reporting. I think we are moving in that direction.

Mr. President, I suggest we go ahead and begin with opening statements. I am sure that the Senator from Michigan would like to make an opening statement. We will take it from there.

LOBBYING DISCLOSURE ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate proceeded with the consideration of the bill.

Mr. LEVIN. Mr. President, before I proceed, let me ask unanimous consent that Senator McCAIN be added as a cosponsor. I see he was inadvertently left off of S. 1060 and S. 1061. I ask he be added to both.

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

Mr. LEVIN. Let me say to the Senator from Mississippi, I, like him, hope that we can reach an agreement relative to lobby disclosure, particularly as there has been some progress made on lobbying disclosure. In conversations over the last few days, we have a way to go, but on this subject we have made some progress. That progress, I hope, will continue today so we can come up with a strong lobby disclosure bill.

This Senate approved overwhelmingly a lobby disclosure bill last year. It was an overwhelming vote. When the bill came back from conference, there were a few changes in it. Those changes were utilized by some Members of this body as the basis of opposition to the entire bill. There was dispute over the meaning of those changes. Some people said that those changes would chill grassroots lobbying and the opportunity for individual citizens to lobby their Members. There was no such intent, and we believe no such language.

That is last year's debate. In any event, this year's bill does not contain the language which was pointed to. That, by the way, was language which was added by the House of Representatives and in conference. As I remember, there was no objection to that language. That became sort of the lightning rod here.

Again, that language is not included in this version, just the way it was not in the version that last passed the Senate with, I think, over 90 votes in the last Congress. So, we are going to renew our effort here today to address one of the most intractable issues that has been faced by the Congress over the last 50 years, and that is to try to reform the loophole-plagued lobbying disclosure law.

The lobbying disclosure act was passed in 1946. It was called the Lobbying Regulation Act at that time. Within a few years, President Truman pointed out to the Congress that there were already so many loopholes in that bill, that Lobbying Regulation Act, that it, for all intents and purposes, needed reform by 1948. So the principal bill that governs the regulation of lobbyists, passed in 1946, was already, within 2 years, pretty useless, confusing, and in need of reform.

President Truman asked the Congress to do exactly that. They did not pay heed. If they had paid heed we would not be here today. That is almost 50 years ago that the President of the United States told the public and the Congress that the act they had passed to require the registration of paid, professional lobbyists, was not doing its job.

The purpose of that bill was to try to get folks who were paid to lobby Congress to disclose who is paying them, how much they are being paid, and to lobby Congress on what issue. That was the purpose of the act that was passed almost 50 years ago.

Then again, in the 1950's, there was an effort made to reform the Lobbying Registration Act. Senator McClellan spearheaded an effort to reform the lobbying registration laws because, again, by then there were so many holes in it there were more holes than there were cheese; there were more loopholes than there was law. But Congress did not heed Senator McClellan's call in the 1950's. If they had, we probably would not be here today.

In the 1960's, lobbying reform was taken up by the Senate, passed, but was not passed by the House of Representatives. If it had, maybe we would not be here today.

In 1976, lobbying reform was passed by both Houses of Congress but in different versions. They were not reconciled in conference. If Congress had acted in 1976, and they got close, we would not have to be here today.

Decade after decade, there has been an effort to close the loopholes in lobbying registration, to make sense of these laws, and they have failed.

In 1978, the Senate Governmental Affairs Committee was so divided over lobbying registration that it could not even report out a bill. Last year we came close, we came within a hair of passing both lobbying registration reform and a gift ban, but it got caught up in the last few days of the Congress, the bill was filibustered here and, as a result, was not passed.

A lot of different issues defeated lobbying reform over the last 4 decades. Sometimes it was the definition of lobbying. Sometimes it was whether or not the executive branch should be covered. Sometimes it was the threshold for coverage. Sometimes it was a question of disclosure of expenditures to stimulate grassroots lobbying or the disclosure of contributors to lobbying organizations. Decade after decade, reasons were given for why we could not reach agreement on lobbying reform and decade after decade it has been frustrated.

So it has been a long and a sad history, in terms of trying to reform laws whose purpose it is to put a little sunshine into the area of paid lobbyists. Senator COHEN and I sought to address these issues when we introduced S. 2276, in the 102d Congress. We reintroduced basically the same measure in the 103d Congress, and we got that bill through the Senate. That was S. 349. But then it fell a few votes short, as I said, when it came to the floor.

We are trying to address these issues again in S. 101, now in S. 1060, which has a few additional modifications, and I believe there will be some further modifications on the Senate floor today.

The right to petition government is a constitutionally protected right. Lobbying is as much a part of our governmental process today as on-the-record

rulemakings for public hearings. Lobbying is part of democratic government, an inherent part of it, a constitutionally protected part of constitutional and democratic government. But the public has a right to know, and the public should know, who is being paid to lobby, how much they are being paid, on what issue.

If we want the public to have confidence in our actions, this business has to be conducted more in the sunshine. Lobbying disclosure will enhance public confidence in government by ensuring that the public is aware of the efforts that are made by paid lobbyists to influence public policy. In some cases, such disclosure, perhaps, will encourage lobbyists and their clients to be sensitive to even the appearance of improper influence. In other cases, it is likely to alert other interested parties of the need to provide their own views in decisionmaking.

The lobbying disclosure laws that are on the books today are useless. In the 102d Congress, the Subcommittee on Oversight of Government Management, which I then chaired—Senator COHEN was then the ranking member of it; and our roles have been reversed now—our subcommittee held a series of hearings on the lobbying disclosure laws. We learned that these laws are plagued by massive loopholes, confusing provisions, and an almost total absence of guidance on how to comply with them. For example, the Federal Regulation of Lobbying Act, the basic lobbying registration law now on the books, to which I referred, the law that was passed in 1946, covers only lobbying of the Congress on matters of legislation, not lobbying of the executive branch. And that law has been interpreted to cover only those who spend the majority of their time in personal meetings with Members of Congress.

As you can see from that loophole, that is not going to cover many people right off the bat. The way it has been interpreted, this basic law, is that in order to be covered, you have to spend a majority of your time actually in personal meetings with Members. There are not too many people who spend the majority of their time in personal meetings with Members of Congress, probably including our own secretaries. So, if you spend time with staff under this interpretation, with staff of the Members of Congress—and that is where, most of the time, lobbyists spend their efforts—that does not even count under that interpretation of the lobbying registration.

There are many other loopholes that have been discovered in that basic act. As a result of these loopholes, the General Accounting Office found that fewer than 4,000 of the 13,500 individuals who are listed in the book "Washington Representatives" were registered under the act. That is less than a third.

Despite the fact that three-quarters of the unregistered representatives interviewed by the General Accounting Office said that they contact Members

of Congress and their staffs, that they deal with Federal legislation, and that they seek to influence actions of the Congress and the executive branch, the failure of these individuals, the organizations to register, does not mean that they are violating the law as it stands, because as it stands, again, there are more loopholes in this law than there is law.

The definition of lobbying is so narrow that few professional lobbyists are actually required to register under the laws that have been strictly interpreted. Moreover, most lobbyists who do register do not disclose anything to anybody which is of much use. The minority of lobbyists who do register tell us that they have incurred such expenses as a \$45 phone bill or a \$10 taxicab fare or \$16 in messenger fees. Others who decide to register provide lists of prorated expenditures for salaries, rent, and other expenses. There is no public purpose that is served by most of the disclosures that we currently get, but just from a minority of people who actually register and from a minority of people who lobby who take the time to register.

At the same time, we are getting a lot of useless information from the relatively few that do register. We are not getting the most basic type of information that was intended by the statute, which is the total amount that is being spent on lobbying and for what purpose.

The lobbyists are supposed to disclose their purpose. Many just simply state—those again who do register—that they lobby on "issues that affect business operations of the client" or "general legislative matters," or "all legislation affecting the industry that they represent."

That language is so general that it does not reveal anything. Worse still, only a small amount of the money that is spent on lobbying actually gets disclosed. For instance, in 1989, the *Legal Times* estimated the gross lobbying revenue of 10 of the biggest and best known Washington lobbying firms, and they estimated that revenue to be \$60 million. However, a review of the lobbying reports that were filed by those 10 firms revealed that they reported combined lobbying receipts from all clients of less than \$2 million.

By the way, they also reflect total expenditures of \$35,000. Just to show you how distorted, how absurd, how useless these documents are where we do have people who register, we have three figures to keep in mind in that survey. This is a 1989 survey of the *Legal Times* estimate of the revenue of the 10 top firms of \$60 million. When you look at their disclosure forms, they disclose revenue of \$2 million and expenditures of \$35,000.

So what is disclosed is perhaps 3 to 4 percent of the revenue coming in in terms of revenue, and what is disclosed in terms of expenditure is a fraction of a percent of the money which is being received.

Another study was made. This time, six top defense contractors reported to the Department of Defense that they spent a combined total of almost \$8 million lobbying Congress in 1989. By comparison, when you look at the report filed by the six for the same six companies under the Lobbying Regulation Act, there was a total of less than \$400,000 in lobbying income.

So the contractors reported \$8 million in lobbying expenses but their lobbyists disclosed a total of \$388,000 in terms of their revenue. That is a total disconnect between what contractors report to the Department of Defense that they are spending on lobbying and what their lobbyists disclose in terms of their receipts from those same six contractors.

Our existing lobbying laws have been characterized by the Department of Justice as "inadequate" and "unenforceable," in effect. Those are their words, and that is charitable. The lobbying laws are a joke, and they are a bad joke, and they are a bad joke for everybody who is involved—first and foremost for the public, but they are also a bad joke for the lobbying community themselves.

The current laws breed disrespect for the law because they are so widely ignored. They have been a sham and a shambles since they were first enacted 50 years ago. At this time the American public is so skeptical that their Government really belongs to them. Our lobbying registration laws leave more lobbyists unregistered than registered.

Our subcommittee studied this subject in some detail. In 1993, we filed a report that I want to quote from because it contains in some detail the problems with lobbying disclosure laws and will give us a necessary understanding of what the problem is.

There are four major lobbying disclosure statutes currently in effect. Here I am quoting from the Lobbying Disclosure Act of 1993, the Report of the Committee on Governmental Affairs, that was filed on April 1, 1993.

There are four major lobbying disclosure laws currently in effect:

The Federal Regulation of Lobbying Act, the Foreign Agents Registration Act.

That is called FARA.

And two provisions included in the HUD Reform Act applicable to the Department of Housing and Urban Development, and the Farmers Home Administration, and section 1352 of Title 31 of the so-called FARA amendment. At least two other statutes that require registration of lobbyists are included in the Public Utility Holding Company Act and the Federal Energy Regulatory Commission Act.

Each of these statutes, the four basic statutes, imposes a different set of disclosure requirements on a specific or on a specified group of lobbyists. Because the coverage overlaps—some lobbyists may have to register under two or even three different statutes because each of the statutes excludes major segments of the lobbying community

from coverage—many professional lobbyists do not register at all. As President Clinton stated in his book "Putting People First," we need legislation to "toughen and streamline lobbying disclosure."

First, the Lobbying Regulation Act—and I am continuing to quote from a portion of this report because it, again, identifies what the specific problems are with the current laws and will set the framework, I think, for our debate today.

The Federal Regulation of Lobbying Act enacted in 1946 requires registration by any person who is engaged for pay for the "principal purpose" of attempting to influence the passage or defeat of legislation in the Congress. A covered lobbyist is required to disclose his or her name and address, the name and address of the person by whom he or she is employed, and in whose interest he or she works, how much he or she is paid and by whom, who all of his or her contributors are, and how much they have given, an account of all money received and expended, to whom paid and for what purposes, the names of any publications in which he or she caused articles or editorials to be published, and the particular legislation that he or she has been hired to support or oppose, lobby registration forms are required to be filed with the clerk of the House and the Secretary of the Senate prior to engaging in lobbying and updated in the first 10 days of each calendar quarter so long as lobbying activity continues. Violation of the act is a misdemeanor, punishable by a fine of up to \$5,000 or a sentence of up to 12 months. Any person convicted of this offense is prohibited from lobbying for 3 years.

The report continues, and again we are talking about the current law:

A 1986 Governmental Affairs Committee report on lobbying disclosure indicates that the lobbying act was a hastily considered law which was subject to no hearing, little committee consideration, and almost no floor debate.

And that 1986 Governmental Affairs Committee, quoted in this report, said the following:

As the staff director of the joint committee later conceded, the lobbying act was less than precisely drafted legislation. Questions arose immediately about who was covered under its definitional standards, the extent of its reporting requirements and liability under its criminal enforcement provision. Rather than settling the issue of lobbyist influence, the act served only to make things more confusing. Witnesses testified that the act was in many respects an unsatisfactory law; that its effectiveness was limited and that the provisions are in urgent need of strengthening and revision if the objectives of the framers are to be fully realized. Over the last 40 years, there have been numerous unsuccessful attempts to address problems in the lobbying act.

Now, the committee report first looks at the question of coverage of the act, and I continue to quote from this report:

The Lobbying Regulation Act covers any person who is engaged for pay for the principal purpose of attempting to influence the passage or defeat of legislation in the Congress. In *United States v. Harris*, in 1954, the Supreme Court ruled that a narrow construction of the act was required to avoid unconstitutional vagueness. There are several gaps in the coverage of the lobbying act as construed in the *Harris* case.

These include the following:

1. The act applies only to lobbying of legislative branch officials, not to lobbying of executive branch officials.

2. It covers only efforts to influence the passage or defeat of legislation in Congress, not other activities with members and staff.

3. It has been interpreted by many to cover only efforts to lobby Members of Congress directly, not efforts to lobby congressional staff.

4. It covers only persons whose principal purpose is lobbying. This language has been interpreted by many to mean that the act applies only to people who spend a majority of their time lobbying.

The report continues:

Taken together, these gaps in the coverage of the act could mean that only a lobbyist who spends a majority of his or her working time in direct contact with Members of Congress is actually required to register. For this reason, it is not surprising that many lobbyists view registration as voluntary.

Not as compulsory.

As a result, it appears that a significant number of people who engage in activities that the general public would view as lobbying do not register at all and probably are not required to do so. For example, the General Accounting Office found that almost 10,000 of the 13,500 individuals and organizations listed in the book "Washington Representatives" were not registered under the Lobbying Regulation Act. GAO interviewed a small sample of the unregistered Washington representatives listed and found that three-quarters contacting Members of Congress and congressional staff deal with Federal legislation and seek to influence actions of either Congress or the executive branch.

The report continues:

The rate of registration by nonprofit organizations that engage in lobbying activities does not appear to be much better. For example, the committee reviewed the lobbying registrations of 18 nonprofit organizations that reported legislative expenses in excess of \$300,000 each to the Internal Revenue Service in tax year 1991 and found that half of these organizations did not have even a single active registered lobbyist in that year. The failure of these organizations and individuals to register does not mean that they are violating the law as it is written today. What it does mean is that the definition of lobbying in the Lobbying Regulation Act is so narrow and full of loopholes that few people are actually required to register.

The next issue which is addressed by this report relates to information disclosed.

The lobbying act requires "a detailed report under oath of all money received and expended by a lobbyist" during each calendar quarter, to whom it is paid and for what purpose. The forms expand upon this requirement by requiring reporting of specific line items of an organization's expenditures such as printed or duplicated matter, office overhead, rent, supplies, utilities, etc., telephone and telegraph, travel, food, lodging and entertainment, wages, salaries, fees and commissions, public relations and advertising. Each lobbyist is required to attach an addendum to his or her disclosure statement listing the recipient, date and amount of each such expenditure. Lobbyists who comply with this requirement file sheets of paper listing expenditures such as \$45 phone bills, a \$6 cab fee, a \$16 messenger fee and prorated salaries, in one case for \$1.31. In addition, some lobbyists provide lists of restaurants where they have paid for lunch.

Continuing to quote from this report—and in this case the quote of a statement that I made during the subcommittee hearing:

"The people who did register are giving us information which in many cases is utterly irrelevant. Here is one with a telephone bill, \$98.65. Underneath that, taxi fares, zero. Why? Various carriers, no single expenditure of \$10 or more. Another firm is trying to prorate salaries for us to show how they are apportioned to cover activities. Here is a salary for a young man named Graves. His prorated salary, \$6.50. Someone named Young, \$3.38. Someone named Horton, we are told, the United States Government is told a man named Horton was paid \$1.31 in relation to lobbying activities. Just a flood of irrelevant information pours in to us. Something is basically wrong."

And now quoting from the report again:

The disclosure record of nonprofit organizations engaging in lobbying does not appear to be much better than that of for-profit lobbying firms. The committee reviewed the lobbying registrations filed by 5 nonprofit organizations that reported nearly \$5 million in lobbying income to the Internal Revenue Service in the year 1991 and found that while some of these organizations filed detailed reports under the Lobbying Regulation Act, they reported barely \$200,000 in total lobbying expenditures to the Congress.

There appear to be two basic reasons for these low levels of reported expenses.

1. Despite the requirements of the Lobbying Regulations Act, many lobbyists do not appear to report income or expenses at all. At the request of the subcommittee, the General Accounting Office reviewed more than 1,000 lobbying reports filed in 1989 and learned that few lobbyists actually comply with the disclosure requirements. The GAO found that fewer than 20 percent of the lobbyists included the required attachments detailing expenditures. Almost 90 percent reported no expenditures for wages, salaries, fees or commissions, more than 95 percent reported no expenditures for public relations and advertising services, and more than 60 percent of the lobbyists reported no expenditures at all during the period covered.

2. The narrow definition of "lobbying" as it is used in the act means that disclosure and full compliance with the law simply is not very revealing. Since the Lobbying Regulation Act is generally considered to cover only meetings with Members of Congress, many lobbyists disclose only income and expenses directly associated with such meetings. For example, suppose that a lobbyist received \$1 million from a client for 5,000 hours of work at \$200 per hour.

If the 5,000 hours of work included only 10 hours of direct meetings with Members of Congress, many lobbyists would report only \$2,000 in income—

That is of the million dollars that they actually got.

even if the rest of the time was spent preparing for such meetings and additional meetings with staff.

There are similar problems with the disclosure of the lobbyist activities or objectives. The registration forms require each lobbyist to "state the general legislative interest" to the person filing and set forth the legislative interest by citing short titles of statutes and bills, House and Senate number of bills where known, citations of statutes where known, whether for or against such statutes and bills.

While many lobbyists provide lists of specific bills of interest in each quarterly reporting period, others provide description of

their interest that are so general that they reveal virtually nothing. Like "all operations in Congress that affect operations of the client"; like "general legislative interest"; like "matters pertaining to defense and military legislation"; like "all legislation affecting the insurance industry"; like "all legislation affecting the railroad industry."

Overall, the General Accounting Office found that only 32 percent of the reports that they reviewed stated titles and numbers of statutes and bills that were subject to lobbying as required by the statute.

Now, a third problem that is described in this report with the current basic statute that covers the operation of lobbyists. Before I go on to that, I want to just repeat how useless some of this information is that we currently require, how the current laws perform a disservice to the country because they do not disclose what is intended to be disclosed, but how they also are useless and burdensome to the people who we need to disclose information.

How in the name of Heaven is it of any use when we are told that somebody named Graves as a pro rata expenditure of his salary was paid \$6.56; someone named Young was paid \$3.38 as a pro rata part of his salary to lobby Members of Congress on some issue. Someone is sitting there typing up these forms that are filed, which tell us absolutely nothing of value. Somebody has to divide someone's salary of how many minutes that person spent with a Member of Congress and figure out that person named Young had \$3.38 of his salary pro rated to some meeting with the Senator from Michigan or the Senator from Mississippi.

Someone named Horton was paid \$1.31, we are told in some form. This is the fault of the laws that we have kept on the books for 50 years. The minority of professional lobbyists who file disclosures are giving us that information, which is what they feel they are required to give us, which takes time to prepare and which is utterly useless information. These laws are a disservice to everybody and they have to be reformed.

This has been going on 50 years; 50 years this sham has been going on. We have tried to repair it, we have tried to reform it, we have tried to correct it, but we have failed for five decades, for one reason or another. And I am hopeful that finally today we are going to be able to pass something in the Senate which we can call true reform which is going to finally tell us in a useful way—everybody that has paid money to lobby is going to tell us what the total amount is that they are paid in useful form and on what issues they are lobbying Congress or the executive branch.

Obviously, we are leaving off people who are paying small amounts of money. I think \$10,000 is going to be the threshold that we are going to use in a 6-month period. But where you pay a professional lobbyist more than that amount of money, at that point, we are going to trigger some useful information under our bill rather than to keep

on the books these utterly useless laws which breed disrespect for the law in general and, where they are followed, provide the country with utterly useless information which nobody can understand or put into a useful form.

As we said at the subcommittee hearing, this is a pretty dismal picture of a law that is not functioning as a law, that has been festering on the books too long. We either ought to clean it up, make it relevant, or get rid of it, and that seems to me to be the alternative.

The second major act which applies to lobbyists is the Foreign Agents Registration Act. Again, quoting from the committee report:

This act was passed in 1938. As the Supreme Court explained in 1943, FARA was a new type of legislation adopted in the critical period before the outbreak of the war. The general purpose of the legislation was to identify agents of foreign principals who might engage in subversive acts or spreading foreign propaganda and to require them to make public record of the nature of their employment.

The committee report continues:

In 1966, in response to overly aggressive lobbying by foreign sugar companies, FARA was amended to cover a broader range of foreign activities and interests. Since that time, the focus of the act has shifted from the regulation of subversive activities to the disclosure of lobbying on behalf of foreign business interests. FARA requires any person who becomes an "agent of a foreign principal" to register with the Attorney General within 10 days thereafter. The term "agent of a foreign principal" includes, subject to certain exemption, any person who engages in political activities on behalf of a foreign government, political party, individual corporation, partnership, association or organization.

Each FARA registration statement must include, among other information, a comprehensive statement of the registrant's business, a complete list of employees and the nature of the work that they perform, the name and address of every foreign principal for whom the registrant is acting, the nature of the business of each foreign principal and the ownership and control of each and copies of each agreement with a foreign principal.

The report continues:

In addition, each registrant is required to file a supplemental disclosure statement every 6 months updating its registration and detailing all past and proposed activity on behalf of foreign principals. Supplemental statements are required to include, among other information, a detailed accounting of income and expenses and a list of all meetings with Federal officials on behalf of foreign principals.

First, the report looks at the coverage of FARA. FARA requires any person who acts "as an agent of a foreign principal" to register with the Attorney General and disclose his or her activities. However, broad exemptions to FARA's registration requirements appear to have resulted in spotty disclosure of foreign lobbying activities. The two most frequently cited exemptions apply to: First the practice of law in formal or informal proceedings before U.S. courts and agencies, and second, activities on behalf of a foreign-

owned company in the United States that are in furtherance of bona fide commercial, industrial or financial interest of the U.S. company.

Now, the lawyers exemption. The so-called lawyers exemption to FARA exempts attorneys who provide legal representation to foreign principals in the course of established agency proceedings, whether formal or informal. This exemption was adopted because the Congress determined that disclosure under FARA serves no useful purpose in legal proceedings where full disclosure of the agent status and identity of his or her client is required. Because terms such as "legal representation in established procedures" are not defined in the statute or the implementing regulations, the applicability of this exemption has been left to case-by-case determinations by the Justice Department and by respective registrants themselves.

The Justice Department stated that the lawyers exemption applies only to services that can only be performed by an attorney and only in proceedings established pursuant to either statute or regulation. A letter from the Justice Department stated that "The proceeding must be one established by the agency questioned pursuant either to statute or regulation." The Department interprets legal representation to include those services which could only be performed by a person within the practice by law—practicing law. However, the Justice Department was not able to identify any written guidance or other public documents which reflect its present interpretation of this issue.

Now, perhaps for this reason, the Justice Department's interpretation of the lawyers exemption does not appear to be widely known or followed by attorneys who represent foreign clients. Interviews by subcommittee staff reveal that some attorneys take the view that the lawyers exemption applies only in cases where there is a docketed case with formal appearances entered, while others believe that virtually any service that they provide falls within the exemption, even when they have extensive contacts with executive branch officials on a regulatory issue of broad impact. Experts on the statute generally agree that the scope of the exemption is not clear.

Mr. President, at this time, I ask unanimous consent that some additional pages from the committee report be printed in the RECORD.

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

b. The "Domestic Subsidiaries" Exemption

The "domestic subsidiaries" exemption to FARA excludes from coverage any activities in the bona fide commercial, industrial or financial interests of a domestic company engaged in substantial operations in the United States, even if the company is foreign-owned and the activities also benefit the foreign parent corporation. Again, little formal guidance on the application of this exemption is available.

The Justice Department's letter to the Subcommittee states that the primary test for the applicability of the domestic subsidiaries exemption is "whether the presence of the domestic person is real or ephemeral, in short, whether the domestic person is a viable working entity or a so-called 'front' or 'shell'." However, the Justice Department letter also states that the domestic subsidiaries exemption does not apply when a local subsidiary is making efforts to expand the U.S. market for foreign goods. In particular, the letter cites as definitive a passage in the legislative history which states that—

[w]here * * * the local subsidiary is concerned with U.S. legislation enlarging the U.S. market for goods produced in the country where the foreign parent is located * * * the predominant interest is foreign."

The Justice Department interpretation has not been memorialized in published guidance and does not appear to be widely known or followed by representatives of foreign principals. Some take the position that this exemption applies to any lobbying activity on behalf of domestic subsidiaries of foreign corporations. Others believe that the issue is whether the parent corporation "controls" the subsidiary in such a way that it can be seen as controlling the lobbying. A third category of lobbyists argue that the exemption applies only to "commercial" matters such as contract awards and landing rights determinations.

The widespread confusion over the proper application of FARA exemptions and the lack of clear written guidance from the Justice Department has left broad latitude for individual representatives of foreign principals to reach their own conclusions as to whether registration is required. As one lobbyist who is registered under FARA explained:

"I can argue the commercial exemption for subsidiaries almost any way * * *. I think it is entirely up to the judgment of the registrant, or potential registrant."

The result is spotty disclosure, and in some cases no disclosure at all, of significant lobbying activities.

For example, the Subcommittee on Oversight of Government Management reviewed a heavily lobbied 1989 effort to overturn a decision by the Customs Service regarding the tariff classification of imported jeeps and vans. Although this issue was of great importance to foreign manufacturers of sport utility vehicles and exclusively involved the treatment of imports, almost none of the lobbying activity in this case was disclosed under the Foreign Agents Registration Act.

Of the 48 people identified as lobbying Customs and/or Treasury on behalf of those who opposed the Custom decision, only six were registered under FARA. Three of the six who were registered worked for a single firm and were covered by a single registration; almost all stated that they registered out of an abundance of caution and probably were not required to do so. The reason for this non-disclosure is that virtually all lobbying against the Customs decision was viewed as exempt from coverage under FARA pursuant to either the lawyers' exemption or the domestic subsidiaries' exemption. Consequently, only a small fraction of the lobbying activities conducted on behalf of foreign companies were disclosed under FARA.

2. Disclosure Requirements

Each FARA registration statement must include, among other information, a comprehensive statement of the registrant's business, a complete list of employees and the nature of the work they perform; the name and address of every foreign principal for whom the registrant is acting; the nature of the business of each foreign principal and

the ownership and control of each; and copies of each agreement with a foreign principal.

In addition, each registrant is required to file a supplement disclosure statement every six months, updating its registration and detailing all past and proposed activity on behalf of foreign principals. Like the Lobbying Regulation Act, FARA required detailed accounting of expenses such as cab fares, copying, and telexing. In addition, and unlike the Lobby Regulation Act, FARA requires a complete listing of each federal official with whom the registrant has met during the reporting period.

The Justice Department interprets FARA's disclosure provisions to require that registrants detail even activities unrelated to their registrations—such as providing advice or legal representation on matters that would not otherwise require registration. This means that engaging in even a single "registrable" activity exposes the entire scope of a registrant's activities to public disclosure requirements.

As a Justice Department representative explained at the Subcommittee's hearing—

"Senator LEVIN. So if you have one contact with a Government official and have to register, you then have to disclose everything that you do for that principal even though all those other activities would not cause you to have to register * * *?"

"Mr. CLARKSON. If you have one contact that is of a registrable nature, yes, you would have to register and then you would disclose your activities."

"Senator LEVIN. [Then] you agree with the interpretation that you have to disclose all hundred [activities] even though only one of them required you to register?"

"Mr. CLARKSON. We not only agree with it, that has been our practice. I have no problem with that."

Perhaps because the FARA disclosure requirements are so extensive, the General Accounting Office has found that half of the registered foreign agents do not fully disclose their activities on behalf of foreign principals and more than half fail to meet statutory filing deadlines. The deficiencies identified by GAO included conflicting responses to questions, failures to list contacts with government officials, failures to disclose finances, and failures to include supplemental statements as required.

3. The Administration of the Statute

The Department of Justice enforces FARA largely by sending letters and making phone calls to registrants and potential registrants. The chief of the Department's Registration Unit estimates that about seven or eight formal notices of deficiency were sent out from 1988 to 1991. This compares to 62 deficiency notices sent out by the Department over a similar three-year period in the early 1970's.

The Department has both criminal and civil injunctive enforcement authority under the statute. However, the statute does not authorize either civil monetary penalties or administrative fines. As a result, a few court cases, either civil or criminal, have ever been initiated under the Act. The Justice Department initiated about ten cases in the 1970's, but did not file any in the 1980's.

The Registration Unit also conducts inspections to review the files of registrants and make sure that they have accurately disclosed their activities. Inspections are conducted on a nonconfrontational basis: they are always announced in advance, and some registrants are given an opportunity to amend their filings prior to the inspection.

In 1989, the Registration Unit conducted 14 inspections; in 1990, only four inspections were conducted. These numbers are down

substantially from the mid-seventies, when the Unit conducted 166 inspections in a period of a year and a half and announced its intention to inspect every registered foreign agent within a period of three years.

Six of the inspections conducted in 1989 and 1990 were of lawyer-lobbyists or other firms engaged in lobbying-type activities. Several of these inspections identified significant deficiencies in the lobbyists' registrations. For example, one inspection report indicates that the registrant had routinely filed disclosure statements which noted only that the firm provided "legal representation" for its numerous foreign principals. The registrant failed to indicate that it was involved in extensive lobbying activities, or to disclose the numerous federal officials who were contacted in connection with these activities.

In a second case, a registrant failed to disclose meetings with dozens of federal officials, despite the fact that these meetings were listed in its client billing documents. The undisclosed contacts included meetings with the Secretary of Commerce, the Deputy Attorney General, the Deputy Secretary of Defense, the Deputy Secretary of State, the U.S. Trade Representative, and several Members of Congress. The registrant also failed to disclose almost \$200,000 in income and expenses on behalf of its foreign principals.

In neither of these cases did the Department of Justice seek to sanction the registrant. In each case, the registrant was simply asked to amend its registration statement to provide the missing details.

By contrast, other inspection reports identify dozens of so-called deficiencies that are of questionable significance at best. For example, one report indicates that the registrant accurately identified dozens of meetings with federal officials, but failed to report such activities as suggesting themes for a visiting foreign leader to address in a speech to the U.N. and sending a thank-you note to a federal official after a meeting (the meeting itself was disclosed). The remedy in this case was the same as in the case of the firm that failed to disclose meetings with the Deputy Secretaries of State and Defense: the registrant was required to amend its registration statements.

While those who register under the Act are subject to routine Justice Department inspection of their books and records, those who do not register are not subject to any review of their records short of a criminal investigation. In one instance reviewed by the staff, an attorney for leaders of the Cali (Colombian) drug cartel was reported to have lobbied the Senate Foreign Relations Committee staff and State Department officials, proposing amendments to international treaties that would make it harder to extradite foreign drug kingpins to the United States—without registering under FARA.

When the Justice Department's Registration Unit inquired as to why the attorney had not registered, the attorney told them that he had engaged in lobbying activities in his personal capacity, out of general interest in the treaties, and not in his capacity as an attorney for cartel members. Because the Justice Department did not have the authority to investigate further without initiating a criminal case, it did not inquire further into the matter.

In short, the incentive for representatives of foreign interests to avoid the burdens of registration under FARA is exacerbated by the Justice Department's apparent inability to investigate those who are not registered. While those who register under the Act are required to make extensive disclosure of all registrable and unregistrable activity and are subject to Justice Department inspection

of their books and records to verify the information disclosed, those who do not register are not subject to any review of their records short of a criminal investigation.

As Senator Cohen concluded at the Subcommittee hearings on FARA, the statute is plagued with problems:

"The broad exemptions contained in the Act appear to permit significant lobbying efforts on behalf of foreign companies to go undisclosed * * *. There appears to be genuine wide-spread confusion and disagreement concerning the breadth of these exemptions * * *. There is also considerable confusion and an absence of specific guidance as to what information is required to be disclosed by those agents who do in fact register * * *. There may also have been instances where the Department of Justice has failed to impose sanctions in cases of serious violations, while at the same time devoting significant department resources to require agents to amend their statements to include minor and irrelevant facts."

C. THE BYRD AMENDMENT AND THE HUD DISCLOSURE LAWS

The Byrd Amendment, which was enacted in October 1989 as a part of an Interior Appropriations bill, is codified at 31 U.S.C. 1352.

The Byrd Amendment prohibits the expenditure of appropriated funds to influence the award of a contract, grant, or loan. Subject to certain exceptions, any payment for such lobbying out of non-appropriated funds must be disclosed by the recipient of the contract, grant, or loan. The recipient is required to disclose the name and address of each person paid to influence the award, the amount of the payment, and the activity for which the person was paid. Regulations implementing the Byrd Amendment require the disclosure of each contact made with a federal official to influence the award of the contract, grant, or loan.

This disclosure must be filed with the awarding agency at the time the contract, grant, or loan is requested or received. Each agency head is required to compile the information collected and submit it to the Secretary of the Senate and the Clerk of the House twice a year, on May 31 and November 30. Failure to file a disclosure form is subject to a civil penalty of \$10,000 to \$100,000, to be levied under the procedures of the Program Fraud Civil Remedies Act.

Section 112, of the HUD Reform Act, which was enacted in December 1989, two months after the Byrd Amendment, is codified at 42 U.S.C. 3537b. This provision, like the Byrd Amendment, imposes disclosure requirements on people who make expenditures to influence the decisions of HUD employees with respect to the award of contracts, grants, or loans. Section 112 goes beyond the Byrd Amendment by covering any other HUD management actions that affect the conditions or status of HUD assistance, and by requiring disclosure by lobbyists as well as clients.

Section 112 required disclosure of the income and expenses of lobbyists, to whom the money was paid, and for what purposes. Section 112, unlike the Byrd Amendment, does not require the disclosure of specific contacts with federal officials. Knowing failures to disclose under the HUD law are subject to civil monetary penalties of up to \$10,000 or the amount of the payment to the consultant, whichever is greater. Any person on whom a civil monetary penalty is imposed is barred from receiving any payment in connection with an application for HUD contracts, grants or loans for a period of three years.

Section 401 of the HUD Reform Act, codified at 42 U.S.C. 1490p, creates a slightly different set of disclosure requirements for per-

sons attempting to influence financial assistance awarded by the Farmers Home Administration. Under Section 401, lobbyists are required to register and disclose their name and address, the nature and duration of any previous federal employment, and the name of their clients. They are then required to file, on a quarterly basis, a detailed report of all money received and expended, persons to whom payments were made, and any contacts with federal employees for the purpose of attempting to influence any award or allocation of assistance.

The penalties for violating Section 401 include the rescission of the assistance, the debarment of the violator, and a civil penalty of up to \$100,000 in the case of an individual or \$1,000,000 in the case of an applicant other than an individual. Despite these strong penalties, the provision is so little known that the Department of Agriculture failed to identify it in response to a CRS request to identify any statute requiring persons representing private interests before the Department to register or otherwise disclose their lobbying activities and or contacts with agency officials.

The Byrd Amendment and the HUD disclosure provisions were enacted in response to scandals at the Department of Housing and Urban Development. According to published reports, top HUD officials in the Reagan administration awarded large discretionary grants to developer who retained well-connected and favored consultants as lobbyists. At House hearings on the scandal in 1989, one of these lobbyists agreed that the work he did could be described as "influence peddling".

Mr. LEVIN. Mr. President, the Lobbying Disclosure Act of 1995—this is the bill in front of us today—will end the chaos, close the loopholes, and fix the badly broken current system.

The bill before us today will ensure that we finally know who is paying, how much, to whom, to lobby Congress and the executive branch.

This bill would cover all professional lobbyists, whether they are lawyers or nonlawyers, in-house or independent, whether they lobby Congress or the executive branch, or whether their clients are for-profit or nonprofit. The bill is not intended to, and should not, create any significant new paperwork burdens on the private sector. Indeed, it would significantly streamline lobbying disclosure requirements by consolidating filing in a single form and in a single location, instead of the multiple filings that are required under current laws. Our bill would replace quarterly reports with semiannual reports. It would authorize the development of computer filing systems and simplify forms.

Our bill would substantially reduce paperwork burdens associated with lobbying registration by requiring a single registration by each organization whose employees lobby, instead of separate registration by each employee lobbyist. The names of the employee lobbyists, and any high-ranking Government position in which they served the previous 2 years, would simply be listed in the employer's registration form. Our bill would simplify reporting of receipts and expenditures by substituting estimates of the total, bottom-line lobbying income by category

of dollar value, like the forms that Members of Congress use for disclosure.

They would substitute those estimates for the current requirement to provide 29 separate lines of financial information, with supporting data—most of it meaningless. To further ensure that the statute will not needlessly impose new burdens on the private sector, the bill includes specific provisions allowing entities that are already required to account for lobbying expenditures under the Internal Revenue Code to use the same data collected for the IRS for our disclosure purposes as well.

The bill also includes de minimis rules to ensure that small organizations and other entities located outside Washington will be exempt from registration, even if their employees make occasional contacts. As the bill is written, it would exempt from registration any individual who spends less than 10 percent of his or her time on lobbying activities and any organization whose lobbying expenditures do not exceed \$5,000 in a semiannual period.

We intend to offer an amendment to increase those thresholds to 20 percent and \$10,000 respectively, to ensure that we do not place unreasonable burdens on individuals and organizations that are not professional lobbyists.

In short, we have exempted small organizations from registration requirements, as long as those paid lobbying activities are minimal. We have carefully avoided imposing any burden at all on citizens who are not professional lobbyists but who merely contact the Federal Government to express their personal views.

Now, the so-called grassroots lobbying provision in last year's conference report, to which some objected in the last Congress, are not in the bill before us today. They were not in the original Senate bill last year. They were added in the House, or modified and accepted in conference—without much opposition, by the way. In fact, I do not think there was any opposition in the conference. But what we have returned to is the original Senate provisions on these points, as they were adopted by the Senate last year.

In particular, this bill deletes definitions of grassroots communications, deletes requirements to disclose persons paid to conduct grassroots lobbying communication, deletes the requirement to separately disclose grassroots lobbying expenses, deletes the requirement to disclose if someone other than the client pays for the lobbying activities, and deletes all references to individual members of a coalition or association as clients.

Let me just repeat that, because this became such a contentious issue last year. The grassroots provisions, which were in the conference report, and which became the subject of so much contention on the Senate floor here last fall, are not in this bill, just the way they were not in the Senate bill as

it originally passed the Senate last year.

Now, there have been a number of other concerns raised about our bill. We are going to be offering an amendment later on to address some of these concerns.

First, we are going to further reaffirm that the bill does not cover grassroots lobbying by adding a specific statement that lobbying "does not include grassroots communications or other communications by volunteers who express their own views on an issue." That is the first part of the amendment. Just to make it absolutely clear that we are not trying to, in any way, cover communications by people who are expressing their own views on an issue, we are going to make that express statement to address any lingering concern that people have in that area.

Second, our amendment will address concerns that the bill might reach small groups and local organizations that engage in only incidental lobbying. We want to assure people that we are not trying to reach the small group, the local organization, who pay someone to lobby, or who spend money on paid lobbying activities, but where as only incidental lobbying.

What we are doing is increasing the amount of time—the threshold—we are increasing the amount of time that must be spent on lobbying to be considered a lobbyist. We are increasing that from 10 to 20 percent of a person's time over a 6-month period.

What that means is a person would now have to spend more than 5 weeks lobbying full-time in a 6-month period to be considered a lobbyist. And we are increasing the exemption for small organizations that spend minimal dollar amounts on lobbying, we are increasing that amount from \$5,000 to \$10,000 in a 6-month period, and we are specifying that multiple lobbying contacts are required for a person to be considered a lobbyist.

In addition, our amendment is going to address concerns about an independent agency being created to administer and enforce this act. This concern is that somehow or another that an independent agency could become a rogue bureaucracy and could impair first amendment rights.

What we are doing in our amendment is eliminating the provision that establishes the new agency. We are going to entrust all filing requirements to the Secretary of the Senate and the Clerk of the House of Representatives who handle them now. We are going to permit the executive branch to provide guidance to potential registrants on how to comply through the Office of Government Ethics, but not giving that agency any investigative or enforcement power responsibility.

We are eliminating the enforcement provisions of the bill altogether and replacing them with a simple provision, providing a civil monetary penalty for violations, and we are reducing the

maximum penalty for violation from \$100,000 to \$50,000.

In addition, the amount would lengthen the period of time for filing registrations and reports from 30 days to 45 days. We will permit nonprofit others to file duplicate copies of the IRS form 990 in lieu of disclosure of dollars spent on lobbying under the bill. We will clarify that written materials provided in response to a specific request do not count as lobbying, regardless of whether the request is oral or written.

These amendments, a series of changes which we will make in our own bill by amendment, should remove concerns that the bill could impose registration and reporting requirements on organizations that engage in only incidental lobbying. We are removing the independent agency. We will address the concern that we are empowering an executive branch agency to audit investigative review, sensitive lobbying communications or deter citizens from exercising their first amendment rights through arbitrary or selective enforcement.

At the same time, we are making these changes to address those concerns, we are going to leave intact the heart of the bill, which plugs loopholes in the current lobbying disclosure laws and ensures all professional lobbyists have to register and report who is paying them, how much, to lobby Congress and the executive branch, on what issue.

We are going to require that if our bill passes, regardless of whether or not the paid lobbyist is a lawyer or a non-lawyer, whether or not the client is profit or nonprofit, and whether or not the lobbyist is an in-house lobbyist or a lobbying firm.

Mr. President, while we want to avoid unnecessary burdens on the private sector, we must ensure that the public gets basic information on that critical point—who is paying who, how much to lobby Congress, and the executive branch, and on what issue.

We will oppose any effort to eliminate important disclosure requirements or to exclude coverage of lobbying on certain types of issues or to limit disclosure to legislative branch lobbying, or to raise the thresholds in the bill to unrealistically high levels.

In the last Congress, the Lobbying Diagnosis Closure Act was adopted by the Senate by a 95-to-2 vote. A conference report was then passed by the House and sent to the Senate for final consideration.

Unfortunately, objections to certain provisions related to grassroots lobbying made it impossible to enact the bill at that time. Those provisions are not in this version, just as they were not in the Senate bill when this bill passed the Senate last year.

The fact is, 95 Members of this body are on record as favoring a strong lobbying disclosure bill. Mr. President, there was a recent public opinion poll, 1993, a little over a year ago, where

voters were asked who wields the real power in Washington. The answers should energize Members to act. The answer in that public opinion poll was—and again, the question, who has the real power in Washington?—7 percent said the President; 22 percent said Congress; 50 percent said lobbyists. Mr. President, 50 percent of the American people feel that lobbyists wield the real power in Washington—more than twice as many as feel that we bear the real power and have the real power in Washington, and over 7 times as many as feel that President Clinton has the real power in Washington.

Lobbying disclosure is one of three pillars of reform. If we are serious about increasing public confidence in this democratic Government, we have to address at least three fundamental issues. One is lobbying disclosure. That is before the Senate in this first bill. Second, is gifts. That will come before the Senate in the next bill we take up. The third is campaign finance reform.

Mr. President, I indicated that we have an amendment which will make a number of changes. Before I send that amendment to the desk I want to repeat them, because they address issues which have been raised and which are, I believe, important to all Members of this body.

The first provision of this amendment will reaffirm that the bill does not cover grassroots lobbying by adding the specific statement that lobbying does not include grassroots lobbying communications or other communications by volunteers who express their own views on an issue.

The amendment that we will offer also makes it clear that we are not reaching small groups and local organizations that engage in only incidental lobbying. We are doing that by increasing the amount of time that a person must spend lobbying, paid to lobby, from 10 to 20 percent of that person's time during the reporting period, and we are increasing the exemption for small organizations that spend minimal dollar amounts on lobbying from \$5,000 to \$10,000 during that 6-month period.

Also, we are specifying that multiple lobbying contacts are required for a person to be considered a lobbyist—a single lobbying contact does not count. All three of those must exist before the person fits the definition of a lobbyist.

We are also addressing the concerns about the creation of an independent agency to administer and enforce the act by eliminating the provisions creating that agency. We are doing a number of additional things in this amendment, as I indicated in my prior description of the amendment.

AMENDMENT NO. 1836

Mr. LEVIN. With that, I send an amendment to the desk on behalf of myself and Senator COHEN and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan, [Mr. LEVIN] for himself and Mr. COHEN, proposes an amendment numbered 1836.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment is as follows:

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph and insert in lieu thereof the following:

"Lobbying activities do not include grassroots lobbying communications or other communications by volunteers who express their own views on an issue, but do include paid efforts, by the employees or contractors of a person who is otherwise required to register, to stimulate such communications in support of lobbying contacts by a registered lobbyist."

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "\$2,500" and insert "\$5,000".

On page 17, line 2, strike "\$5,000" and insert "\$10,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "\$5,000" and insert "\$10,000".

On page 18, line 19, strike "\$5,000" and insert "\$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 12, strike "\$2,500" and insert "\$5,000".

On page 21, line 17, strike "\$5,000" and insert "\$10,000".

On page 21, line 23, strike "the Director in such form as the Director may prescribe" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 22, line 6, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

"(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a

statement that income or expenses totaled less than \$10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 25, line 24, strike subsection (e). On page 31, line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

"SEC. 7. DISCLOSURE AND ENFORCEMENT."

"(a) The Director of the Office of Government Ethics shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act; and

"(2) after consultation with the Secretary of the Senate and the Clerk of the House of Representatives, develop common standards, rules, and procedures for compliance with this Act.

"(b) The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(2) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(3) ensure that the computer systems developed pursuant to paragraph (2) are compatible with computer systems developed and maintained by the Federal Election Commission, and information filed in the two systems can be readily cross-referenced;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES."

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line 5, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18.

On page 55, line 23, strike Section 20.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES."

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1997.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

THE PRESIDING OFFICER. The Senator from Mississippi.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. LOTT. Mr. President, as I said earlier this morning, I think it is important to point out again that every Senator on both sides of the aisle agrees that there needs to be lobbying reform. There are a number of changes that can be made that are long overdue, as a matter of fact. Unfortunately, in past years these issues have been bogged down by crowded schedules, sometimes partisan politics, sometimes misunderstandings. But for whatever reason, it has not been done. I think we have a chance to accomplish that today, and we intend to work together in a bipartisan effort to accomplish that goal.

I do want to point out at the beginning, the majority leader, Senator DOLE, to help facilitate this effort, did create a Bipartisan Senate Gift and Lobbying Reform Task Force to study these issues and develop proposals for reform. The leader set up this task force at a time when most Members were skeptical that anything could really successfully be crafted as a compromise.

I am pleased to report that the task force has met, we have had a lot of discussions, and I think significant progress on the issue of lobbying reform has been accomplished and we are moving toward a bipartisan bill. I specifically would refer to several of the points the Senator from Michigan has just noted, the proposals that are included in the amendment he just sent to the desk.

He changes the language with regard to grassroots lobbying efforts and adds additional guarantees and clarification that this is not intended to and will

not in any way chill the efforts of our citizens and our constituents who come to Washington to try to seek redress from the Government to contact their Senators. That is a very important change from last year.

We can go back and think again about the history of how we got that language in the bill last year. Last year it was added in conference. Members originally, I think, did not object to it because they had not really had a chance to assess what the ramifications might be, but, as Senators started looking into it, their concerns grew. But that has been clarified and will not be a problem here today.

Also, changes have been made with regard to incidental lobbying that I think are very important. Some people will have occasion just to make an indirect, maybe one-time contact with a Senator or staffer that could qualify as incidental, and that would have language that would address that concern.

I think it is important that the threshold in this compromise alternative is being raised. I believe the language that was in the original bill was at \$2,500 for an individual lobbyist. I believe that was too low. Some significant movement has been made in that area. The penalty, while we feel if there is a blatant or repeated violation of the disclosure rules there should be an opportunity for some maximum penalty, I think it was excessive in the original Levin bill. Also, to increase the filing period from 30 to 45 days just makes fundamental good sense—gives them time, at least, to comply with the filing requirements.

So I think all of those are very positive movements, and I think we will be able, hopefully, to narrow areas where we need discussion down even further very shortly.

Before I delve into the details of some of the task force work, I would also like to begin by commending the members of the task force for their time. The Senate minority whip, Wendell Ford—Senator FORD from Kentucky has been very helpful in cochairing this task force. The Senator from Kentucky, Senator MCCONNELL, who has for a long time been interested in serious lobbying reform, has assisted the efforts and, as chairman of the Ethics Committee, has been very involved. The chairman of the Rules Committee, Senator STEVENS; Senator ASHCROFT; Senator BREAUX; Senator COHEN; Senator DODD; Senator FEINGOLD; Senator LAUTENBERG; Senator LEVIN; Senator REID; Senator ROCKEFELLER; Senator SIMPSON; and Senator WELLSTONE have all been involved in this effort.

As I noted, we have made significant progress in the lobby area. It does not appear that as much progress has been made in the gift-rule area. That will come up next. But we will continue to work on that also throughout the day.

Last month, when the Senate Lobbying Reform Task Force was created, we started to have these conversations that have led to some agreements. I

think we have reached some changes that will lead us to sound policy, not just political sound bites. We want to continue to work in that area.

But the task force has identified some areas that we still are very much concerned about and we want to work on. One of those is the definition of a lobbyist. The definition of a lobbyist—it is very important that we have a clear understanding of that. The original bill was, I think, way too broad and would have required a constituent back home, who maybe would have only come to Washington once a year, to register as a lobbyist. We feared this might be a deterrent to some constituents to actually doing what they might be entitled to under the Constitution. To avoid this situation, we have already reached an agreement on two significant changes in this area of definition of a lobbyist.

First, I believe both sides of the aisle have agreed to increase the percentage of time an individual must spend lobbying to be considered a lobbyist from 10 to 20 percent. Second, we are in the process of negotiating changes in the level of compensation a lobbying firm or organization must receive in order to be required to register. The original bill, as I noted, only exempted firms receiving under \$2,500, and organizations receiving under \$5,000 for other organizations. The level is clearly too low. While this level might be appropriate under current law where lobbyists are only required to report contacts made with actual Members, the compromise we are working on would go beyond that, and I think we need to change the levels that are involved. We are talking about maybe even the involvement of contact with staff. So we are discussing a change of those limits even more. I do not think we have reached a final agreement, but we are getting closer.

It is very important we do not begin this process by finding a way to create a new, additional Federal agency, as was originally included in this bill. I feel particularly strongly about that. To set up another organization with more people being employed at the Justice Department really is just not called for. I understand Senator LEVIN has agreed we would change that. And it would require that lobbyists register with the Clerk of the House or the Secretary of the Senate within 45 days of their first lobbying contact. That is a major movement.

We should not create this new agency at the Justice Department or anywhere else. We should continue, basically, with the reporting receptacle that we have now, and they will be able to deal with it because I do not think there is going to be a great expansion in the number of filings. But we will just have to see how that will work out.

There is one other point we continue to have disagreement on, and that is whether or not the executive branch should be included. The original Levin bill also included lobbying of the executive branch, and while this may or

may not be a desirable goal, we are concerned about including coverage of the executive branch.

The President has the authority to require lobbying disclosure by Executive order, if he wishes to do so. The President recently created a Lobbying Reform Task Force with the Speaker of the House, and their efforts may have some recommendations later on to change the coverage. But I think we should not preempt that.

Let us make this applicable to the legislative branch. That is where we work. That is what we are really trying to deal with. There will be other processes and other ways that you can deal with whether or not the executive branch should be covered.

So I know that Senator LEVIN and others have been working on this a long time. Senator MCCONNELL I see is on the floor and will want to comment.

I am very pleased that the majority leader went ahead and scheduled this early in the week rather than late in the week where this legislation might have been in a crunch with other legislation. We can consider it today, and hopefully come to a conclusion before the day is out on at least lobbying reform. And then we will see what we can do on gift reform.

Mr. President, in view of the fact that Senator MCCONNELL is here, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me thank my good friend, the majority whip, for the effort he has made to move this issue along. I think all of us are grateful to him for his leadership.

I also want to commend the Senator from Michigan, Senator LEVIN, for coming a long way, it seems to me, in the proper direction with the latest alternative which he has suggested.

Mr. President, I think it is important to remember what the fundamental issue before us is. The Constitution of the United States gives to each American citizen the right to petition the Congress. And the courts have held that there is no distinction among those who petition the Congress and are not paid to do so and those who petition the Congress and are paid to do so. In other words, a citizen does not waive his or her constitutional rights simply because they are paid to represent a group that does not have the time to come to Washington and do the job themselves.

So there is no constitutional distinction between lobbyists and nonlobbyists when it comes to the protective constitutional right to petition the Congress. That is at the heart of this debate. Of course, the surface appeal facing lobbyists is overwhelming. But the Constitution is designed to protect the individual.

So what we are seeking to achieve here, I think as the majority whip

pointed out there is a good chance we may well achieve it, is a consensus effort here to strengthen the lobby laws but not to discourage people from exercising their constitutional rights.

I might say, at least as far as this Senator is concerned, that it seems appropriate, as we look to require further disclosure from lobbyists, that we consider not exempting those who lobby for the nonprofit sector and that we consider not exempting those who lobby for the Government sector. There are governments, State, and local governments, and even arguably divisions in each part of the Federal Government, the so-called legislative affairs offices of each Cabinet at the Federal Government, that are also seeking to influence us and to push us in the direction arguably of expanding the Government; or to spend more money on Government programs.

One of the things I hope we can take a look at in the course of this debate is whether or not the distinction between those who lobby for the private sector and those who lobby for the Government sector or the nonprofit sector is a valid distinction. Why is it that one kind of activity designed arguably to promote the free enterprise system is somehow suspect and another kind of lobbying activity to promote the expansion of Government is somehow not suspect? So one of the things we will be discussing in the course of this debate is whether that is an appropriate distinction.

But, Mr. President, my friend from Arizona is here. He is prepared to offer an amendment which I personally believe, having talked with him about it, is a good amendment. I will not speak any longer at this point. I am going to make an opening statement later this morning.

But I want to commend the Senator from Michigan for the movement that he has made. I think we are moving in the direction of coming together here and passing a landmark piece of legislation.

So with those opening observations, Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank both the Senator from Michigan and the Senator from Kentucky. I realize the volatility of this issue. I realize the difficulty involved in it. There is no doubt that there are very strong arguments on both sides.

Mr. President, I say to my friend from Michigan—and I intend to do this later in the day—but I believe that one of the reasons there is such a diversity of view here is that there is not a defining standard as to what is expected in the way of gift rules.

I remember quite a few years ago when there were some very stringent gift rules enacted for the executive branch. I think the Senator from Michigan remembers, as I do, that there was great gnashing of the teeth

on how it would not work, and that it would be impossible to enforce, et cetera. But it has worked.

I urge both my colleagues to look at the rules as far as gifts are concerned that apply to the executive branch of Government. It has worked. It is fair. I have not heard, at least in recent years, inordinate complaints that it is an unworkable situation. Very frankly, the gift ban as it exists today as far as the executive branch, it seems to me should apply to the legislative branch. The members of the executive branch are subject to the same lobbying, and the same influences because decisions of enormous consequence are made in the executive branch.

I look at the Defense Department and see that multibillion-dollar decisions are made in the executive branch which have frankly very little input from time to time from the legislative branch. Yet, I believe it was back in the 1970's, that a very stringent gift rule was enacted in order to cure some of the problems that existed in the executive branch, and those seem to be working today.

Very fundamentally, Mr. President, these gift bans are \$20 and \$50 aggregated. As far as the gift limit is concerned, gifts of \$20 or less are allowable, with an aggregate limit of \$50 from any one source in any given calendar year. There is no difference between in State and out State, difference for lobbyists versus nonlobbyist, and a Member must document all gifts received and make such information available every 6 months. The definition of a gift would be basically the same as is being proposed but it would be expanded to include meals and entertainment.

As far as charitable events are concerned, payment of meals, if the staff member participates in a meal or dinner event. Exemptions would be that there is no difference between in State and out of State, and no difference between lobbyists and nonlobbyists. Meals up to \$20 from any source would be allowed. Meals of any value may be accepted from charitable organizations if the Member attends an event sponsored by a charity, and substantially participates in those activities.

Finally, if there is entertainment associated with a Member's trip, these should be paid for by the Member if the value exceeds the gift level ceiling.

Again, since there seems to be significant differences between both sides of the aisle, I would urge my colleagues to go back and look at the rules that pertain to the executive branch of Government which have worked now for nearly 20 years. And I would suggest that would be a very important place we could begin, and perhaps reach some agreement here before we consume the entire week with debate on this obviously very emotional issue.

Mr. President, I ask unanimous consent to lay aside the pending amendment in order to propose an amendment.

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

AMENDMENT NO. 1837

(Purpose: To repeal the Ramspeck Act)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1837.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

Mr. MCCAIN. Mr. President, this amendment basically repeals the Ramspeck Act, the act, which as I understand, was enacted around 1940. It provides an unequal playing field for those members of staff in Congress who have worked here. It is obsolete and unfair. The time has come to terminate it.

It provides exclusive privileges to legislative and judicial branch employees attempting to secure career civil service positions within the Federal Government. The Ramspeck Act makes a special exception to certain competitive requirements of civil service positions for individuals who have served 3 years in the legislative branch or 4 years in the judicial branch.

Under this act, legislative branch employees are given competitive status for direct appointment to a civil service position if they are involuntarily separated from their job, and they are allowed 1 year from their date of separation in which to exercise this privilege. Furthermore, the Ramspeck Act waives any competitive examination which ranks applicants for jobs for individuals who are former legislative or judicial branch employees. Therefore, if a competitive exam is given to rank candidates for a certain civil service position, a select group of contestants are permitted by the Ramspeck Act to effectively skip a hurdle, yet they are assured of being able to be selected for the job.

Finally, individuals appointed under that act become career employees in the civil service without regard to the tenure of service requirements that exist for other civil service employees. Most people who have successfully competed for a position within the civil service must then serve a 3-year probationary period before they achieve career status with their agency. Ramspeck appointees, however, are

afforded with career status immediately.

Mr. President, I wish to point out very clearly the amendment will have no impact on any former Senate or House employee who lost their job in the last election. I think it is very important that we point that out. The results of this last November's election caused a very large number of involuntary job losses among legislative employees from the other side of the aisle. Republican staffers have utilized their eligibility under the Ramspeck Act to gain preference as have others, so this amendment would not be enforced for 2 years in order to allow those individuals who were displaced by last year's election to have the same opportunity that others have had for the last 40 years.

Mr. President, not only is the act itself very wrong but there have been several cases that have really been egregious. The GAO issued a report in May of 1994 concerning the Ramspeck Act, and they were able to come up with several examples of how really egregious some of the individuals have been in taking advantage of this legislation.

They point out a case, and I quote from page 63 of the GAO report:

The individual reestablished her Ramspeck eligibility by returning to Congress after 9 years and 11 months and remaining in the position for 5 days.

Mr. President, what that means is the individual had left her employment here in the Congress, had been gone for 9 years and 11 months, returned to work for a Member of Congress for 5 days and thereby reestablished eligibility and then obtained a job with the Department of the Interior.

The individual's qualifying employment had been obtained in Congress from 1975 to 1982. After positions both in and out of Government, she accepted a noncareer schedule C position with the Department of Interior in October 1991. On November 6, 1992, after making inquiries about her Ramspeck Act eligibility and noncompetitive career appointment opportunities at the Department of Interior, the individual resigned from her noncareer position with the Department of Interior. On the same day, DOI approved a new career position to which the individual was subsequently appointed. She began work for a congressional committee on November 9, 1992, knowing that it was a 1-week special project. On November 10, she applied for and on November 12 was approved for a noncompetitive appointment to the new career position at the Department of Interior under the Ramspeck authority. The appointment became effective on November 16.

Another case:

The individual reestablished his Ramspeck eligibility by returning to congressional employment after 4 years and remaining in a position for 8 days with a Congressman who had not been reelected. The individual had worked in Congress from 1967 to 1989. He then held a noncareer SES appointment at the Department of Interior until he resigned on November 30, 1992. At the time of his resignation, he was earning \$112,100 per year. On December 1, 1992, the individual returned to a position on the staff of a Member of Congress. The position paid \$1,200 per year. The

following day, the individual obtained the Member certification that he would be involuntarily separated because the Member had not been reelected. Therefore, the individual would be eligible for a noncompetitive career appointment under the Ramspeck Act. On December 3, the individual applied for a new career position at the Department of Interior. DOI created the position on November 24 and on the same day requested, authorized and approved a personnel action to appoint the individual noncompetitively under the Ramspeck Act to the new position. All this took place days before the individual had resigned from his noncareer position.

Another case:

The individual established her Ramspeck eligibility by returning to congressional appointment after 5 years and 7 months and remaining in the position for 12 days. The individual, who had worked in Congress from 1970 to 1987, was given a temporary appointment on June 11, 1987 and on June 21 was converted to a permanent noncareer schedule C position at the GM-14 level. On June 15, 4 days later, the position was upgraded to the GM-15 level and the individual was promoted to the position on July 17. The individual resigned from the noncareer position on December 5, 1992, and 2 days later joined the staff of a Member of Congress who was planning to retire. She obtained a Ramspeck certification on December 14—

That is 9 days later.

stating that she would be involuntary separated because the Member was retiring. The individual terminated her employment on December 18.

That is 13 days later.

and applied to DOI for a noncompetitive career appointment under the Ramspeck Act on December 21. She received a career appointment on January 11, 1993 in the same office in the Department of Interior from which she had resigned. A position to which she was noncompetitively appointed had been created in July 1992, and it apparently had remained vacant since that time. The new career position had some of the same duties and responsibilities as the GM-15 noncareer position.

Mr. LOTT. Mr. President, will the Senator from Arizona yield for a question or comment?

Mr. McCAIN. I will be glad to yield.

Mr. LOTT. I wish to commend the Senator from Arizona for his work in this area. I must confess that when he first called the Ramspeck Act to my attention earlier this year, I had no idea really what was involved. He at that time agreed that he was going to try to educate us all a little bit better and he would be back with an amendment in this area later on this year. He is fulfilling that statement today.

As I have gotten into Ramspeck, I think he has a very good point. This is something that should absolutely be changed. Most Americans have no idea what is involved here and I daresay most Members of Congress. Most of us just were not aware that there was any kind of special arrangement whereby a Member of a congressional staff could wind up getting preferential treatment in employment in the executive branch.

Is that basically what happens under the existing law? If you are on a congressional staff, you can go over to the executive branch under special consid-

eration and get a position on a non-competitive basis, is that the way it could properly be summed up?

Mr. McCAIN. Yes. This bill was signed into law in 1940, and there is no doubt that it was an attempt to help individuals who had worked in the legislative branch obtain employment. We all know that the vagaries of the electoral process dictate that—and sometimes the death of Members. But that may have been valid in 1940. I am not prepared to judge the wisdom of this body at that time, but clearly at this time it is not only inappropriate but also there have been some very egregious abuses of the system as it existed.

The system alone was bad, but then when we have people who go over and serve on the staff of a Member of Congress for 7 days or for 20 days, who have not been working in Congress—as I mentioned, one of them had not worked in Congress for 7 years and 3 months, went over, worked for 20 days for a Member of Congress and then got a GS-15 position, which is a permanent position, as the Senator from Mississippi knows. That is really something we need to do away with. I appreciate the question.

Mr. LOTT. Mr. President, I thank the Senator for yielding. I certainly agree with him and will support his amendment when we get to a vote on it later on today.

Mr. McCAIN. Mr. President, could I just mention in closing, I ask unanimous consent that several articles here, one from the National Journal, one from the Wall Street Journal, and an editorial from the Arizona Republic be made printed in the RECORD.

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

[From the Arizona Republic, Nov. 19, 1994]

LOSERS GET SPOILS, TOO

We've all heard the adage about the spoils going to the victor. The impending change-over to Republican control of Congress is a good example. That means thousands of patronage workers on Capitol Hill—from committee staffers to drivers and telephone operators—the vast majority of whom were appointed by Democrats, could be looking for work.

"Could" is the operative word here, thanks to a little-known federal law called the Ramspeck Act. Under the law, named after the Georgia congressman who authored it decades ago, congressional employees who lose out in the political shuffle are given first preference for civil service jobs in the federal bureaucracy. That's right! Even the losers stand to gain taxpayer-paid spoils.

As a practical matter, most low-level congressional workers who will lose their majority party positions—committees in the new Congress, for example, will have more Republican staffers than democratic appointees—will likely have to find jobs elsewhere. But the cream of the crop, most of them top congressional aides, lawyers and policy experts, will be able to go to the head of the employment line for jobs in the executive branch under the Ramspeck Act.

The Clinton White House will be under immense pressure to accommodate these Democratic Party loyalists, says Mark R. Levin,

director of legal policy for the Washington-based Landmark Legal Foundation. Writing in *The Wall Street Journal*, Levin observes that these are the same individuals "responsible for drafting the onerous, big-government approach that the voters rejected on Nov. 8."

Under Ramspeck, hundreds of these policy-makers could "burrow" into large federal departments and agencies throughout the country, Levin says, and "continue to impose their liberal views on the public." The law applies to congressional staffers with three years or more of service who lose their jobs due to "reasons beyond their control . . . such as death, defeat or resignation" of their bosses. Thus, they are allowed to avoid normal competitive procedures for filling federal jobs and gain immediate career status, with civil service protection, when hired.

When the shoe was on the other foot a few years ago and the outgoing Bush administration sought to find jobs in the federal bureaucracy for its top staffers, then-Democratic Rep. William Clay, a champion of labor rights, condemned the process. "Burrowing in," as he put it, "is an insidious practice that undermines the civil-service system, takes jobs away from better-qualified career employees and could sabotage the efforts of the new administration to carry out the will of the people."

We couldn't have said it better.

Levin suggests that the new Republican Congress repeal the Ramspeck Act. It is, after all, precisely the kind of double standard that has served to set official Washington apart from the rest of the nation and which helped to fuel the grass-roots rebellion that turned Democratic incumbents out of office.

"Make the former Hill staffers find real jobs in the private sector," urges Levin. And as an added bonus, he says: "If they ever come back to government, they will be more sensitive to the needs of working Americans" who have no such exemptions written into law for poor job performance. Getting Washington to play by the same rule as the rest of us ought to be high on the next Congress' agenda.

[From the Wall Street Journal, Nov. 15, 1994]

THEY'LL NEVER LEAVE

(By Mark R. Levin)

When the American people fired the Democratic majority in Congress last week, they also sent thousands of congressional staffers into the private sector—or did they?

The House Republicans have set up a transition committee, headed by Rep. John Boehner (R., Ohio), to examine the 40-year-old Democrat patronage system. Rep. Boehner's spokesman informs me that there are some 13,000 committee staffers and patronage employees in the House, the vast majority of whom work for, or were appointed by, Democrats. (This does not include the untold hundreds of individuals who work on the personal staffs of congressmen.)

Although Rep. Boehner has sought, but not yet received, a complete list of these jobs from the Democrats, it is estimated that several hundred of the patronage employees serve as doorkeepers, barbers and beauticians, printers, photographers, elevator operators, security personnel, furniture movers, drivers, telephone operators, librarians and the like.

Padding the public payroll with friends and loyalists is not particularly new, but it is wasteful and ought to be eliminated. However, the real issue in terms of policy and governing involves the fate of Congress' shadow government—i.e., what will come of the thousands of soon-to-be unemployed

Democratic staffers who are responsible for drafting the onerous, big-government approach that the voters rejected on Nov. 8? These are the folks who wrote such oppressive legislation as the Omnibus Budget Reconciliation Act of 1993 (which brought us retroactive taxation, among other things), the Elementary and Secondary Education Act (which federalizes such local educational curriculum), and the Endangered Species Act (which threatens private property rights).

If the Republicans keep their promise to cut a third of Hill jobs, such a reduction—plus the turnover of a majority of the committee staff positions from Democrats to Republicans—will result in an unprecedented, large-scale exodus of these shadow legislators. But where will they go? Many of the staffers are lawyers. Not even in Washington are there enough legal or lobbying positions to employ most of them. And few businesses can use the remaining aides, many of whom have nothing but Capitol Hill experience. That's where the Ramspeck Act—a decades-old law widely known to most Hill dwellers—comes in. This law allows out-of-work staffers to find employment among the ranks of career civil servants in the executive branch. The only requirements are that the ex-staffer must have worked a minimum of three years in Congress, must be qualified for the position (of course, a position can be created to ensure that the applicant qualifies), and must exercise his Ramspeck eligibility within a year of losing his congressional job.

Upon receiving a Ramspeck appointment, the former congressional aide receives the same job security and protection as a civil servant. In fact, he becomes a civil servant who can only be removed from his new position for cause—a rare event in our federal bureaucracy.

There will be immense pressure on the Clinton administration to hire Democratic congressional aides. And since there are only a relative handful of political jobs the White House can offer, federal departments and agencies may be pressured to accommodate them through Ramspeck appointments. This would enable hundreds of congressional staffers to burrow into large federal departments and agencies throughout the country.

Why is this a concern? Every year thousands of pages of regulations are written, imposed, interpreted and enforced by workers employed in the executive branch. These individuals make decisions every day that affect our lives. There is a real danger, therefore, that many of the same congressional staffers whose bosses were just deposed by the American people will assume important decision-making positions in the federal bureaucracy, permitting them to continue to impose their liberal views on the public.

The incoming Republican leadership should take immediate steps to prevent the possible abuse of Ramspeck hiring. For one, the future speaker, Newt Gingrich, and senate majority leader, Bob Dole, should write immediately to each federal department and agency head, advising them that come January 1995, appropriate oversight will be exercised to determine whether (and the extent to which) Democrat congressional staffers have merely relocated from the halls of Congress to the bowels of the bureaucracy. The GOP leaders should also consider legislation abolishing the Ramspeck Act, which is intended to protect congressional staffers at the taxpayer's expense.

Make the former Hill staffers find real jobs in the private sector. There's an added bonus here: If they ever come back to government, they will be more sensitive to the needs of working Americans.

[From the National Journal, March 1994]

RAMSPECKED!

(By Viveca Novak)

(The 1940 Ramspeck Act allows some congressional aides to circumvent the traditional civil service hiring process and secure immediate—and highly coveted—career status. But critics say that "Ramspecking" is as good a symbol as any of what's wrong with the labyrinthine federal personnel system.)

Phyllis T. Thompson, known to most as Twinkle, got lots of experience working on Interior Department issues on the staffs of Sen. Barry Goldwater, R-Ariz., and the Senate Select Committee on Indian Affairs. In 1987, she was rewarded with a political appointment to Interior's Bureau of Land Management. But in December 1992, not long after Democrat Bill Clinton was elected President, she jumped back to Capitol Hill—oddly, to the staff of Sen. Steven D. Symms, R-Idaho, who had not run for reelection and would be leaving office on Jan. 3.

Thompson worked for Symms for 11 days. Then she suddenly resurfaced at Interior, drawing an annual salary that's somewhere from \$69,000-\$90,000 in a career civil service job for which she was given preferential consideration.

Thompson was engaged in a neat bit of "Ramspecking." The bizarre-sounding maneuver is great for those who can use it, but not so great for those who happen to believe in a purer merit system or who get edged out of jobs or promotions by Ramspeckers. Although Vice President Albert Gore Jr.'s National Performance Review sparked some hope of sweeping changes in the federal bureaucracy, sources who worked on the "reinventing government" report said that Ramspecking and other preferential hiring systems, which have drawn much criticism over the years, are too hot to handle and probably won't be taken on.

The 1940 Ramspeck Act, named for its chief House sponsor, gives a leg up on executive branch jobs to congressional and judicial branch employees with at least three years of total service who are "involuntarily separated" from their jobs—if their bosses die, retire or are defeated, for instance, or if their jobs are restructured out of existence. They avoid the regular competitive process and are given immediate—and highly coveted—career status.

In short, it's a perk.

Make no mistake about it: The Ramspeck Act, which results in maybe 100 or so appointments a year, may seem like little more than a speck in center of a federal work force that includes about two million workers, not counting the U.S. Postal Service.

"When we're fighting about whether or not there are going to be RIFs [reduction in force], whether or not there are going to be buyouts," said Robert M. Tobias, the president of the National Treasury Employees Union, "this doesn't get to the top of the list."

GAMING THE SYSTEM

But in an environment in which the federal bureaucracy is under intense scrutiny as part of a high-level effort to make it more efficient and more responsive Ramspecking is as good a symbol as any of what can be so disheartening about the labyrinthine federal personnel system. Seemingly well intentioned, the law can be used to good effect, according to some who have had experience with it. But schemers have found ways to game the system while staying within the letter of the law. And even when it's used as directed, critics say, it's circumvention of the traditional civil service hiring process weakens the system and erodes morale.

"The Ramspeck Act is discriminatory," Fredric Newman, a retired director of civilian personnel for the Army, said, "It contradicts the merit system, and I tried to avoid applying it."

Donald J. Devine, who headed the Office of Personnel Management (OPM) from 1981-85, wrote a memo to Clinton after the election in which he urged him, among other things, to get rid of the Ramspeck Act. "It's one of the innumerable provisions undermining the merit principle," Devine said in an interview. "There's no real justification for it. It's basically one of countless benefits of the legislative branch."

The 1992 election provided laboratory conditions for observing the two principal species of Ramspeckers. First, there was a change not only in Administration, but also in party. Former Capitol Hill aides who'd gotten political jobs in the Republican executive branch were looking for life rafts in the career civil service—various ways to burrow in. Sen. David Pryor, D-Ark., sent the General Accounting Office (GAO) a list of 150 names and 50 department or agency reorganizations that his office had received complaints about in this regard, some of them involving Ramspecking. The GAO's final report is expected out in a few weeks.

Second, 1992 brought the largest exodus of Members of Congress since 1948, and attached to each lawmaker were several aides who were faced with the prospect of finding new employment. Morton Blackwell, a conservative activist, was running seminars in House Annex I on how to Ramspeck. "Conservatives must match the Left's mastery of the Ramspeck Act," he declared (although statistics don't indicate that either party has a lock on this). "Dedicated conservatives now can use non-competitive routes to secure career employment in the federal government. . . . In government, personnel is policy."

Without a presidential contest in the wings, Ramspecking of the first type will be little practiced until 1996 or later. But the 1992 election brought plenty of it, some of which looked fishy under even a lenient threshold of acceptance transition behavior.

OPM, investigating complaints about 14 Ramspeck appointments at the Interior Department in 1992 and early 1993, found that seven political appointees had returned to Congress for periods of only a few days to a few weeks. This reestablished their Ramspeck eligibility; the law doesn't require an employee's three years of congressional service to be continuous, but it does require that the Ramspeck transfer take place within a year of leaving Capitol Hill. While such brief appearances on the Hill between political and Ramspeck jobs seem to be technically permissible, OPM report called them cause for "grave concern." The report went on to say that "it is difficult to conceive that the act was intended as a means to convert political executive branch employees into career civil servants."

OPM zeroed in on two cases. One was that of Timothy Glidden, who held a political appointment as legal counsel to then-Interior Secretary Manuel Lujan Jr. Glidden, a former congressional aide, quit his job at Interior shortly after the election and went on the payroll of Rep. John J. Rhodes III, R-Ariz., who'd just have been defeated. He worked there from Dec. 1-8, earning all of \$26.67. Then he returned to Interior with a Ramspeck appointment as a program analyst in the Office of American Indian Trust.

Some officials of the Interior Department apparently weren't surprised. According to OPM, the job was created for Glidden even before he left. (Glidden told OPM's investigators that he was unaware of that.) The report branded Rhodes' hiring of Glidden and

Glidden's return to the Interior Department "a cynical manipulation of the Ramspeck authority to achieve a preordained result, the placement of [Glidden] in a position especially designed for him."

OPM also assailed the recent career path of Hattie Bickmore, who'd worked on Capitol Hill for eight years before she accepted a political appointment in 1991 as a special assistant in the Minerals Management Service. But she left that position for a one-week job (Nov. 9-13) with the Senate Governmental Affairs Subcommittee on Oversight of Government Management, at the request of Sen. William S. Cohen of Maine, its ranking Republican—a particularly ironic placement because the committee sometimes investigates complaints about Ramspeck abuses. On Nov. 16, she was appointed under Ramspeck authority to a career GM-15 position in Interior's Take Pride in America program.

Bickmore told OPM, among other things, that she wanted to qualify for retirement benefits, for which she'd be eligible in February 1994. And, she said, "it's a known fact that it's all right to go back [to the Hill] to get Ramspeck eligibility reestablished."

But OPM found this case to be much like Glidden's: Affidavits and other evidence indicated that a job was being created for her to return to before she even left. "No reasonable person examining the total situation in these two cases could conclude that these two appointments met either the letter or the spirit of the Ramspeck Act," OPM said. Besides having prearranged, custom-made jobs waiting for them at Interior Glidden and Bickmore couldn't argue that their departures from their short stays on the Hill were involuntary.

OPM recommended that both Glidden and Bickmore be terminated. Bickmore was fired, and lost her appeal to the Merit System Protection Board on March 15 of this year. Glidden departed as well, though it could not be ascertained whether he retired or was fired.

OPM fond these two cases the most egregious because jobs were created for them, said Michael D. Clogston, the assistant director of its compliance and evaluation office. "But we found in a number of cases, people were going up [to the Hill] for a quick cup of coffee, in effect," he said. "That conferred upon them eligibility to get a job in the executive branch. And a lot of people are of a mind that if you went up for quick cup of coffee, that in itself was enough to violate the spirit of the law."

The Ramspeck process "was started for these poor devils who worked long years on the Hill and fond themselves out of a job because their boss lost or died." Clogston added, "In the cases we looked at, none of them fit those circumstances."

THE SILVER PARACHUTE

Most who use the Ramspeck privilege come straight from the Hill after the lawmaker they've worked for leaves Congress. That was the intent behind the law. Its legislative history indicates that Members wanted to provide something for the loyal aides, who had little job security and could, through no fault of their own, be out of work overnight. Because they usually had some expertise to offer, the reasoning went, why not allow them to put it to use in another branch of government?

There was also a strong "me too" motivation. "If there is justification for 'blanketing' into permanent civil service positions many thousands of persons, there is certainly justification for granting this opportunity to employees of the legislative branch," said the conference committee's report from 1940, which also noted that a simi-

lar provision was available to White House employees.

"On Capitol Hill, you've got these people who are professionals and have no civil service protection—people who have put in years of service, who have some qualifications and know their areas," said Edward J. Gleiman, the chairman of the Postal Rate Commission and a former staff director of the Senate Governmental Affairs Subcommittee on Federal Services, Post Office and Civil Service, which Pryor chairs.

Said a former Senate administrative assistant in recounting the vagaries of life on Capitol Hill, "John Heinz's staff goes out to lunch and comes back and they're out of a job." Heinz, a Republican Senator from Pennsylvania, was killed in an airplane crash in 1991.

And some who are on the hiring end of things, in federal departments and agencies, say that Ramspecking offers other advantages. "Generally, I think it's probably a useful thing," said Thomas S. McFee, the assistant Health and Human Services (HHS) secretary for personnel. "These people have had unusual experience and can make a valuable contribution." Ramspecking cuts time-consuming red tape that would otherwise mean advertising a position, ranking and evaluating applicants and so forth. McFee pointed out—and Ramspeck candidates must qualify for the positions they take.

According to a survey by National Journal, HHS had by far the largest number of Ramspeck hires—17—of all federal departments and agencies in the 13-month period beginning in December 1992; Interior had 9 and the Agriculture and Veterans Affairs Departments each had 8. Over all, at least 80 workers were hired as Ramspeck appointments in that period (several agencies didn't respond).

Some congressional offices were especially adept at Ramspecking. Former Rep. Gerry Sikorski, D-Minn., for example, sent three aides to dry land that way after he lost in 1992. The Senate Environment and Public Works Committee—after its chairman, Quentin N. Burdick, D-N.D., died—managed to Ramspeck four of Burdick's people. When the House Select Committee on Narcotics Abuse and Control went out of business early last year, two of its employees were Ramspecked into HHS. Former Rep. Mike Espy, D-Miss., took some aides with him as political appointments when he became Agriculture Secretary; he took three more under the Ramspeck Act.

For all its seeming humanitarian utility, however, the Ramspeck Act seems to have more critics than it does fans or neutral observers.

"If you believe in separation of powers, why give preference to legislative branch employees?" a federal personnel expert asked. "This is a special privilege that ought to be examined. If we're truly to have an apolitical civil service, these kinds of things shouldn't go on. They denigrate the underlying principles of an open and competitive civil service."

Ramspecking is sometimes used as a kind of political appointment, but with indefinite security. Applications for jobs with Ramspeck certifications attached were a common sight in the White House personnel office in the early days of the Clinton Administration.

"I would argue that it's really not necessary," said Mark Abramson, the president of the Council for Excellence in Government, a not-for-profit organization of former public officials. "The political people can get political appointments at any time through Schedule C or non-career SES [Senior Executive Service]. I just don't see any reason to give special treatment to congressional staff

members, I think it's outlived its usefulness, if there ever was one. There's political appointments and then there's the career process."

And clearly, congressional offices can manipulate the process. One gambit plays off the fact that employees are eligible for Ramspecking not only if the Member they work for leaves Congress, but if their office goes through a restructuring that leaves them out of work.

"If [a staff member] is interested in a civil service job, congressional offices will go through the motions of restructuring and certify them for Ramspeck," the staff director of a Senate office said. "If [it] doesn't hurt anything, we will try to do it for them. Of course, we don't say we did it at their request."

Offices also "sometimes say they've restructured and they haven't," one aide added. "The way I look at it is, the quality of life here is pretty low. It's long hours and low pay, and for people with a family, it's hell. If there are small ways we can bend the rules to make things easier, we do it."

Making things easier for a congressional aide, however, doesn't necessarily make things easier for those on the other end of the process.

"They come in with the support of a Congressman or a Senator, and you're told as a manager that this person is coming in at a given level," said a former agency manager who now works for the White House. "There are sometimes complaints filed by other employees, but the grievances don't hold up because it's legal."

A supervisor's resentment over being forced to hire someone rarely has happy consequences. Stephen Hoddap, a staff member of the House Interior and Insular Affairs Committee for three years and a 17-year veteran of the National Park Service before that, wanted to Ramspeck back to the Park Service after his boss, Rep. Robert J. Lagomarsino, R-Calif., was defeated in 1992. He became the assistant superintendent of Shenandoah National Park over the objections of the superintendent, who was told to hire him by higher-ups. According to Hoddap, when he arrived, all his duties were taken away and he had nothing to do. "I had no job," Hoddap said. He left after two months, returning to his old position on the Hill but this time attached to Rep. Don Young, R-Alaska."

For career civil servants who are hoping to advance, Ramspeck and other preferential appointments, which are often at the highest levels, can "shoot morale right to the bottom," said a former employee of the Small Business Administration, who saw such appointments bottle up the promotion hopes of career civil servants in his office. "It affects quality of work, motivation and incentive to achieve."

Ramspeck isn't the only preferential hiring loophole in the federal personnel system. There are, for instance, a veterans preference, a preference for those who have served in the Peace Corps, a measure that in some cases gives priority to Native Americans—even a preference for people who have worked in the Panama Canal system. The huge number of special hiring authorities and arrangements makes it clear that merit—supposedly the backbone of federal personnel policy—is far from the only yardstick used in sizing up candidates.

"The general concept of having a congressional person go to the head of the class is hard to justify in a merit system," the staff director of a Senate committee said. "But the precedent has been set: the merit system has been encroached on in other ways. Veterans get preference, I can't justify that, either. We're talking about characteristics

that have nothing whatever to do with the ability to do the job."

"The merit system is very disjointed, and the definition of merit is something that truly needs to be reexamined," Patricia W. Ingraham, a professor of public administration at Syracuse University's Maxwell Graduate School of Citizenship and Public Affairs, said. "It's a word that in many ways has lost its meaning."

The multiple layers and tangled strands of the federal personnel system were spotlighted by the National Performance Review's report last fall: The 850 pages of federal personnel laws, 13,000 pages of OPM regulations and 10,000 pages of the *Federal Personnel Manual* don't make for efficient and productive government, Gore declared. And there's been some progress. Recently the manual was slashed to 1,000 pages. Federal departments and agencies are supposed to be developing their own hiring guidelines.

But doing away with or reforming Ramspeck and its brethren would require legislation, and no one expects the Clinton Administration, for all its reinvention efforts, to tackle preferential hiring systems head-on. "There was an early look at this," a participant in the National Performance Review said. "The decision was made not to tackle it. It was a strategic decision; we could have lost the whole ball of wax. Why throw up red herrings that would have Congress pissed off at us?"

The constituency for Ramspeck, after all, is Congress itself.

"People are staying so far away from this, 'a top aide to a congressional committee that deals with personnel matters said. 'You have some trying to eliminate it, others saying it serves a legitimate purpose. But the debate would be around this being a perk for congressional staff, and I for one would not relish that in the current atmosphere' in Washington."

Some would simply argue for better policing of the Ramspeck Act to prevent abuses. Currently there's no central oversight of Ramspeck appointments, something the GAO may recommend in its forthcoming report. OPM's review of Glidden's case and a few others covered only the Interior Department and was prompted by a large number of complaints and by requests from a Senate committee: it is the only such review that OPM has ever done, and the agency has no authority or plans to routinely examine Ramspeck placements.

Meanwhile, this year is shaping up as one that will bring turnover on Capitol Hill rivaling that of 1992. As lawmakers retire, run for other office or take their hits at the polls, their staffs will be looking for someplace nice and safe to land—someplace like the civil service. Look for plenty of Ramspeck appointments to wash into the executive branch, triggering the usual complaints from career civil servants—particularly because, as the federal work force, and especially midlevel management, is downsized, there will be more competition than ever for a limited pool of jobs.

Potential Ramspeckers, start your engines. Demand for Ramspeck certification forms is starting to pick up again at the House Clerk's Office, according to records coordinator Robert Duncan. It's a handy bit of paper to have in your hip pocket come election time.

A LAWMAKER'S LAMENT

What a legacy. Imagine if, after years of public service, many people mentioned your name only in connection with an employment perk for congressional staff, if they mentioned it at all. In this case, even those who know the ins and outs of the Ramspeck process have no idea who the man was; his name has become a verb.

Georgia Democrat Robert Ramspeck served in the House from 1929-45, a portion of which time he chaired the Civil Service Committee; during his last two years, he was Democratic whip. In the 1950s, he chaired the Civil Service Commission (subsequently absorbed into the Office of Personnel Management and the Merit Systems Protection Board).

Ramspeck seemed to be acting in the interests of long-suffering congressional aides when he introduced legislation to give them an edge in getting into more-secure government jobs if they were thrown out of work on Capitol Hill.

Making a living was a subject near and dear to Ramspeck's heart. His colleagues reportedly were surprised when Ramspeck resigned from Congress at the end of 1945 to take a job as a lobbyist (yes, it was ever thus) with the Air Transport Association. In March of the following year, his byline appeared under the headline "I Couldn't Afford to Be a Congressman" in a first-person piece for Collier's magazine. Ramspeck wrote that on a Member's \$10,000-a-year salary, he could "barely skin by," especially because at that time lawmakers financed their own reelection campaigns and there was no provision for retirement pay. Ramspeck proposed a retirement system for Members similar to one that executive branch employees had. It passed, but "editorials denounced us as moochers, as hogs in the public trough . . . the entire Congress was besmeared," Ramspeck wrote, and the law was rescinded. Congress eventually got its own retirement system.

Ramspeck, incidentally, had other complaints about Congress that seem eerily familiar nearly 50 years later. Among them: "I have known of some cases of scared voting by good men who could foresee nothing but disaster for themselves if they antagonized certain groups."

Ramspeck died in 1972.

[From the National Journal, April 1995]

A SAFE HAVEN FOR EX-AIDES?

(By Michael Crowley)

The 1940 Ramspeck Act, designed to help congressional employees who become unemployed "involuntarily through circumstances beyond their control" find federal jobs, has been put to good use since the November elections. Now it's being put under the microscope.

Suspecting that use of the act would surge after the election left hundreds of Democratic aides jobless, Senate Governmental Affairs Committee chairman William V. Roth Jr., R-Del., asked the General Accounting Office (GAO) in November to tally Ramspeck appointments.

The GAO did, and found a 500 per cent increase in the over-all rate of executive branch appointments since November, as compared with the first 11 months of 1994. The 74 Ramspeck Act appointments since November are already more than triple the 21 in the first 11 months of last year.

Roth, who says that he is "shocked" at this apparent inconsistency with attempts to downsize the federal government, has asked for more GAO reports, although he plans no further action at this time.

Even before the elections, congressional aides had their eyes on Ramspeck opportunities. Last fall, the House Administrative Assistants Alumni Association, a group that helps former congressional staff members find new employment, held a seminar offering tips on finding Ramspeck jobs.

Mr. McCain. Mr. President, I hope that my colleague from Mississippi and my colleague from Michigan, if they

agree with this amendment, would also be amenable to adding this amendment, if there is a compromise, which I believe there will be, to either the gift ban or the lobbying ban or the combination of the two. I would appreciate their consideration on that.

Mr. President, I will not ask for the yeas and nays because I have some anticipation that this amendment may be agreed to by both sides, although Senator GLENN, who has worked on this issue extensively, would probably want to be involved in the consideration of this amendment.

Also, Mr. President, let me mention that there was a hearing held, thanks to the distinguished Senator from Alaska, Senator STEVENS, in the Governmental Affairs Committee. I do not think there was any doubt that the testimony presented in that hearing was clear that this law long ago outlived its usefulness, if it ever had any.

So I want to thank the Senator from Mississippi for supporting this amendment. I hope that the Senator from Michigan can. And although we could bring this legislation freestanding, I think it might be appropriate as an amendment on this bill since this legislation is an attempt to do away with some practices to which the American people object.

Again, I want to congratulate the Senator from Mississippi, the Senator from Kentucky, and the Senator from Michigan, as well as Senators FEINGOLD and WELLSTONE. I hope we can reach an agreement on this gift ban issue. I do not think it reflects great credit on this body when we seem to be arguing over whether \$20 or \$50 is an appropriate amount of money to purchase a vote of a Member of Congress. I hope that we can reach some level of accommodation and comity so that we reflect well on this body and the Congress as a whole.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me be brief, while the Senator from Arizona is on the floor. I am not as familiar with the amendment as others on the Governmental Affairs Committee, so I cannot comment at any length on this point.

I just have one question I would like to ask the Senator from Arizona, however, and that is, I believe Senator STEVENS has suggested some language which had been added to one version of the amendment which would have allowed, I believe, the past experience of the legislative staff to be considered at the time of the appointment. I am not familiar with the language, but I am wondering, I gather that language is not part of the Senator's amendment. We are trying to get hold of Senator STEVENS relative to that language. I understand Senator PRYOR has not yet arrived at the Capitol. I know that he had an interest in this legislation as well. I do not know what his position is

relative to the amendment, however, and I do not want to suggest that he opposes it. He might not. I just do not know. He is en route to Washington from Arkansas.

I just make those two comments for the information of my friend. Particularly I do want to alert him to the fact that I understand Senator STEVENS did have language which was added at one point which was not in this form. We are trying to alert Senator STEVENS so he will be aware of it.

Mr. McCAIN. I thank my colleague.

Mr. LEVIN. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I would like to offer a few comments this morning in support of the legislation dealing with lobby disclosure and gifts for Members of Congress.

I think it is clear that the level of cynicism and disillusionment of the American people about the performance of Government and the integrity of public officials has reached rather historic heights. I think what helps fuel that sense of outrage is the public sense that the system is not serving the public good but instead is being manipulated by so-called special interests that serve their own ends. I would like to take a few moments to talk about the special interests and this anti-Government feeling that is so pervasive throughout the country.

It seems to me that the word "politician" over the years has always been taken in a negative fashion. We hear radio commentators, for example, talk about "the politicians." It is not said in a complimentary sense but rather a negative one. I have always preferred to use the phrase "public official" or "public servant," because I think that is basically what we are sent here to be, and that is to serve the public's interest. Again, the word "politician" has that negative connotation or spin, and I suspect the words "lobbyist" and "special interest" fall in the same category.

Everyone who serves in the House and Senate understands that we are not specialists. We are great generalists. Perhaps in our past lives as private citizens, we had some degree of specialty. Mine was as a trial attorney. I tended to specialize in certain fields within that practice of trial work.

Coming to Congress, I no longer was able to specialize by virtue of the fact that I had to have a much broader view of things. I had to try to make myself as knowledgeable as possible in a great variety of areas.

So I became, like most of us here, a generalist. Of course, we are all familiar with the expression that a generalist is someone who reads less and less about more and more until he knows absolutely nothing about everything. I do not think we all fall in that category but, nonetheless, we often have to float along the top of issues by virtue of the very volume of issues we are

required to confront. So when we hire people to work for us, our staff members, we try to hire the best and brightest to make sure that they are well informed on the issues that we are going to confront during the course of a legislative session.

Lobbyists also play a very important role in our system. They are not to be derided or denigrated or criticized or condemned. They, in fact, are hired as experts to represent the people who, indeed, have special interests that come before the Congress. The notion somehow that special interests are anti-democratic could not be more wrong. Indeed, our Founding Fathers determined that our country was comprised of special interests. Virtually everybody in the country has a special interest.

If you are talking about farmers who want subsidies or other Government programs to assist them in the production of their products, they are clearly a special interest. If you talk about homeowners who wish to have a tax deduction for interest payments on their mortgage, that clearly is a special interest. It is a policy we have adopted to encourage people to become homeowners but, again, it is a special interest. We have business men and women who would like to have accelerated depreciation schedules so that they can continue to modernize their businesses. That is a special interest. You can go to any facet of our society, and virtually everyone has a special interest in Government policies.

Perhaps one of the clearest examples of this came about many years ago when I was flying on Delta Air Lines from Bangor to Washington. As I boarded the plane, a flight attendant stopped me, and she said, "Are you bothered by all of those lobbyists down in Washington every day?" I could see by her facial expression that she, in using the term "lobbyist," saw them as some sort of evil affliction upon our system.

I said, "Frankly, I am never bothered by a lobbyist in Washington." The only people who lobby me intensely are flight attendants who insist that I preserve their tax-free travel status. There was a measure under consideration by the Senate Finance Committee some years ago to tax so-called fringe benefits. Many flight attendants, instead of receiving direct compensation, get free travel benefits for themselves and their spouses. Congress was considering taxing those benefits as income. So every time I got on the plane, guess what happened? I was lobbied by the flight attendants, saying, "Please do not touch our tax-free travel benefits."

A point I was trying to make to the flight attendant was that she, in fact, was a lobbyist. She was lobbying me, as were her colleagues, on each and every occasion I got on a plane. It was another case of lobbying on behalf of a particular special interest.

So we have this notion that somehow lobbyists are an evil upon the system—that is wrong—and that special interests are somehow also something to be condemned, when, in fact, they are an inherent part of our system. People organize along the lines of their special interests. We can see many people here in the galleries today, visitors to Washington. They may be on school vacations or family vacations. They come to the Senate and to the House to sit in the galleries to look upon the system at work. For the most part, they cannot take the time out of their daily lives—and they probably cannot afford it—to be lobbying Members of Congress on a regular basis. But they may have a very special interest. They may have a very special interest in legislation that will have a major impact upon their businesses, upon their professions, upon their lives. And so what many are forced to do, by circumstances, is to hire an expert, hire a trade association, or hire a law firm that has developed expertise over the years to better articulate their viewpoints and to bring their views to the attention of the legislators who are elected to represent them. That is all part of our system. That is exactly what the democratic system is all about.

The difficulty, of course, comes when there is a misperception that it is the special interests who hire the lobbyists who are gaining access and unfair advantage over the general commonweal, the general public good. That is where the cynicism starts to set in when there is a perception that just a few key people are being paid very high dollars in order to shape and influence and alter public policy in ways that are very damaging to the overall good of the country.

That, Mr. President, is why we are here today to talk about lobbying disclosure, because the current system is simply a sham. It does not work. The laws are confusing, vague, overlapping, and duplicative. They require some to register—not many. Those who do register file information which is virtually meaningless. And so the cynicism starts to set in once again.

We can recall that during the last Presidential campaign, when Ross Perot started to call the attention of the American people to those high-priced lobbyists and special interests in Washington controlling the destiny of the American people, he struck a cord, a deep cord of public approval. What we need to do is to reform the system in a way that provides uniformity, that provides simplicity, and that provides clarity. Those are the goals that Senator LEVIN and I have been striving to achieve for several years now.

Frankly, we found during the course of the hearings on this legislation that there was not great disagreement from the lobbying community itself. They were, in fact, eager to have some piece of legislation, comprehensive in nature, that would lay out with clarity

exactly what are their responsibilities. So we tried to address the issue of who is required to register? Who is being paid to lobby? How much is that person or organization or firm or association being paid to lobby? And to lobby on what?

So basically, who is being paid how much to lobby on what? Those were the essential ingredients of the legislation we have proposed in past sessions. Regrettably, there was a good deal of misunderstanding in the final days of the last session that delayed action on the bill. I believe this is an issue that cannot continue to be delayed without contributing to this deep sense of cynicism that continues to exist among the American people.

It is my hope that as we discuss this today, and focus, also, on the issue of gifts, we can reach agreement. I might say that few of us believe that any Member of this body or the other body is going to be corrupted by a steak dinner or a pocketknife or some other token that comes through a Member's office during the course of a year. Nonetheless, it is an issue that we have to address.

I think Senator MCCAIN struck precisely the right note when he said we should not be arguing whether the gift limit should be \$20, \$50, or \$100. The issue is whether there should be any at all. Should we try to remove the seeds of discontent, even though we feel that it has been perhaps mischaracterized, that it is a false perception? Nonetheless, it is a deeply held perception, so we ought to remove it.

Mr. President, Senator LEVIN and I have proposed an amendment to the lobby disclosure bill which is designed to meet the objections of our colleagues. We think that it fairly does that. First, as Senator LEVIN already indicated, the grassroots lobbying provisions that were included in last year's conference report that caused such controversy are no longer included in this bill. They are excluded. The pending amendment would go even further to the extent there is any uncertainty on this point. It provides additional clarification that the bill does not apply to grassroots lobbying or other communications made by volunteers to express their own views.

The amendment also doubles the thresholds when individuals or organizations are required to register as lobbyists. It eliminates the provisions that would establish a new agency to administer and enforce the law. It maintains the current system of having reports filed with the Secretary of the Senate and the Clerk of the House.

I understand the concern on the part of our colleagues, who say, "Here they go again, another new layer of bureaucracy. Here is a brand new agency that is going to be created with all the attendant levels of bureaucratic delay and redundancy." I think there was a measure of merit to the concern. Our problem was that we did not know where to put the repository for the re-

ports. We have agreed, however, that we do not want to complicate this matter and create another bureaucratic layer of duplication for the people who have to file. So we have agreed to eliminate that provision.

Finally, the amendment would strike the enforcement provisions and, instead, provide the Secretary or the Clerk to notify lobbyists who may be in violation, and refer possible violations to the appropriate U.S. attorney if no corrective action is taken.

We have tried to accommodate our colleagues' concern that this is somehow going to turn into a witch hunt of lobbyists who might have made innocent mistakes. That is not our intent at all. I have tried to indicate by my own comments that I believe lobbyists provide a valuable contribution to the legislative process. We, frankly, cannot function effectively without having lobbyists who represent "special interests," who are in fact the American people. We need their expertise to be brought to our staffs and to us, and to weigh their views. That really is what we are elected to do—to weigh the relative merits of the case made by those advocates who are hired by the American people to come to us to urge a particular position.

As long as a system is open to everybody, the American people will benefit. The danger is when there is a perception that only a few big lobbyists are getting through, only a few big special interests are getting through, only the ones who can afford to hire the high-priced individual can get through. That is where the cynicism comes in, and that is what we have to do our level best to seek to eradicate.

We want to make sure that the public is fully aware of who is being hired, by whom, how much they are being paid, and to do what. As long as there is full disclosure of those activities, then at least there is hope that we can reduce that level of distrust, that level of alienation, that level of cynicism.

Mr. President, I hope as we move through the afternoon's debate that we can arrive at an understanding or accommodation. We have tried to take into account our colleagues' concerns. We believe that we have moved substantially in that direction, to remove any doubts about what the goal ought to be.

I think the goal is shared by all—simplification, uniformity, and clarity. Those are the goals that Senator LEVIN and I seek to achieve, and I believe with a measure of good will demonstrated throughout the day we can arrive at a consensus where there will be virtually unanimous consent for the legislation that will emerge. I yield the floor.

Mr. LEVIN. Mr. President, let me first thank my friend from Maine for the continuing contributions which he has made to political reform.

This bill before the Senate on lobby disclosure is one of three pillars of reform. He has been steadfast in his support of lobby disclosure reform. Whether I have chaired the subcommittee or he has chaired the subcommittee, we have worked together on this through a number of Congresses.

Hopefully, we will be able to pass a strong bill today to put an end to a situation which breeds total disrespect for law. We have a number of laws on the books that purportedly require lobbyists to register and disclose but are both a sham and in a shambles—and have been that way for decades.

Hopefully, we will not only pass a strong bill here today on lobby disclosure and lobby reform, but we can at long last get a bill that passes the House, gets through a conference, and gets adopted by both Houses in exactly the same form. When that happens, I am sure we will be celebrating together just as we have worked so hard together through this past decade and a half on this and so many other subjects. I want to thank him for his leadership in this area.

Mr. WELLSTONE. Mr. President, I will be relatively brief. First, I thank Senators LEVIN and COHEN for their very fine work, and I am very pleased to be an original cosponsor. As all of my colleagues know, we have taken up lobbying reform first and then later we will take up the gift ban legislation.

I think both Senators make a compelling case. We really have not made any changes since the late 1940's—I think, since 1948. The point is, for those that are paid to lobby, whether lobbying legislators or members of the executive branch, this is part of the way in which we conduct politics in Washington, DC. People in the country have a right to know who is being paid to lobby and have a right to have some understanding—or a clearer understanding, let me say—of the kind of scope of those activities. I think that is what we are trying to do in this lobbying reform effort.

Mr. President, again, I think this goes to the heart of accountability. I think it goes to the best of good government. I certainly hope that this very important lobbying reform effort will bear fruit and we will pass a reform measure.

Senator COHEN said it well as I was coming in. I believe what I heard him say, that it was absolutely nothing to do with the denigration of the work of any particular lobbyist, that is not it at all. It has much more to do, again, with just making sure that it is a political process that is open and accountable. That is the issue.

I commend both Senators for their very fine work, and say that I am very proud to be a part of this. It is also true, Mr. President, and I want to be clear, we will take up gift ban later on. That is not what is on the floor right now.

We have two different amendments—two different initiatives—that we will

be dealing with separately. I do think, however, there is an important connection, namely, as we move forward and pass—and I believe we will, I believe we must—a comprehensive gift ban reform and as we put some restrictions on this. It is very important. Obviously, if we are going to have some very clear restrictions about what lobbyists can give, then it will not work if only a small fraction of those who are actually paid to lobby are ever really listed, or if we do not have a clear idea as to who the people are who are getting paid to lobby, or we have no clear idea of what their scope of activities are. Those measures, in a policy sense, are very closely related.

Mr. President, the last point—and let me again point out for colleagues that gift ban is later; right now it is lobbying reform. One more time, in 1994, 88 current Senators, 85 veteran Senators and 3 of the 6 freshman Senators who served in the House of Representatives in 1994 voted in favor of the comprehensive gift ban bill which we will have on the floor tonight or tomorrow. I just would say to those Senators that I think there was a reason for that kind of broad-based support. I hope people will not retreat from that or essentially change their positions or flip-flop, or whatever characterization can be used.

Mr. President, this is an issue that people in the country feel very strongly about. I think it goes beyond just the gift ban reform. I think it has more to do with the very strong sense that people have about politics in Washington.

The Senator from Kentucky and I have many disagreements in these different areas, but I personally think—and I apologize to the Senator if I am being presumptuous—but I personally believe there is one very strong area of agreement, which is that neither Senator would be in public service if we did not believe in our work. I reject the across-the-board bashing and denigration of public service, whether it is Democrats or Republicans or Independents. I think it takes us nowhere good as a nation.

My very strong feeling about this is that the sooner we move forward and pass what I think would really be some strong reform measures, credible reform measures, that changes some of the political culture in the Nation's Capital, the better off all will be. We need to let go of it. I think people want us to let go of it. I think we have at the moment, whether tonight or tomorrow or whenever we get to gift ban, some very major differences.

I say to my colleague later, when we get a chance to debate this, because I do not want to move in on the lobbying reform time, but I think that at the moment, at least, the Republican proposal has just some gigantic loopholes, large enough for a truck to drive through.

Later on tonight, not now, Mr. President, I will include an editorial from

the New York Times on Saturday called "Republican Gift Fraud." Frankly, before it is all over, I think we can pass a strong comprehensive gift ban legislation.

To give but one example, if we essentially say any gift under \$100 is fine, lobbyists or others, and it does not aggregate, in theory, every day of the week someone can be taking Members out or paying for a ticket to an Orioles game or whatever. This is where there is agreement and disagreement.

On the agreement part, I do not actually think that Senators "are for sale." I do not look at any of this as sort of representing the wrongdoing of individual officerholders. I just do not believe that is what it is about. But at a systemic level, I must say that what people of Minnesota say to me is, "Look, Senator, people do not come up and ask to take us out to dinner."

Mr. MCCONNELL. Will the Senator yield?

Mr. WELLSTONE. Does the Senator from Kentucky have a question?

Mr. MCCONNELL. I want to commend the Senator for his observation, because I do think there is a lot of rhetoric about people selling influence for lunch. I appreciate the observations of the Senator from Minnesota that is clearly not the case.

I also think that the only thing I agree with my friend from Minnesota about is, I think, on the gift issue, it is time to get it over with one way or the other. I think it is time to make a decision. I think we will have a good debate about what is appropriate; hopefully in restrained tones, without a lot of implications that things are going on that are clearly not going on.

So I commend the Senator from Minnesota for his observation that any such suggestions that Members of the Senate are selling influence for lunch are absurd. And I hope we can have a high-level, appropriate debate on this issue. Second, I agree with the Senator from Minnesota, I think it is time to wrap it up on the gift rule and, hopefully, we will be able to do that later tonight or first thing in the morning.

Mr. WELLSTONE. Mr. President, I thank the Senator from Kentucky again. I said to my colleague from Michigan I did not want, now, to make gift ban the focus. We are now on lobbying reform. Of course the disagreement the Senator from Kentucky and I have, and I think also with the Senator from Michigan and others, that while I do not think the issue was the wrongdoing of an individual officerholder, that was my position—while I reject the denigration and the bashing of public service and people who are in public service because I am very proud the Minnesotans have given me this opportunity to be a Senator—on the other hand, I think as I started to say, when people in Minnesota come up to me—you may have had the same thing happen to you, Mr. President—what people say is, "Look, Senator, in all due respect, people do not offer to take us

out. Lobbyists are not asking us to go out to dinner. They are not always contributing tickets for games, they are not paying for us to go to various events in the country, for our travel for ourselves or our spouses. And we do not think it is appropriate that you take those gifts either. Because whether or not this leads to undue influence, it certainly seems that way to us."

I must say that it does become a part of the pattern of influence in Washington. It does become a part of the political culture in this city. And that is what makes it so profoundly wrong.

So, while I am not here to bash individual Senators or Representatives, or point the finger and say that somebody sold out for a particular lunch, I would say in the aggregate this is the way in which business is now conducted that does lead to a situation where too few people have way too much access and way too much say. And too many people, too many of the people we represent, are left out of the loop. That is why I think this will be such a fundamental debate later on.

Mr. President, we may get to it tonight or we may get to it tomorrow. I think we ought to be voting one way or another and we ought to be held accountable.

Again, I say to all of my colleagues, last year, 85 Senators and 3 of the 6 freshman Senators who served in the House, voted for this measure that Senator LEVIN, myself, Senator FEINGOLD, Senator LAUTENBERG, Senator MCCAIN and others have worked on. So I do not see why in the world now, especially when everybody has been talking about reform, there would be a retreat from this.

The majority leader himself, I think, last October 15 came out on the floor and said: No lobbyist lunches, no entertainment, no travel, no contributions to legal defense, no fruit baskets, no nothing. It could not be clearer. We will get to that later on.

At the moment, I say to colleagues, I hope there will be a coming together over the next couple of days. First, we will pass a good, strong, lobbying reform effort. This is very significant, what Senator LEVIN and COHEN have been working on. This goes to the heart of a really important reform issue that, by the way, people in the country care fiercely about.

It is not true that people in the country are not focused on good Government, are not focused on making Government more open and more accountable. This goes to the heart of that. So I think it is imperative that we come together and pass a strong reform effort in the lobbying reform area.

The same thing could be said for the gift ban, Mr. President. The same thing can be said for the gift ban. For my own part, I would like nothing better than to see Senators on both sides of the aisle come together and support two major reform initiatives in these two decisive areas, lobbying reform and gift ban.

On the other hand, when it comes to gift ban, given what I have seen on the Republican side so far, I do not view that as a step forward. I view it as a great leap sideways or backwards. If that is the case, then we will have a major, major debate and then all of us will be held accountable. But I say to colleagues: People in the country are serious about this. I think we can come through for people.

If we do, I think it will be good for the Senate. I think it will be good for the political process, the legislative process, in the future—in the distant future when many of us are no longer serving here. I think we can feel like we made a huge difference. And I certainly think it will go a significant ways toward restoring some confidence that I think people yearn to have in our political process.

The missing piece is the campaign finance reform piece which I also hope we will take up later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank our colleague from Minnesota for the tremendous energy and leadership which he has displayed in a whole host of reform efforts; first, on the gift ban, but also very actively involved in lobbying disclosure reform as well, and campaign finance reform. Those three reforms are the three most critical reforms that we need around this place if we are going to restore public confidence in Government. It is at a low point. It is tragic when that occurs. When public cynicism runs deep about a democratic Government, Government has to act to restore that public confidence. That is what we are in the midst of doing.

That famous handshake between the President and the Speaker of the House in New Hampshire was over that issue, reform. They spoke about a lot of other issues. They spoke about welfare reform and they spoke about a whole host of issues at that meeting with seniors. They talked about Medicare and Medicaid and Social Security. But when it came down to a handshake, where they reached to each other and said we have a deal, what that deal related to was political reform.

The people want us to change the way we do business in Washington. They want to feel, and they are entitled to feel, that this Government is their Government. When the public opinion polls show that the majority of Americans feel that lobbyists are the real power in Washington and only 22 percent think Congress is the power, and 7 percent think the President is the power, we must act to restore confidence that in fact their elected representatives will control the power in Washington.

Lobbying reform is the first item we are taking up. Hopefully, again, we are going to be able to do what no Congress for the last 50 years has done, which is to plug the loopholes in lobby disclo-

sure laws which have resulted in these laws being useless and probably worse than useless.

How could a law be worse than useless? First of all, its presence on the books, if it is ignored, breeds disrespect for law. If the public is told there are lobby disclosure laws on the books, which there are, and if it knows most paid lobbyists do not register because of the loopholes in the law, then those laws are worse by being there than if they were not there at all. Better if you have no laws than to have laws that are such a sham and in such a shambles. Nothing breeds disrespect much more for law than having a law on the books, which is aimed at doing something, which totally fails to do something.

Another reason why it is worse than nothing to have those laws on the books is because it is producing ream on ream of paperwork, which takes time to produce, time to prepare, time to file, time to maintain, and which is giving us almost useless information, information which is not in a form which is useful to anybody. So we know probably a majority of the paid representatives in this town are not registering because of the loopholes in the law and those that do are giving us information which is not in a form which is usable by anybody.

So what we are engaged in here is to try to address the first big, major reform which is required if we are going to restore public confidence in Government and that is the lobbying disclosure bill, which is a bipartisan bill. Let me emphasize this. Senator COHEN has been working with me, Democrats and Republicans have been working on this issue, for a long time. The same thing is true with the gift ban. We have Democrats and Republicans who are supporting a strong gift ban.

So we are going to continue to try to work together today to see if we cannot finally pass a lobbying disclosure bill, and then once that is addressed and once that is resolved move on to the gift ban legislation.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just reinforce one point that Senator LEVIN made. Again, I do not know anybody in the Senate that has provided more leadership for reform of good government than the Senator from Michigan over the years.

I do not know if it is the conventional wisdom here any longer, but at one point in time I think the conventional wisdom here in the Congress, Representatives and Senators, Democrats and Republicans alike—I make a nonpartisan point here—was these reform issues, lobbying disclosure reform, comprehensive gift ban reform, and also campaign finance reform. But let me take the lobbying disclosure reform and gift ban reform.

I think that unfortunately too many Democrats and Republicans alike believe that these reform issues are of interest to "goo-goo," good government, people. There has been a certain cynicism about it. But it is just not true. There have been a lot of public interest organizations that have been at this for years—Public Citizen, Common Cause. You could go on and on. But the much more important point is that people yearn for good Government. They yearn for a political process they can believe in. These are no longer, if they ever were, reform issues. These are really issues that people talk about in their kitchens and their living rooms. I just think that we make a huge mistake when we try to stonewall the change.

So my hope, starting with lobbying disclosure reform and then with comprehensive gift ban reform, is that before the debate is over, we can in the next several days be very proud, all of us, that we will have made some huge changes, significant changes, positive changes. I think, if there is stonewall, to come up with measures that sort of have the label of reform but the closer you look at them the more dubious they are—in fact, they do not meet the credibility test—I think the worse off all of us will be.

So let us start with the lobbying disclosure reform. I say to the whip, let us move forward, let us come together, and let us pass something that we are all proud of. Then let us try to do exactly the same thing with comprehensive gift ban reform.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I indicated earlier I think we can see the light at the end of the tunnel in terms of the lobby disclosure bill. The Senator from Michigan indicated Friday afternoon, as he has further indicated this morning, his willingness to make some adjustments that I think move us a long way toward a truly bipartisan lobby disclosure bill.

The Senator from Michigan indicated that he is willing to double the threshold in terms of definition of a lobbyist from 20 percent of time spent over 6 months. That is something we are actively discussing now at the staff level in the hope of resolving it. The Senator from Michigan is also willing to double the threshold for registration and reporting by organizations. That certainly is a step in the right direction of protecting people's ability to petition the Congress. And the Senator from Michigan is making further efforts to clarify the grassroots lobbying communication exemption. Of course, that is critically important. These folks have constitutional rights, too, and deserve not to have them walked on by the Congress.

In addition to that, I think an important step in the right direction is the

elimination of a new Government agency. Frankly, Mr. President, the last thing we need to do in this almost \$5 trillion debt environment is to create yet another Government agency with yet more responsibility. It seems to me, the whole thrust of the 103d Congress is to go in the direction of less government. And clearly this bill ought to be consistent with that.

Mr. President, let me say that I think we need to reform our lobby registration and disclosure laws. I think we are on the threshold of being able to accomplish that in a way that does not unduly interfere with the rights of citizens, whether they are paid or not paid, to petition the Government because the courts make no distinction. You do not waive your constitutional rights because you are paid to represent a group that may be too busy to come to Washington. That is what lobbyists largely do, represent American citizens who choose not to become experts on legislation and employ someone else to speak for them. There is nothing un-American about that. Under the Constitution, we have the obligation not to interfere with this constitutional right to express ourselves that each of us enjoy.

Mr. President, with regard to the original bill, S. 101, the bill had set up a new Government agency. As I said earlier, we commend the Senator from Michigan for discarding that. It seems to me that clearly was not a good idea, and that moves us in the direction of passing this legislation.

The original bill, in my view, would have chilled the exercise of constitutional rights, and would have caused some who were inclined to contact the Congress with their views to simply refrain from doing so because of the fear of prosecution. The disclosure and reporting requirements in the original bill were clearly elaborate, and apply to virtually anyone with business before the Congress. And that would have the effect of keeping people from expressing their views to us. From my perspective, that is exactly the wrong message to be sending to the American people. We should welcome them to Washington. We should be glad to receive their views. We should not be making it so difficult for people to communicate with Congress that they choose to stay home and avoid telling us how they feel.

Third, the original bill, it seems to me, had some difficulties with regard to creating a patchwork of lobby regulations. It contained a host of exemptions that did not make sense. For example, why are public officials exempt? If the American people have a right to know how much the American Soft Drink Association, for example, spends on lobbying, then why not the city of New York, the State of California, or the U.S. Conference of Mayors?

Fourth, the original bill touched on grassroots activity. That goes down a road we do not need to go. And the Senator from Michigan is trying to

make adjustments to clear that up. I commend him for that. We are working on that at the staff level as we speak to try to further clarify where we may be on that so that we can move forward with a compromise.

I have been working on an alternative. My alternative is clear and consistent. And most importantly, it is simple and will get those who lobby Congress registered so the public knows who is influencing public policy. Let me explain what the alternative I may propose would do.

First, the main problem with the lobby law is that it only reaches contacts with Members of Congress. Clearly, we all agree that those groups and individuals who contact Congress for the purpose of influencing matters pending before Congress, even if they contact staff, should be registered. So our alternative would apply to those who make more than a single contact with legislative branch officials on behalf of a client for the purpose of influencing any pending matter before Congress. And any pending matter means more than legislate. It means oversight hearings, investigations, and anything that is within the jurisdiction of a Member of Congress. The definition of lobbyist also includes the preparation and planning for lobbying meetings.

But where we disagree with the Senator from Michigan, at least in his original version, is the amount of time spent on lobbying that it takes to meet the definition of lobbyists. The Senator from Michigan has moved in our direction. I want to commend him again for that by raising the threshold to 20 percent of his or her time lobbying, therefore bringing you within the scope of the bill. Our concern is that such a definition could catch within its net those who work outside of Washington who have very limited contacts with Congress. So the definition I would prefer is to set the threshold at 25 percent. But obviously we are not too far apart here, a difference between 20 and 25 percent; that is, someone who spends one-quarter of his or her time, or a substantial part of his or her professional life, lobbying would then fall within the requirements of the alternative.

Another major difference is the scope of our bill. Senator LEVIN's original bill would reach executive branch lobbying as well as Congress. To accomplish that, Senator LEVIN in his original bill created a new Federal agency to enforce and administer the law. We part company with the need to address the executive branch lobbying and the establishment of a new Government agency to enforce the new law.

Now the Senator from Michigan has taken a different tack on that at this point, and I am pleased he has. I think that certainly makes it much more likely we can finish up this legislation on a bipartisan basis. As I indicated earlier, the American people did not send us here to create more Federal Government, and the movement away

from it is certainly welcomed, certainly by me and I think many on both sides of the aisle.

The Secretary of the Senate and the Clerk of the House are well suited to continue receiving lobby registration forms. These offices can improve the dissemination of this information, making it more user friendly for the public. That is what our alternative aims to do.

As far as the executive branch coverage, an item we are still discussing here as we hope to work this matter out, my view is it is just not necessary. Contacts with the executive branch are highly regulated under the Administrative Procedure Act. Regulations are formulated by a very detailed process that allows interested parties to participate. And Congress always has oversight and legislative power over regulations issued by Agencies. Administrative adjudication is also a formal process.

Moreover, we know from the experience of the health care task force run by the First Lady that efforts by the executive branch to make policy in secret generally backfire anyway. And a legal challenge has resulted in that particular case in all of that information becoming public.

So, Mr. President, from our point of view, we should clean up our own house. Let us get the right coverage of lobbyists who lobby us here in the Congress. Let us get information related to their work properly available and disclosed to the public. Let us not make registration and disclosure so cumbersome that we signal to the American people that their voices are simply not welcome here in Washington. We want their input. We encourage Americans to join organizations that represent their views, and we hope they will let us know what they think.

When James Madison wrote Federalist No. 10, he envisioned a competition of ideas from, as he put it, "factions." Today, we would call those factions lobbyists. We who are elected to represent our constituents are called upon to build consensus among the various factions. Where we are unable to build consensus, we are called upon to choose from among the competing ideas put forward by the lobbyists or, if you will, the factions.

So there is nothing wrong with lobbying. It is not an evil thing. It was envisioned by the Framers. It is part of our Constitution's first amendment which protects free speech and petitioning the Government with grievances.

And finally, while lobbying is an honorable profession, we want to make sure that those who abuse the public trust they hold as lobbyists are punished for their misdeeds. We propose to let the U.S. attorney prosecute those who violate the law. The first offense would be subject to civil sanctions and subsequent offenses would be subject to criminal penalties. We want lobbyists to register; we want their activities

disclosed, but let us not chill protected constitutional rights in the process.

Mr. President, the discussions on this matter are proceeding. And again, let me say we are hoping we can achieve at least close to a consensus on the lobby disclosure bill which we can pass by an overwhelming margin sometime later today or tonight.

Mr. President, I do not see anyone else wishing to address the Senate. Therefore, I suggest the absence of a quorum.

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

Mr. LOTT. Mr. President, there are active negotiations underway on language in the lobby reform bill. I think we are making progress and some important changes and agreements have already been reached. There are a few areas where, obviously, there is still some disagreement or some lack of clarity as to what it would do.

Since the principals are here on the floor, it would be helpful, I believe, if we go ahead and recess until a time certain to allow the principals in this legislation to talk directly.

Also, we hope, when we come back in after that recess, we will be able to get an agreement on a specified time, agreed-to time to vote on or in relation to the McCain amendment. It may be other amendments will be ready at that time, but at least we would like to get an agreement to get a vote at 5:45 on the McCain amendment.

RECESS

Mr. LOTT. Therefore, Mr. President, I now ask unanimous consent the Senate recess until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate stands in recess until the hour of 1:30 p.m. today.

Thereupon, at 12:47 p.m., the Senate recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 1060.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know this afternoon we will be focusing on the lobbying disclosure reform effort. Senator FEINGOLD and I, of course, are strong supporters of that,

as are Senators LEVIN and COHEN, and others.

I ask unanimous consent that we might have up to 15 minutes as if in morning business.

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

COMPREHENSIVE GIFT BAN LEGISLATION

Mr. WELLSTONE. Mr. President, this is a discussion the Senator and I choose to have now, possibly tonight, and then I would imagine through tomorrow as well. We will be involved in I think a major debate about the gift ban reform effort.

I thought that the Senator from Wisconsin and I might talk a little bit about what is at issue here. I will start out for a few moments, and then we will go back and forth. I have some questions which I want to put to the Senator, and I think he has some questions he wants to put to me as well.

Mr. President, just to be crystal clear, there is no question in my mind that people in the country really, as I have said before, yearn for a political process that they can believe in, one that really is accountable, that is open, and that has real integrity.

We have been working on a gift ban. I ask the Senator from Wisconsin how long we have been working on this comprehensive gift ban legislation with Senator LAUTENBERG and Senator LEVIN.

Mr. FEINGOLD. It seems like we have been talking about it for about 2 years. We sort of came to this in different ways. I got here in the Senate, and I just knew that as a State senator from Wisconsin, we had a law that said you cannot even accept a cup of coffee from a lobbyist. I understood that in the 10 years I was in the State senate. I was a little surprised to find out they did otherwise here.

So we put this in effect for myself and my staff, and then I found out independently that the Senator from Minnesota, from another reform-minded State, was working an overall bill that would apply that to all Members of Congress. We obviously crossed paths and thought that would make sense as part of a broader effort to try to get the influence of big private money a little bit more out of Washington. We got other supporters as time went on. That is how it really started.

Mr. WELLSTONE. Mr. President, let me go on to say to my colleague that we have become close friends. We come from a similar part of the country, and we come from reform-minded States.

It is interesting. I became interested in this initiative because shortly after I had been elected, I was on a plane. A guy came up to me, without using any names, by the way. I will not for a moment say there was anything about the conversation that I would call corrupt. But he came up to me and asked me whether I liked athletics. I said, "I love

athletics. My children and I have been involved in athletics, and Sheila and I just love it." He said, "Senator, we would be very pleased for you to have tickets. We represent a certain industry, and we have tickets for all sorts of different games," and everything else. I thanked him. Then I sat down and started thinking to myself. I was a college teacher for 20 years. I had been on this plane, you know, a few times and nobody had ever come up to me and asked that point. I thought, What is it that has changed? It must be the institutional position.

Mr. FEINGOLD. If the Senator will yield, I had a similar experience when I first became a member of the Wisconsin State Senate. Nobody had ever come up to me on the State capitol ground and said, "Senator, do you like lobster?" About a week after being a member of the State senate, one of the lobbyists came up, put his arm around me, and said, "We are just delighted to have you here, Senator. Do you and your wife enjoy lobster tail?" It took me about a minute to realize what was going on. Being from Wisconsin, that was illegal. It is not, though, at the Federal level. But it sort of dawns on you that suddenly people are a little more interested in socializing and buying you dinner possibly because you have been elected to public office.

Mr. WELLSTONE. Mr. President, let me go on and engage in a discussion with my colleague from Wisconsin, Senator FEINGOLD, about what is at issue here. S. 101 is the comprehensive gift ban measure.

By the way, Mr. President, 88 Senators—the Senator from Tennessee would be excluded because he was not in the Senate or the House last Congress—but 88 Senators voted for exactly S. 101, this comprehensive gift ban initiative.

Again, I say to my colleague, it is extremely important in terms of the public, in terms of our connection with the people we represent, that people hold strong with this position. One of features of S. 101 on the gift ban is that we simply say when it comes to lobbying—let us just talk about that—there are just no gifts, period. We have a \$20 minimum.

The McConnell initiative allows lobbyists to give Members an unlimited number of gifts up to \$100 each. As it turns out, I thought at one point in time that this meant every day a lobbyist could take the Senator from Wisconsin or the Senator from Tennessee or the Senator from Minnesota out for a meal here in Washington, dinner in Washington, or a ticket to an Orioles game, or whatever the case might be, and that every single day, as long as it was up to \$100, it could be done in perpetuity because there is not even an aggregate limit.

Now, as it turns out, it is per occasion—breakfast, lunch, dinner, much less all sorts of things per occasion. Lobbyists can give us gifts as long as it is under \$100, and there is no aggregate limit.

Mr. FEINGOLD. I would like to quantify that example. Under the strictest interpretation of the McConnell proposal, the one that would change S. 101, even if you interpreted it to mean that you could only give \$100 a day of food and wine and so on, it would mean that every lobbyist and every individual could give each Member of Congress \$36,500 of those kinds of things. And is not the Senator really saying that is not even what it means, that it is worth more than that, more than \$100 a day per person for everyone in the universe, for every Member of the Congress?

Mr. WELLSTONE. The \$100 adds up to \$36,500 a year.

Mr. FEINGOLD. Per person.

Mr. WELLSTONE. So actually we do not even have a \$36,500 limit.

Mr. FEINGOLD. That is the strictest interpretation.

Mr. WELLSTONE. That is the strictest interpretation of what we have in the McConnell-Dole initiative.

I say to my colleague from Wisconsin that I would view this not as a great step forward but a great leap backward.

Mr. FEINGOLD. I agree. If the Senator will yield, you can argue that this is just slightly tougher than current law that says that if a gift is over \$100, or a meal is over \$100 and it is less than \$250, I guess you can accept it but you are banned from over \$250. But the contributions under \$100 do not count. They do not count toward that. This puts into the law forever a permission, a right, if you will, to take anything up to \$100 a day from everyone.

So it really is worse because it formalizes potentially in a statute as opposed to a resolution, depending on how it comes out, this practice as something that is permitted and maybe even encouraged in Washington.

Mr. WELLSTONE. So this alternative McConnell-Dole proposal, in the name of reform, in many ways essentially solidifies, if you will, the culture of politics as we know it right now in the Nation's Capital.

Let me go on and ask my colleague a couple of other questions.

By the way, I would say this alternative proposal that we have takes us a long way from I think what the majority leader on October 15 of last year said, which was that "no lobbyists' lunches, no entertainment, no travel, no contributions to legal defense funds, no fruit baskets, no nothing."

This proposal that we now get from the other side certainly takes us a long way from that.

The second part of this proposal would allow privately financed vacation trips in the form of charity golf, tennis and ski events to be accepted by Members from lobbyists, as I think we could accept that for ourselves, our spouses, our family.

I would ask my colleague. This is the alternative proposal. Does he see this as reform or does he see this as having that sort of, if you will, look of reform

but, again, an open-ended proposition where we have lobbyists and special interests paying for skiing, paying for tennis, or paying for vacations for ourselves and our families?

Mr. FEINGOLD. If the Senator will yield, I think he correctly identified the other day that there are two provisions in this McConnell proposal that really gut the bill from having the name "reform" properly attached to it.

You can call anything you want reform—welfare reform or health care reform. Unless it changes things positively, it is not that.

Really, these two provisions, the one the Senator talked about in terms of \$100 a day and the allowing of charitable trips to be determined not by an across-the-board rule or any real standards but just by the Senate Ethics Committee, which is, of course, controlled and in fact is constituted by Members of the Senate, it means you are really not taking away any sort of strict rule that says we are not going to allow that at all.

So I think the combination of those two provisions makes it impossible to call this reform but at best window dressing, and I think the American public would be very distressed to learn what is still permitted under either the travel portion or the meals and gift provisions.

Mr. WELLSTONE. Mr. President, I say to my colleague from Wisconsin that if we want to as Senators support different charities, I think it is important we be there at these events. I think there is a way in which Senators, Democrats, and Republicans alike, have an important role to play. But the point is we should do that on our own expense. If we care enough about those charities, then we pay our own way.

I think that is the point. We do not need to have lobbyists paying our way, in which case then it becomes another big loophole. It seems to me, I say to my colleague from Wisconsin—I would be interested in his reaction—and I said this earlier in the Chamber, I am not interested in across-the-board denigration of public service. I believe in public service. So does my colleague from Wisconsin. So do Republicans and Democrats alike.

It seems to me we ought to let go of these special favors, these perks, these gifts. We ought to let go of it. If you want people to believe in us, if you want people to believe in the outcome of this process, if you want people to have more confidence in the Senate and in the House and in politics in Washington, DC, then let go of these gifts. Would my colleague agree with me?

Mr. FEINGOLD. I agree. I cannot believe that this great institution wants to continue to have its reputation and its history really being besmirched by some of these "Prime Time" programs and others that are able to take what perhaps is an isolated instance in the

case of certain Members of Congress and show them playing tennis with lobbyists and just cast doubt on the whole institution. There have been enough problems already. I really have to believe that this institution will rise up and say we do not want this.

In fact, I say to the Senator from Minnesota, even the lobbyists do not really want this in a lot of cases. I flew out here this morning and two or three of the prominent lobbyists from Wisconsin said, "We hope you win on this thing." They are tired of this expectation that if one telecommunications giant takes somebody out to dinner, does not the other one have to. So they want to be free of this. They want to be professionals, most of them, as well.

If we just have a *per se* rule as in Wisconsin—lobbyists cannot do it; legislators cannot do it—it frees everyone from this sort of murky question of should I really do that even though it does not look very good and seems inappropriate? It is very important for everyone involved. I think in most cases people have the best intentions here. We need the *per se* rule and should not leave it up to the Senate Ethics Committee to say this charity or that trip makes sense or does not.

Mr. WELLSTONE. Mr. President, the Senator from Wisconsin makes an interesting point. I am a little embarrassed that I did not make this point earlier, which is that you talk to many of the lobbyists and they say they would be pleased to see this pass. So in a way, this comprehensive gift ban proposal—I said comprehensive, S. 101 we have been working on. I did not say the alternative, the McConnell-Dole alternative, which frankly does not pass the credibility test. It is not comprehensive. It is not strict and it does not put an end to this practice. I think people will be very angry with it, and therefore I hope actually in the next 2 days we will have reached some agreement that all of us can pass something of which we are proud. Otherwise, it would be a gigantic debate.

If I could just make one additional point, I think this comprehensive gift ban proposal is important, first of all, for the public so they can have more confidence in our process, for all of us, Democrats and Republicans alike, and for the lobbyists. And I say to my colleague from Wisconsin, for me the issue has never been the wrongdoing of an individual office holder. I am glad the Senator put it the way he did. I am not interested in some of these exposes—this, that and the other—which I think kind of miss the mark. I do not see—and I hope I am right—the wrongdoing of a lot of individual office holders, but I think there is a more serious problem and it is systemic.

What this is all about, this comprehensive gift ban proposal is all about, is the fact that some people have too much access. They have too much say over what we do in the Senate and too many people in Wisconsin and Minnesota and Tennessee and

Michigan are left out of the loop. People do not like that. They do not feel well represented. They do not like the idea that certain lobbyists and special interests that those lobbyists represent have so much clout here and they are left out.

That is another reason why I think we have to pass a tough comprehensive gift ban reform. Would my colleague agree that there is campaign finance, there is lobbying disclosure, and there is gift ban—all of these reform measures are almost more important than each of them singularly?

Mr. FEINGOLD. Mr. President, I would agree. I like to call it the circle of special influence in Washington. There are different links in the chain: the gift problem, the campaign finance problem, and the problem of the revolving door, where Members of Congress or their staff members work here and then go to work for special interests and lobbying back right away.

It is only one part of it, the gift ban. But one of the things that bothers me about this gift issue that the Senator mentions is the fact that this involves the access issue. There is a serious problem for any Member of the Senate. The Senator and I represent millions of people. It is so hard to equitably balance distributing your own time for your constituents. It is obviously difficult to meet with them individually. If there is something out there, whether it be trips or meals, that involves a substantial amount of extra time for certain people because they happen to provide these certain things, that distorts our ability to equitably spend time with constituents.

I think it is embarrassing to even have to come out on the floor and talk about this. It seems to me to be so simple that we should just ban it. It is not that we have not wanted to dispose of it. I can assure you the Senator from Minnesota and I and the Senator from Michigan would like nothing better than to have this over with. We do not want opportunity after opportunity to debate this. But there has been a real effort, frankly, under both Republican and Democrat leadership, to move this issue off to the side. We want it resolved.

I would like to just have to no longer be able to point out to people that in my office we have received in the last 2½ years—and this is sort of the small part of this, but it is the really silly part of it—1,072 gifts, from inexpensive calendars to coffee mugs, T-shirts, motor oil, spark plugs, cast iron bookends, a Japanese mask, fruit baskets, cakes, cheese, pecans, sausage, eggs, steaks, almonds, onions, garlic, honey, bread, peaches, sweet potatoes, sugar, chocolate, candy bars, tea, coffee, dates, barley mustard, wine, Girl Scout cookies, and three lollipops.

Do people not have better things to do than to prepare these little packages for Members of the Senate and the House so they can say that they, too, have handed out some goodies to the

Senators' offices? We have serious business to do here. For our staff members to be bothered with 1,072 of these little well-intentioned gifts is just another example how this process does not make sense. And if we just banned it, we would be able to focus more clearly on what we should really be doing, which is the work of the people who elected us.

Mr. WELLSTONE. Mr. President, we have about used up our time. Let me just close this way. The New York Times—I do not know if my colleague saw this—on Saturday had an editorial called "Republican Gift Fraud." And quite frankly—and we have not even begun to look at the Republican proposal, or at least the McConnell proposal—there are enough loopholes in here to drive huge trucks through. I think it is very dangerous to call something reform which in fact maintains this current practice of enabling lobbyists and other professional interests to give us gifts, gifts that we receive and take.

I do not think that will do a thing to restore public confidence in the process, and in fact I think people will be furious to not see this practice ended.

Mr. FEINGOLD. If the Senator will yield, I just want to say that I remember—the Senator and I talked about this—the biggest cheer we heard in the lobby out here in the reception area last year was the moment when the gift ban was defeated. There was a cheer that went up in the room apparently from some of the interests that were involved in this. I can assure you, based on the points made about the McConnell amendment, if that passes, it will again be a victory for those who want to continue the current system. It cannot possibly be called reform, as the Senator from Minnesota has pointed out.

Mr. WELLSTONE. I agree. Let me conclude with an editorial today. Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

PROVE IT'S NOT FOR SALE

Once again, supporters of ethics reforms see the U.S. Senate trying to save an endangered species: the congressional freebie. This week the Senate is bound to act on the long-diverted lobbyist gift ban sponsored by five persistent senators, including Paul Wellstone of Minnesota and Russ Feingold of Wisconsin.

This gift ban measure should pass as is. In fact it has passed previously, only to be put aside in the service of political goals and to mollify senators who believe that free football tickets and golf vacations come with the job.

For all the talk over the last few years about reforms in how Congress conducts itself, it is obvious that the assumption of special privilege is the province of neither a Republican- nor Democratic-led federal legislature. The assumption of personal privilege for lawmakers is so embedded in the institution's culture that giving up perks ordinary citizens do not enjoy has become as

tough as balancing the federal budget. Making the matter more difficult is the fact that senators know they have to be "for ethics reform." So the politics of freebies involves diversion and dilution. The anti-reform dynamic aims to stop a comprehensive ban by pushing one that meets appearances of reform without reducing the flow of trips and free meals.

Also designed to weigh against a comprehensive gift ban is one of the parliamentarian's oldest tricks: send a controversial issue to a committee to be chewed up. The Senate's bipartisan task force on lobbying reform has the potential to assure that the sugary river of senatorial gifts is drawn down one hummingbird-sized sip at a time.

The comprehensive gift ban may cramp some senators' style, but it is an important step in restoring public confidence. The current climate about politics and its practitioners says the Senate must prove it is not for sale, one member at a time, to special interests that provide seats on the 50-yard line and a winter break in the tropics.

Mr. WELLSTONE. Mr. President, this is from the St. Paul Pioneer Press, a paper that both of us in Wisconsin and Minnesota receive. The last paragraph reads as follows:

The comprehensive gift ban may cramp some Senators' style, but it is an important step in restoring public confidence. The current climate about politics and its practitioners says the Senate must prove it is not for sale, one Member at a time, to special interests that provide seats on the 50-yard line and winter break in the tropics.

That is stated quite directly. I think the Pioneer Press speaks for the vast majority of people in the country. Some of it may be perception. I do not always assume because people take gifts that that leads to some sort of awful private deals that take place between lobbyists and Senators. I do not make that assumption at all.

But I say to my colleagues, it is time to let go of these perks. It is time to let go of these privileges. It is time to no longer take these gifts. It is time to no longer have lobbyists pay for vacations for ourselves and our spouses, and we ought to end this. It is time to restore some confidence on the part of the people we represent in this political process.

A lot of our colleagues think that we are the only ones interested in these issues. That is not true. People in the country care fiercely about this. I hope in the next couple of days that there will be lobbying disclosure reform, gift ban reform—maybe there will be give and take, I say to my colleague. Maybe we will come together around some initiatives that will not be everything we want, but I do not think either one of us or any of us who have worked on gift ban are going to accept a proposal that does not meet the test of representing significant reform.

Then eventually—and I thank my colleague for his work on this—we will get to campaign finance reform. When we reform this political process, we will be dealing with the root issue, and the root issue is many, many people in the United States of America have lost confidence in the Nation's Capitol. They do not believe this Capitol be-

longs to them. By God, we have to make sure it does—we have to make sure not only they believe it, but that that is the case, this Capitol belongs to them. This is only one step in that direction, but it is an important one. I hope all of our colleagues will support comprehensive gift ban reform.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE CHILDREN OF BOSNIA

Mr. SIMON. Mr. President, I think it is fairly clear that we are heading toward some kind of a military climax in the Bosnian situation. Precisely what is going to happen I do not know. None of us knows. But there is likely to be more bloodshed in the immediate future, and I hope not a continuation of the constant agony and bloodshed that we have seen these past few years since 1991.

I have a citizen from Illinois by the name of Al Booth who says we took children out of Germany, Austria, and England in the very difficult years prior to and during World War II, saved a great many people, and that we ought to be doing something to save the children of Bosnia today.

It is not simple. I have talked to Bosnian officials. My office has talked to the International Red Cross people. The Red Cross people said if you had taken them out by bus or by any kind of vehicle or by plane, and the plane is shot, there would be substantial criticism. There are at least some in the Bosnian Government who feel that to take the children out almost means you are sending a signal that the Government cannot continue, that it is going to collapse. It is a difficult situation.

At this point I ask unanimous consent to have printed in the RECORD a letter from Al Booth that was printed in the Chicago Tribune about this situation.

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

[From the Chicago Tribune, June 19, 1995]

BOSNIA'S CHILDREN

CHICAGO.—The children of Bosnia should not be allowed to become the slaughtered innocent victims of the intensified fighting.

In 1937 a kindertransport was organized in Germany, before Hitler closed the door, when the British government made 10,000 visas available for German children. Seven thousand children were rescued—75 percent Jewish and 25 percent Christian. (Only 1,000 children arrived in the U.S. from Germany—with parents, relatives or alone—in 1938 and 1939.)

Several European countries are organized to accept refugee children. There they would be closer to home. These countries are very experienced on matters relating to refugees.

The UN is in the best position to organize the transfer of children of any ethnic group out of Bosnia. To do so at this time would certainly make it plain to those forces attacking the "safe havens" that at long last the NATO countries and the U.S. wish to put an end to using snipers to kill children and mortars to kill civilians. The Air Force would be there to protect the children.

We may not be able to stop ethnic violence or expanded civil wars, but we should be able, at this moment, to take the initiative to remove children and women.

A kindertransport program is long overdue in Bosnia. Those children who came out of Germany and Austria left their parents behind, and almost all never saw their parents again. We have a better chance of that not happening this time, but we must get the children out of Bosnia now, before they become orphans and victims.

AL BOOTH,
President,
International Music Foundation.

Mr. SIMON. Mr. President, in response to that letter, he received a letter from the consul general of France. Let me just read two paragraphs from this letter. The consul general read Al Booth's letter in the Chicago Tribune:

In addition to its participation in the organization of an air shuttle in Sarajevo and the creation of a central pharmacy in Bihac, the French Government evacuated more than 200 Bosnian children between 1993 and 1994.

Furthermore, a private association called "Equilibre," with the support of our Regional Councils, organized in November '92 the temporary evacuation of 1045 mothers and children. This operation was repeated in 1994 for 1000 children and their mothers.

For a total of 2,045.

This time the operation concentrated on the children whose health was failing and who could not have spent the winter in Bosnia.

He says these operations would not have been possible without the support of the French Government in particular regarding the retention of temporary permits for the accompanying adults.

I ask unanimous consent to have printed in the RECORD the letter of the French Consul General.

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

CONSULAT GENERAL DE FRANCE,
Chicago, IL, July 11, 1995.

MR. AL BOOTH,
International Music Foundation, Chicago, IL.

DEAR MR. BOOTH: I read with much interest your letter published in the Chicago Tribune of June 19, 1995, and sent a copy to the French Foreign Ministry, who have provided me with the following information.

In addition to its participation in the organization of an air shuttle in Sarajevo and the creation of a central pharmacy in Bihac, the French Government evacuated more than 200 Bosnian children between 1993 and 1994.

Furthermore, a private association called "Equilibre," with the support of our Regional Councils, organized in November '92 the temporary evacuation of 1045 mothers and children. This operation was repeated in 1994 for 1,000 children and their mothers. This time the operation concentrated on the children whose health was failing and who could not have spent the winter in Bosnia.

These operations would not have been possible without the support of the French Government, in particular regarding the obtention of temporary permits for the accompanying adults.

I hope that this information answers, at least in part, your concerns which we entirely share about the fate of the children (and other members of the civilian population) who are caught up in the daily horrors of the war in Bosnia-Herzegovina.

With best regards,

GERARD DUMONT,
Consul General.

Mr. SIMON. Mr. President, I do not know if anything can be done. But I think we ought to do everything we can to save these children, if possible, in this horrible, horrible situation in which they find themselves. Obviously, these would only be volunteers.

Let me say for those who have fears of the religious implications, because these are mostly Moslem children, though not entirely. There are a number of Bosnian families in the United States as well as in Western Europe who, I am sure, would be willing to take these children—not all of them obviously, but many of them would—so that they could be raised in homes where there is a Bosnian culture and a Moslem background. So the religious factor should not be a barrier to going ahead.

Again, Mr. President, I do not have any good answer. But I do think this idea of somehow saving these children, or as many of them as we can, is just a sound, simple, humanitarian thing to do. I hope that somehow we can do something.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I wanted to talk about the bill that is on the floor.

Mr. President, I think that we are coming to a very important time in this Congress, and that is the time that we are going to be dealing with reform of our lobby laws, and later the gift laws that apply to Members of Congress.

Mr. President, it is important that we have Government in the sunshine.

The bill that is before us, lobby reform and lobby control, is an important one, and we have passed a similar bill in previous Congresses. Last year, I voted for a bill that would have required more disclosure of lobbying efforts without in any way though infringing on the right of individuals to seek an audience or a time with their Members of Congress.

We do not want to do anything that would keep a teacher who happens to be a member of a teachers organization from directly contacting a Member of Congress. But there are many lobbying

activities that may now not be disclosable that should be disclosable. I know the Members of our parties on both sides of the aisle are working on a compromise right now, and I hope we can come up with something that will provide public information of everything that is going on, every contact that is being made by a registered lobbyist or someone representing a lobby group. I think it is very important that the people of this country know who it is seeing Members of Congress when we are talking about important legislation.

We are also going to be taking up gift reform, and that is another important issue. I think it is important we have contribution limits, and we do have contribution limits. And I have voted to make those contribution limits even lower. We also have limits on how much you can take in a gift, which may be a T-shirt or it may be a basket of fruit or it may be something very small but that someone gives you just as they would give you if you worked in any office.

I wish to just say that those are appropriate limits. We do now have limitations which I think are very appropriate. I think we must be very careful as we go into the debate on gift ban not to go to such a level that you would then be able to be prosecuted for something which would really be inadvertent.

For instance, if you go to a zero gift, then presumably if you have coffee and doughnuts or a lunch with someone who happens to be a friend who may also work for a corporation or may be a teacher, then are you going to violate a ban on gifts?

I do not think anyone who is thinking rationally believes that just because you talk to someone or have lunch with someone or dinner with someone or a group gives you a T-shirt that is going to affect the way you vote on important public policy issues. These are things that happen in offices all over our country. It is the way people show normal appreciation for a friendship or for working together on some kind of issue. So I think we have to be very careful to make sure we do the things that would keep you from being able to abuse the ability to receive a gift without going to such a length we then allow for selective prosecution by people who do not have good will or for inadvertent things to happen that do not mean anything but nevertheless would put you in the position of a technical violation.

Mr. President, I just think as we go forward we need to keep in mind that everyone wants openness in Government, reporting of things that are received, without in any way, though, keeping a normal person from being able to contact or have the minimal ability to send a flower or a T-shirt to someone who they have worked with on an issue and had a good result or want to show some appreciation.

I go to functions across my State, and I may go to the chamber of com-

merce and make a speech to a chamber of commerce banquet. They will send me flowers or they will send something from the city, a cup or something. I appreciate that. I think it is a nice gesture. It makes me think of that city. I have things all over my office, cups and candy jars and things from the city of Lamar, from the city of Gainesville, or the city of Houston, or the city of Dallas. We cannot stop normal behavior, normal appreciativeness, contact with chambers of commerce or teachers or unions. That just does not make sense.

So I hope we will keep the common-sense test as we go forward. I do not think anyone believes that being able to have the normal course of business is in any way prohibiting a fair look at legislation.

So I just hope common sense will be the test, Mr. President. I think it is very important that we make improvements. I think we are doing that. I think as we go along and we see what works and what does not work or what is falling through the cracks we will take the steps to close those loopholes. That is what we are trying to do, and I hope we will have a good result. I hope we will have a big lobby reform vote today, just like we did last year. It was something like 96 to 5 that the lobby reform bill passed last year, but then it got hung up in conference, and it got changed and did not pass.

So I hope we can pass a good bill this year; that it will go through conference and that it will be an overwhelming, bipartisan effort to close the loopholes we have in the law today. But let us make sure we have enough common sense that an inadvertent error which really does not make a difference does not cause someone who does not have good will or good intentions to be able to prosecute or in any way build something up so that it makes a criminal out of a public servant.

It is not easy to be in public service at this point in time, and I certainly do not want to harass people who are just trying to do what is right by having some kind of law that would allow a technical violation. So let us go forward in a positive and bipartisan way and see if we cannot work to close the loopholes that are there and have sunshine in Government. That is what we all want, and that is what I think we can come to agreement on if we will just look at the big picture and put common sense in the equation.

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 1837 to the bill, S. 1060.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending business be set aside and that I be allowed to offer an amendment.

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

AMENDMENT NO. 1838

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require a more detailed disclosure of the value of assets)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1838.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking “or”; and
(2) by striking clause (viii) and inserting the following:

“(viii) greater than \$1,000,000 but not more than \$5,000,000, or

“(xi) greater than \$5,000,000.”.

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking “and”; and

(2) by striking subparagraph (G) and inserting the following:

“(G) greater than \$1,000,000 but not more than \$5,000,000;

“(H) greater than \$5,000,000 but not more than \$25,000,000;

“(I) greater than \$25,000,000 but not more than \$50,000,000; and

“(J) greater than \$50,000,000.”.

Mr. BROWN. Mr. President, the amendment is somewhat straightforward. What it does is attempt to update the categories that we have for disclosure. It does not attempt to give full valuation or more accurate valuation of the lower amounts. What it does do is address the cutoff we now have in the statute. Right now someone may have an asset worth \$100 million but would report it only as above \$1 million.

A recent article in Roll Call, I think, illustrates some of the ambiguities of our current disclosure statutes. They listed the top 10 lawmakers they felt had substantial assets serving in both the House and the Senate.

As the chart adjacent to me shows, what resulted from our disclosure was something of a misrepresentation, if you assume Roll Call's numbers are correct. Let me emphasize, I do not know that Roll Call's estimates are correct. They may well be incorrect.

What is quite clear is that our disclosure categories are not complete. An asset worth \$150 million, or perhaps even more, is reported on the disclosure form simply as over \$1 million.

Is there a difference in the potential conflict of interest, is there a difference in the significance of assets that might be \$200 or \$300 million versus \$1 million? I believe so. Such substantial amounts tend to indicate control, tend to indicate the level of interest that is quite different than simply something that might be above \$1 million as is shown on the disclosure form.

This amendment adds new categories. There is nothing magic in what we suggest. We do provide modest relief from that \$1 million limit. It creates a category of \$1 million to \$5 million. It creates a category of \$5 million to \$25 million. It creates a category of \$25 million to \$50 million and a category of over \$50 million.

The amendment does not attempt to cover all possible values. Someone could well criticize it for not having more subcategories. It could well be criticized because it does not differentiate assets over \$50 million. But it is meant to provide at least some additional definition to these categories that have become so inadequate in terms of disclosing accurately assets that we require to be reported.

Being in a statute form as it is, it will apply not only to the Senate but to the House of Representatives and to the executive branch as well.

I think the amendment is straightforward. It is meant to give us a clear picture in our disclosure forms and more accurately alert Members and the public to potential conflicts of interest.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. FORD. Mr. President, reserving the right to object, I am not trying to stop the Senator from offering his amendments. But those who have a vital interest in this particular part of the legislation that we are debating here this afternoon are not available. I am caught in the position of protecting this side without having the advice and counsel of those Senators that are now negotiating to try to work something out.

I am not trying to prevent the Senator from introducing amendments. But pretty soon we will have three or four amendments out here, and I am not sure where we are going to be. That

will be the pending amendment when they come back, and they may want to go back to the original amendment. There may be a unanimous consent agreement which can be reached.

Will the Senator give me an opportunity to check before he offers his amendment and let me see if there is any disagreement with what he is trying to do?

Mr. BROWN. Surely.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, if my colleagues are going to continue to discuss this subject for a bit, I intend to speak for 10 minutes as in morning business, unless it interrupts the flow. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

30TH ANNIVERSARY OF THE MEDICARE PROGRAM

Mr. DORGAN. Mr. President, I wanted to speak on the floor briefly today because this is the week of the 30th anniversary of the Medicare Program. I indicated last week, and will again this week, that I think it is important at a time when so much of our country talks about what is wrong with our country, for us occasionally to talk about what is right and what works, and to talk about success.

We have been talking for the last several weeks about regulatory reform. I have come to the floor to talk about the fact that most people probably do not know in the last 20 years we have made enormous progress in cleaning America's air and water.

We now use twice as much energy as we did 20 years ago, yet we have cleaner air in America. We have cleaner water, rivers, streams, and lakes in America than we had 20 years ago. No one 20 years ago would have predicted that would be the case.

Why is that? Is it because the big corporate polluters in America who are dumping this into our airshed and the water—the pollution, effluence, and the chemicals—because they woke up and said, “I know what I ought to do for America. I ought to stop polluting.” That is not what happened.

What happened is Congress decided that the American people deserve and want clean air, they want clean water, and we will put in place regulations that require it. We wrote regulations in this country that said polluters have to stop polluting.

We have had enormous success as a result of it. It is a healthier place to live, better for us and better for our

kids. Yes, it is a nuisance for those who used to pollute. But it is a better policy for our country, to stop the pollution, and make that cost a part of the cost of doing business.

Now, we have a lot to celebrate, including successful clean air and clean water regulations and safe food regulations. We also have the opportunity, I think, to celebrate the success of a Medicare program that works. Yet, rather than celebrating the success of a program that works, we are now seeing that program under attack.

This is a more and more curious, yet in some ways predictable, I think, agenda that I watch in this Congress. The Contract With America is the foundation of the agenda, and the Contract With America is billed as a set of new directions and new ideas. In fact, there is nothing new about it at all. It represents the same old tired ideas, the ideas that somehow if the big get more, the little will be helped.

Bob Wills and the Texas Playboys, back in the 1930's, had a song with a lyric that stated it pretty well: "The little guys pick the cotton and the big guys get the money; the little bee sucks the blossom and the big bee gets the honey." So it is with the agenda now in Congress.

I could talk about the agenda at some length. I actually want to talk about Medicare. This is one part of it, in the Washington Post article "Curbs on Media Mogul," "Congress Moves to Ease Media Ownership Curbs, Could Reshape Industry." What does this mean? That Congress is taking action to eliminate the restrictions on how many television stations one person or corporation can own. I guarantee in 10 years we will have half a dozen companies owning almost all of America's television stations. Good for our country? I do not think so. Good for a few rich companies and investors? You bet your life it is.

Regulations—we ought to deal with silly and unnecessary regulations, but we ought not retreat on clean air, clean water, and safe food regulations in order to satisfy the appetite of the wealthy and the big interests. It does not make sense to me.

"Food Stamp Block Grants Eyed as a Way of Breaking Welfare Reform Stalemate." Some have an agenda of deciding that hunger is not a national issue. So we will decide we will not have a national food stamp program, we will have 50 State programs, if they choose to use the money for that. Curious agenda, in my judgment.

"The Treasury Subcommittee of House Appropriations Votes To Decide To Make It Easier for Felons To Purchase Guns." It is a curious and strange agenda but part of the same pattern. Same tired old ideas.

Line-item veto—we voted for a line-item veto bill here in the Senate. I voted for it. I have voted for it a dozen times in a dozen years. Yet, we are now told by the Speaker of the House it does not look like we will have a line-item veto bill this year.

Last week, a little article in the paper says "Gingrich Gets \$200 Million in New Pork." Now, we will not have a Democrat President that will get a line-item veto to veto this sort of thing. Why? Because some who talked about the line-item veto are much more interested in producing pork than they are in producing a line-item veto.

But I wanted to speak just for a moment about Medicare. I think the Medicare Program is a success. Yes, we have some financing problems in the outyears. Part of the reason that we have those financing problems is because of the success of the program. People live longer in this country today. They have better health care than they had previously. In fact, on a monthly basis, we now have 200,000 new Americans each and every month that become eligible for Medicare. That does cause some real strain.

But the success is this: 40 years ago we had less than 50 percent of our senior citizens who had any health care coverage at all. This year, it is 99 percent of our senior citizens who have health care coverage.

I have been to plenty of places in the world where there is no health care coverage for senior citizens. I have seen the sick and I have seen the dying who have no access to health care because they are poor. In many countries, that means 95 or 99 percent of the people. I have been to those countries.

I have seen the hospitals with dirt floors—to the extent they are lucky enough to get to a hospital—with dirt floors and no doors in the tropics down in Central America. I have seen the worst of medical conditions.

Most importantly, I have seen what it does to people when they grow old and have no access to health care. I saw it in my hometown before Medicare, at a time when my father asked me to drive an elderly gentleman to the hospital in Dickinson, ND, who was dying; a fellow with no money, no hope, an elderly man, no health insurance. Still, as he was 2 or 3 days away from death, he was worried about how he would pay a hospital bill.

Part of that has changed because we put in place in the mid-1960's a Medicare plan. I might say those in my party—I was not here then—those in my party who had the courage and foresight to fight and vote for it, had to do so at the expense of being called a bunch of socialists by a lot of folks who were not willing to vote for it.

I think we ought to celebrate the success of the Medicare Program and what it has done for our country. This is a year, and this is a week, the anniversary of the 30th year of the Medicare Program, that has advanced the interests of our country and its seniors.

I say to those who believe that we ought to give a big tax cut, the bulk of which go to the rich, and decide we need to cut Medicare, and they do not relate to one another, it is pretty incapable to me when you advance a tax cut, the bulk of which go to the

wealthiest Americans, and say to senior citizens, "We are sorry, we cannot fully fund Medicare," that the tax cut for the wealthy comes out of the Medicare Program. We can do better than that. We can decide together what we voted on in the 1960's as a Congress has been enormously successful for the elderly people in this country—for all of America, for that matter. We can decide not to threaten the Medicare system, but decide to work together to strengthen it.

That is a matter of public will. I hope the American people would decide that there is something to celebrate here in programs that work; most especially, the Medicare Program. I hope in the next 2 or 3 months, as we sort through this fiscal policy dilemma, we will decide not to embrace the radical agenda that says a tax cut for the rich—that they claim will help the rest—at the expense of total and adequate coverage for America's senior citizens who need it, earned it, and respect it. I yield the floor.

Mr. DOLE. Mr. President, is leader's time reserved?

The PRESIDING OFFICER. Yes.

Mr. DOLE. Mr. President, I ask that I may use some of my leader's time without interfering with the ongoing debate on lobbying reform. We are making progress on lobbying reform. I appreciate that. I hope we have will have a unanimous vote for a strong bill.

BOSNIAN ARMS EMBARGO

Mr. DOLE. Mr. President, the opposition to lifting the United States arms embargo in Bosnia and Herzegovina has been an elaborate exercise in buying time.

It has been more than 11 months since the Senate last voted to lift the arms embargo in Bosnia. Following that vote, the administration worked with the distinguished Senator from Georgia on a compromise—the Nunn-Mitchell provision—which ultimately was adopted.

The Nunn-Mitchell compromise essentially provided time, time for the Bosnian Serbs to sign the contact group plan; time for UNPROFOR to improve its performance; and time for the administration to work out a multilateral lift of the arms embargo.

That is what it was supposed to do. Any one of these things have occurred not because of the lack of good intentions on the part of the Senator from Georgia, Senator NUNN, I might add, because he certainly expected these things to happen.

Mr. President, 11 months later the situation is far worse than when the Senate last voted 58 to 42 to unilaterally lift the arms embargo in Bosnia. Thousands have died, tens of thousands have been forced from their homes, homes which were in the U.N. safe havens. Tens of thousands more are facing the same fate in Bihac, Sarajevo, and Gorazde. Furthermore, NATO is

dangerously close to losing what credibility it still has, and the United States is no closer to exercising leadership in a new direction.

President Clinton called me last week to ask for more time—he asked me to delay the vote on the Dole-Lieberman legislation until after the London meeting. And certainly we were pleased to oblige the President. Wherever we can, we want to work with the President of the United States, particularly in foreign policy areas.

But now the London meeting has come and gone and there is no change on the ground in Bosnia. The London conference did not result in a reaffirmation of the U.N. obligation to defend the U.N. safe havens. The conferees wrote off Srebrenica and Zepa, vowed to protect Gorazde—at some point, that point not being clear—and declined to respond to the dramatically worsening situation in Bihac and Sarajevo.

So I guess what they have said, in effect, is if there are six safe havens we may be willing to protect one—one out of the six.

Yes, there were modifications to the dual key arrangement, but the dual key remains. The bottom line is that the London meeting did not result in significant change in approach. It did not result in a new policy. It essentially reaffirmed business as usual with the possibility of a few displays of force sometime in the future.

So the commander of the Bosnian Serbs, General Mladic—who, interestingly enough, was delivered the London conferees' ultimatum in Belgrade—is probably not shaking in his boots, but more likely laughing all the way to Bihac.

Today there are reports of more NATO military planning. But planning was never the problem. Executing those plans was and still is the problem. This debate has never been about policy options, but about political will.

It is high time the Clinton administration abandon its flimsy excuses for the United Nations' pitiful performance, shed the false mantle of humanitarianism, and face the reality of the U.N. failure in Bosnia.

I intend to take up the Dole-Lieberman legislation tomorrow and hope we can vote tomorrow and have a clear-cut vote. It is not a partisan vote. It is supported strongly by colleagues on both sides of the aisle. This is the Senate of the United States speaking, not BOB DOLE, not JOE LIEBERMAN, not a Democrat, not a Republican—but the U.S. Senate. The clock has run out and now is the time for the United States to fulfill its role as the leader of the free world, do what is right and what is smart. Now is the time to pass the Dole-Lieberman legislation.

We have an obligation to the Bosnian people and to our principles, to allow a U.N. member state, the victim of aggression, to defend itself. I listened to George Stephanopoulos at the White

House yesterday on television, saying if we lifted the arms embargo, as proposed by myself and Senator LIEBERMAN and other Republicans and Democrats, we were going to Americanize the war. How? All we are suggesting is to give these people the right to defend themselves as they have under article 51 of the U.N. Charter. We are not asking American ground troops, not suggesting American ground troops, not suggesting American involvement. But the spin machine at the White House is saying, "Oh, this is going to Americanize the war." Nothing can be further from the truth.

Let me again reiterate, this is a Senate effort—not a Republican effort, not a Democratic effort, but a bipartisan, nonpartisan effort—to protect the rights of innocent people, an independent nation, a member of the United Nations, which under article 51 of the U.N. Charter has the right to self-defense. In 1991, we imposed an illegal embargo on Yugoslavia. There is not a Yugoslavia anymore. It is gone. It is now Bosnia, it is now Serbia, now Slovenia, now Croatia—it is no longer Yugoslavia. The embargo has been illegal from the start. We have, in effect, tied the hands of one side and said, OK, you cannot have any heavy weapons, but you go out and fight the aggressors, and, if you lose, we will provide humanitarian aid.

I just suggest we have gone on long enough. I have great respect for the U.N. protection forces who are there. Two members of the French force lost their lives over the weekend; one was seriously wounded. Others have lost their lives in this effort—British, Dutch, Pakistanis—a number have lost their lives. But it has been a failed policy, and I believe it is time that the world recognize the policy has failed and time to give these people, the Bosnians, an opportunity to defend themselves.

Several Senators addressed the Chair.

Mr. DORGAN. I wonder if the majority leader might yield for a brief question?

Mr. DOLE. Sure.

Mr. DORGAN. I appreciate the majority leader's yielding. I have been struggling with the question of the resolution. I have not decided whether to support the resolution this week or not, but I ask the question: If the will of the Senate were to agree to this resolution, which would then result in a changed course with respect to Bosnia and potentially a rearming of the Bosnian Moslems, does the Senator from Kansas, the majority leader, feel that ultimately American troops would be required to help extricate the U.N. forces at some point?

Mr. DOLE. Of course none of this would take effect—we would not lift the embargo—until they were gone. But I would be willing to support the President to extricate the U.N. protection forces. It seems to me, as a mem-

ber of NATO we have that obligation. I know the views of the American people are very mixed, as I saw in the polls. But in my view, after they have been removed—if we have to help extricate them, I think we should. We should support the President in that effort.

Second, when it comes to training the Bosnians, we helped the Afghans. We did not send anybody to Afghanistan. We helped train. We provided weapons. The same in El Salvador. I believe that can be done without Americanizing anything. Plus, what they want, as the Senator from North Dakota knows, are Russian weapons. They are familiar with Russian weapons, and they are readily available. So I am not certain they would need a great deal of training.

But it just seems to me—and it is not just because I watch television, it is not just because I visited there 5 years ago when all this was just beginning to ferment—I think anybody, any objective observer, would say no, no U.S. ground troops. We could even question airstrikes, but certainly no Americanization. But, finally, let us give these innocent people a chance to defend themselves. That is all they are asking.

I thank my colleague from North Dakota.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to offer my very strong support for S. 1060, the Lobbying Disclosure Act of 1995.

This legislation is similar to that reported out by the Governmental Affairs Committee, which I was privileged to chair during the last Congress. Senators LEVIN and COHEN, in particular, deserve our words of high praise for their diligence and persistence in tackling such a thorny area and coming up with an effective and pragmatic bill.

Mr. President, there is blessed little credit given to those who bring up things like this. There is a lot of opposition. But these are the things in the committee we used to jokingly call the "grunt work" of Government—the grunt work of Government—the good Government issues that too often are not brought to the floor, and when they are brought to the floor, usually cause very little attention to be paid.

Senator LEVIN was President of the Detroit City Council before he came to Washington. I have heard him talk many times about how he came in here with a burning purpose of doing regulatory reform, for instance. We have been having that on the floor the last couple of weeks.

Now on lobbying reform, ethics in Government matters. That may be a column note someplace, a short column note at the very best, usually, on items like this. But they are items which become vitally important for long-term

Government in this country and how our people look at Government, because we live in an age when, for whatever reason, people have lost confidence in their Government.

There is a pervasive cynicism, if not outright skepticism, about the integrity of Government institutions to carry out and serve the public's interest.

Part of this distrust is the perception that Congress in particular is beholden to special interests and that ordinary people cannot rise above the din of lobbyists having special access to and currying favor from Members of Congress or top officials in the executive branch.

I personally do not subscribe to this view. I feel it is more myth than reality. However, as long as the perception is there, doubt and suspicion will linger.

In my view, the issue is about access and accountability. We want to return power to the people. At long last, everyone will be able to know who is paying what to lobby whom on which subject and on which issue. Whether it is a special tax loophole or a pork barrel project, people want to know what is going on. The sunshine is always the best disinfectant.

I am sure that most of us would much rather be talking and meeting with those who elected us—our constituents—than some smooth-talking lobbyist. I, for one, was elected to represent the people of Ohio. And they are who I want to hear from and will always give top priority to.

This bill provides for the effective disclosure of paid lobbyists who are trying to influence Federal legislative or executive branch officials in the conduct of Government actions. It also affords us the fullest opportunity for citizens to exercise their constitutional right to petition the Government.

Nothing in this bill whatsoever would either restrict or prohibit our constituents from writing, from calling, or from meeting with us. Senators LEVIN and COHEN have clarified that. They have also removed the so-called grass-roots lobbying provision which was used to thwart our efforts to get this bill enacted into law prior to adjournment last year.

This legislation makes commonsense reforms in the registration and disclosure process. It replaces the myriad of lobbying disclosure laws—some with giant loopholes—with a single, uniform statute covering all professional lobbyists. It also streamlines the disclosure requirements to ensure that the public is provided with meaningful information, not some undecipherable code. The legislation also establishes a workable system to administer and enforce compliance with this act.

I think we are at a crucial crossroads, in my view, over the role of Government and people's respect for it. I believe this bill will enhance the public's awareness of and confidence in the functioning of their Government. It

makes sure that public officials are accountable for their actions. I think it will discourage lobbyists and their clients from engaging in less than proper activities.

Let me say this about lobbyists. I do not turn lobbyists away. I welcome their information a lot of times because a lot of times they can give you details of or insight into this particular area of expertise that is welcome and should be considered. But to try and tie that lobbyist up with whether they made a contribution or not is absolutely wrong.

In short, effective lobbying disclosure would ensure that the public Federal officials and other interested parties are aware of the pressures that are brought to bear on public policy. Now more than ever, so to speak.

At a time when major health and safety laws or regulations are being debated on the Senate floor, the public is entitled to know what lobbyists we are meeting with in the back rooms, who they are representing, and why they are here. Are they just passing through to say "hello?" Are they here to persuade us to offer or support an amendment to benefit a particular business or industry?

Effective public disclosure will build confidence in this body and erase the doubts and suspicions that the public is shut out from the people's business.

So I think the changes proposed by Senators LEVIN and COHEN are sensible and they strengthen the workings of the bill. They deserve our credit for leading this effort, though I regret we were prevented from acting upon this last year.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SIMPSON. Mr. President, has a quorum been entered?

The PRESIDING OFFICER. It is not in progress.

Mr. GLENN. I withdraw the request for a quorum call.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my friend from Ohio.

Mr. President, with regard now to the status of the situation on the floor, we are on the bill. Is that correct?

The PRESIDING OFFICER. The Brown amendment No. 1838 is the business at hand.

Mr. SIMPSON. Mr. President, with the approval of the Senator from Colorado, may I ask that his amendment be withdrawn. My amendment should not take 5 or 10 minutes, unless the Senator from Colorado wishes to go forward.

Mr. BROWN. It would be appropriate to temporarily set it aside.

Mr. SIMPSON. I ask unanimous consent that the amendment be temporarily set aside and that we go forward with this.

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

Mr. SIMPSON. I thank my friend from Colorado.

AMENDMENT NO. 1839

(Purpose: To prohibit certain exempt organizations from receiving Federal grants)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1839.

At the appropriate place, insert the following:

SEC. . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. SIMPSON. Mr. President, that amendment is rather succinct.

I believe that the amendment I have just put forward embodies an absolutely critical component of any truly meaningful lobbying reform. The amendment is identical to a bill which I was pleased to introduce with Senator CRAIG last Friday which has already attracted over a dozen cosponsors.

By unanimous consent, Mr. President, we now split the underlying legislation into two complementary components—lobbying reform and gift ban legislation. I think all of us must agree that the issue of lobbyists' gifts to Senators must be dealt with in any attempt to protect the ethical framework of our activities here. I commend my friend from Michigan who came here when I did, Senator LEVIN, and many others who have worked so diligently on these issues of lobbying and gifts—and Senator MCCONNELL and so many others.

But my amendment gets to the heart of another major piece of the puzzle, one which we have inadequately dealt with thus far. This is the other side of the coin. This is about Congress' gifts to lobbyists in the forms of grants, loans and other benefits.

Very simply, Mr. President, my amendment would forbid the delivery of Federal grant money to any 501(c)(4) organization—501(c)(4). Please hear that very seriously constricted and limited impact. This is an absolutely vital and fundamental and long overdue reform.

I trust my colleagues may be fully aware of the relevant sections of the Internal Revenue Code pertaining to tax-exempt organizations. If so, they will see why this reform is absolutely necessary, and should be, I think, uncontroversial.

First, let me assure my colleagues who may be wary upon initially hearing of this legislation. This amendment does not affect charities, nor any of the other tax-exempt groups which Members will certainly wish to protect, and should.

This amendment would not affect any organization that is organized

under section 501(c)(3) or 501(c)(5) or 501(c)(6) or any of the other 25 categories, or maybe more, if I recall, of the Internal Revenue code. And I would remind my colleagues that 501(c)(3), which is not affected by this legislation, this amendment—this is the one that encourages activities, that are, and I quote directly from the code, 501(c)(3)'s are not affected by this amendment, are to "Relieving the poor and distressed," or for "Advancing religion or education." Thus, this amendment would not affect the Salvation Army, nor any other of the educational institutions in your State or any "charities." Nor would it affect the tax-exempt groups that file under 501(c)(5) or 501(c)(6) of the Internal Revenue Code. These organizations include the labor organizations, and business organizations, groups such as the chamber of commerce, and the AFL-CIO—not dealt with here; no impact at all.

This amendment deals very directly with section 501(c)(4) only. You can read that, the big lobbyists, the big boys and girls, and quite a list. That is the category that some organizations have chosen to file under when they want to spend an unlimited amount of money on the lobbying of the Congress. Unlike a 501(c)(3) which has a floating cap on how much can be spent on lobbying, there is no such cap on a 501(c)(4), none.

This means that an organization under 501(c)(4) can under current law enjoy a tax exemption, enjoy receiving the Federal grant money and enjoy spending untold millions—that is the number, untold millions—lobbying the Congress. This is huge loophole benefiting the powerful lobbyists at the expense of the collective interests of our citizenry. It is small wonder that we have such difficulty here casting votes to benefit the average citizen and Americans when we are simultaneously subsidizing the programs and activities of some of our largest lobbying groups. This is a reform that absolutely must be made, and soon. And there is no better place than I think the time today because there is a fundamental basic incompatibility between the current construction of 501(c)(4) law and the delivery of Federal grant money.

I feel, after looking at it as carefully as I can, that rather than to design the limitations on the lobbying, or other advocacy activities of the 501(c)(4) organizations, that we should simply acknowledge that this is not the provision of the Tax Code under which altruistic, caring, charitable groups file. They do not file under 501(c)(4). But rather, this designation attracts those groups that are organized principally to lobby the Federal Government, and do so without financial limitations.

There are, of course, and be assured, countless fine organizations doing good work and good works, organized under 501(c)(4) of the Tax Code. And if they wish to continue their administration of Federal grant money, certainly we

should encourage them to file as a 501(c)(3) or any other available provision of the Tax Code.

My amendment would not prevent the truly altruistic groups from doing just that, but if they wish to enjoy the benefits of 501(c)(4) and also enjoy the special privilege to lobby just as many bucks as their bank account will allow, then they should not be paid off in Federal grant money.

I hope we might receive bipartisan support for this amendment, good bipartisan support. I have heard some of my colleagues take the floor at other times during this year to state that such lobbying activities should not be underwritten by the Federal Government. I have heard some on the other side of the aisle say that the NRA in particular should not be receiving Federal grant money. Many concur.

So this is the Senate's chance to put an end to these conflicts of interest. I hope the Senators on both sides of the aisle will support this needed reform and vote to curtail the delivery of grant money to these, the most powerful lobbying groups and organizations in America. It is really a fundamental test of our sincerity in removing the decisionmaking process from obvious conflicts of interest. I ask my colleagues for their support with regard to the amendment.

Mr. President, I will yield to Senator BROWN whenever he wishes the floor, but let me speak another few moments.

MEDICARE AND SOCIAL SECURITY REFORM

Mr. SIMPSON. Mr. President, I was listening with interest to the discussion of Medicare and these issues that confront us, what we are going to do—the ancient litany of a tax cut for the rich, and this type of activity. I just want the American people to be certain that they remember that Medicare will go broke in 7 years and Social Security will go broke in the year 2031. It would be very helpful if they could come forward and tell us what we should do about that.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. MCCONNELL. Mr. President, before the Senator from Wyoming leaves the floor, I listened carefully to the explanation of his amendment, and I wanted to commend him for what I think is an outstanding amendment, a very important contribution to the underlying legislation. I fully intend to support him and encourage this effort. I wish to thank him for his leadership in this area.

Mr. SIMPSON. Mr. President, I thank the Senator from Kentucky. No one has been more vitally involved in these issues than my friend from Kentucky, Senator MCCONNELL. And those are powerfully reliable words. I appreciate it very much.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. Currently the Simpson amendment No. 1839 is pending.

Mr. BROWN. Mr. President, it is not my intention to preclude further debate on the Simpson amendment. Obviously, I join him in the hopes that it will pass and be accepted. But would the Senator be comfortable if I temporarily set it aside and move back to the Brown amendment?

Mr. President, I ask unanimous consent that we temporarily set aside the Simpson amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1838

Mr. BROWN. Mr. President, are we now considering the Brown amendment?

The PRESIDING OFFICER. Yes, the Brown amendment is now the pending business.

Mr. BROWN. Mr. President, it is my intention to offer three amendments for consideration of the body. The first one, as we have spelled out, is the reporting categories; that they are meaningful in reporting the value and, as we have already discussed, a current limitation of closing the valuation at \$1 million could be very misleading.

The second amendment I hope to offer is one that deals with qualified blind trusts. Currently, the statutes under which we operate provide that a recipient or beneficiary of a qualified blind trust is allowed under a qualified blind trust to be advised of the total cash value on a periodic basis.

Our amendment, the second amendment we will offer, simply would make it clear that if one is advised of their total cash value, under the statutes, of a qualified blind trust, that total cash value—not the value of the assets underneath but the total cash value—is disclosed.

The third amendment is one that will deal with personal residences that exceed \$1 million. While there may be very few of these—at least I do not anticipate there would be very many—there is a tax implication which was passed by previous Congresses in regard to valuation of a residence. That tax rule that Members are familiar with involves financing of a personal residence in excess of \$1 million and imposes limitations or, to be more precise, limits the deductibility for tax purposes. Inasmuch as that tax provision exists and raises potential conflict of interest for Members voting who might come under that provision, the third amendment would provide for the reporting of personal residences in excess of \$1 million.

Mr. President, as I understand it, Members are now considering the first amendment, which would expand our reporting categories, and it would be my intention to allow this to proceed under a voice vote, if that is the wish of Members of the Senate, so that we could maximize the use of our time.

I yield the floor, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, it will be my intention to lay down the other amendments that I have referred to. So I rise at this point for the purpose of offering an amendment. First, I ask unanimous consent that the pending Brown amendment be temporarily set aside.

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

AMENDMENT NO. 1840

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require the disclosure of the value of any personal residence in excess of \$1,000,000)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1840.

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ANY PERSONAL RESIDENCE IN EXCESS OF \$1,000,000 UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of value of any property used solely as a personal residence of the reporting individual or the spouse of the individual which exceeds \$1,000,000.”.

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5)” and inserting “(5), and (8)”.

Mr. BROWN. Mr. President, this second amendment is quite straightforward, and it was the reason I thought it appropriate to allow it to be read in full. What it does is fill a gap in our reporting requirements. Since we have specific legislation that provides separate tax treatment if someone borrows more than \$1 million on a personal residence, there is currently an issue before Congress in terms of a tax policy where the ownership of a residence in excess of \$1 million in value presents a potential conflict of interest.

Thus, this amendment would fill the gap in our current reporting requirements. It would allow disclosure of per-

sonal residences that are in excess of \$1 million or, I should say more precisely, it provides for that disclosure and would provide information with regard to potential conflict of interest when voting on tax issues of that kind.

Mr. President, I ask unanimous consent that the second Brown amendment be temporarily set aside.

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

AMENDMENT NO. 1841

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require an individual filing a financial disclosure form to disclose the total cash value of the interest of the individual in a qualified blind trust)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. Brown] proposes an amendment numbered 1841.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust investment was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.”

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5)” and inserting “(5), and (8)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

Mr. BROWN. Mr. President, Brown amendment No. 1841 deals specifically with qualified blind trust. Under the current statutes, we provide an exception or an exemption from reporting, and it is done only in an area where a trust is involved and where it meets the standards of qualified blind trust under law.

Under the statutes of a qualified blind trust, the beneficiary of that trust is allowed to receive certain information. The beneficiary is allowed to be advised of the earnings of that trust, which is obviously necessary for tax purposes, and also under the law is allowed to receive information of the total cash value of that trust and can be reported to the beneficiary as often as four times a year under the current statute.

Ironically, though, we have exempted the beneficiary from disclosing that in-

formation which they are allowed to receive under the terms of the qualified blind trust. This amendment merely provides that the total cash value be reported, along with the other information in someone's disclosure. It does not require disclosure of the assets in which the trust is invested. But it does provide that the beneficiary of that trust report the information that they receive from the trust; that is, the total cash value.

Mr. President, there is a specific exemption included in the third Brown amendment, that is amendment No. 1841. That exemption is this: If someone is the beneficiary of a qualified blind trust and that trust was executed prior to today and the terms of that trust precludes the beneficiary from receiving information on the total cash value, then one need not report it.

So while the statute allows people to receive information on the total cash value, it is certainly possible that some Members operate or receive benefits under a trust that does not advise them of that total cash value. It would be our intention to not push those Members into a difficult bind under these circumstances and, thus, we have provided this exception; that is, if the terms of the trust do not allow the beneficiary to be advised of its total cash value, then the Member would be exempt from having to report that information; that is, it would not have to report the information that they do not have and cannot get under the terms of the qualified trust.

The change, though, is this: If someone has a qualified blind trust and is advised under the terms of that trust the total cash value, then they would no longer be exempt from reporting that. It, in effect, puts Members on equal footing. It seems to me this fills a very important loophole in our current disclosure provisions.

Mr. President, I ask unanimous consent that we temporarily set aside amendment No. 1841 and return to the Brown amendment No. 1838.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, just briefly, I want to commend the Senator from Colorado for three excellent amendments that I think fit the spirit of the underlying legislation, and I want to commend him for presenting them. I fully intend to support them and hope the Senate will as well.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Will the Senator yield for a question on amendment No. 1841?

Mr. BROWN. Sure.

Mr. LEVIN. As I understand the amendment, the categories of total cash value of any interest of the reporting individual would be the same categories as are provided by law for other assets; is that correct?

Mr. BROWN. That is correct.

Mr. LEVIN. So if Brown amendment No. 1838 were adopted, it would be the new categories as provided in Brown amendment No. 1838 that would be applied to the blind trust situation.

Mr. BROWN. That is correct.

Mr. LEVIN. On Brown amendment No. 1840, the one relating to the value of a house, is it my understanding that the valuation of the home would be done in accordance with one of the various methods of valuation which are currently allowed for other assets?

Mr. BROWN. That is correct, in my understanding. The Senator, I know, is well versed in this and may be willing to straighten me out on this, but my understanding is you can report historic costs if you do not have a firm fix on what the current valuation is.

Mr. LEVIN. My recollection is, and I am not sure I do have any greater knowledge than my friend from Colorado, but my recollection is that there are at least three methods of valuation which are allowed for real estate. You can take cost—I think there is a depreciation factor—historic valuation, there is a tax assessment valuation and there are a number of other ways, perhaps. But whatever it is that is allowed for real estate under the current requirements would be allowed when it comes to the valuation of a home under Brown amendment No. 1840; is that correct?

Mr. BROWN. That is correct. I might say that it certainly would not be my intention to require in any way an annual appraisal or something like that. I think the alternatives that exist in law, at least in my view, are more than satisfactory for reasonable disclosure.

Mr. LEVIN. Mr. President, we are attempting to determine whether or not there are Senators that wish to debate any of the three Brown amendments, and pending that determination, I ask that the amendments either be laid aside so that we can return to some other business, or if anybody else wishes to come to the floor to debate the bill or any of the amendments which have already been laid aside, that they do so.

I yield the floor.

Mr. BROWN. Mr. President, for clarification purposes, I wanted to mention for the RECORD what I think is an important aspect of this. Amendment No. 1841, which deals with the qualified blind trust, uses the term "total cash value." The reason that we use that term is that it is the precise language that the current statute uses; that is, the current statutes provide that you can have a trust that qualifies as a qualified blind trust and still report to the beneficiary the total cash value. So that is the origin of that.

In contacting the Ethics Committee, we sought to learn what was meant by the term "total cash value." We are advised that they do not have an independent legal opinion on the use of that term, even though they have questions about its usage in filing. But we

are also advised that they believe that it means and relates to, in effect, the value of the trust, market value of the trust, the value it would have if the trust were converted to cash on the current market.

It seems to me that is a reasonable definition, and it is certainly with that understanding in mind that we have used that term; that is, to give full disclosure to what is the current value under the current market conditions of the value of that trust, those trust assets.

I yield to the distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield for an additional question which relates to line 1 on page 2. It says there, "the category of the total cash value of any interest of the reporting individual."

I want to see if my understanding is correct. Is the cash value of interest related purely to the value of the asset? And is my understanding correct that this amendment does not require the disclosure of income from that asset? Or is that already required under law?

Mr. BROWN. It is my understanding that the law already requires the reporting of income accruing to the beneficiary of the trust, but in the past has not required the disclosure of the total cash value of the underlying assets.

Mr. LEVIN. So whatever the current law is relative to disclosure of income from the qualified blind trust, it is not affected by this amendment?

Mr. BROWN. That is correct.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1839

Mr. CRAIG. Mr. President, last week I introduced legislation on this floor to deal with the very topic that the Senator from Wyoming came to the floor earlier this afternoon to introduce, an amendment to the lobby reform bill that is now pending before the Senate. The issue is the Federal Advocacy Reform Act of 1995, and to be able to deal with it in the amendment form tied to this is most appropriate.

For a few moments this afternoon I would like to talk briefly about the scope of this amendment and why I think it is so important for us to consider in the context of Federal lobbying.

People are correctly focused on lobbyists and gifts to legislators as the Senate convenes today to debate these important topics. But I think we also need to worry about Government's

gifts to lobbyists. Some of my colleagues would say, "Senator, what are you talking about?" But the Senator from Wyoming, AL SIMPSON, this afternoon very clearly laid out the growing phenomenon in this country of more and more Federal tax dollars going in the form of contracts and grants, and in some instances outright gifts, to advocacy groups which then allows them to use the tax base, the tax dollars of this country, to argue their maybe very narrow point of view. The question is, is this in the best interests of our country? Should we allow these kinds of things to go on?

It is not a new question that we ask. Mr. President, 75 years ago Senators stood on this floor and clearly argued that Federal tax dollars should not be used for the purpose of advocacy for a narrow or single purpose. But Federal tax dollars should at least be spread for the common good and they should be cautiously used, but in all cases the common good or the broad base of the American public's interests ought to be at mind.

Over the last good number of years, we have watched grow to a point now where over \$70 billion annually in the form of grants go out to a broad cross-section of interests across this country, and in many instances, then, we find those tax dollars right back here on the doorstep of the U.S. Capitol, being advocacy dollars for sometimes a very narrow, specific point of view.

I think it is now time for this Senate, as we debate the broader question of lobbying, to argue, is that the right thing to do? With nearly a \$5 trillion debt, a \$200 billion deficit, and the very real concern that this year for the first time this Congress is going to establish increasingly narrow and tighter public priorities as to where our dollars get spent, is it not time we do the same in this area and with these categories?

Our associates and friends in the House are approaching it from a different point of view. Amendments will be offered before the appropriations process over there that will deal with more than the 501(c)(4) category inside the Internal Revenue Code that the Senator from Wyoming and I are discussing this afternoon. They will talk about the "not for profits" and "for profits," the 501(c)(3)'s and all of those that fall under the broad category of section 501 of the IRS Code.

But, today, our amendment is very clear and it is narrow. It says that, for those not-for-profit advocacy groups, who choose to be, for their purpose, advocating a point of view, that they should be disallowed from receiving Federal dollars. It is very straightforward and very simple in its approach.

When I introduced S. 1056 last week, Senator SIMPSON worked with me in the cosponsorship of that, along with my colleague from Idaho, DIRK KEMPTHORNE, and Senator COVERDELL, Senator GREGG, Senator NICKLES, Senator LOTT, Senator KYL, Senator

GRAMS, and Senator FAIRCLOTH, and it was only but for a few moments on Friday that I worked that issue. Obviously it is one of great concern and I think very popular, and it ought to be debated here on the floor and tied to this important legislation we are dealing with this afternoon.

Mr. President, I ask unanimous consent that a position paper developed by the Heritage Foundation be printed in the RECORD.

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

[From the Heritage Foundation]

RESTORING INTEGRITY TO GOVERNMENT: ENDING TAXPAYER-SUBSIDIZED LOBBYING ACTIVITIES

To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.—Thomas Jefferson.

INTRODUCTION

The federal government subsidizes lobbying by tax-exempt and other organizations through grants and contracts to advocacy groups. Each year, the American taxpayers provide more than \$39 billion in grants to organizations which may use the money to advance their political agendas.

Federal funding of private advocacy is not limited by ideological scope. Organizations to the left and right of the political center use taxpayers' funds to promote their ideas and positions. Almost every interest in America—from agriculture to zoology—has one or more organizations receiving government funding. Recipients range from the American Association of Retired Persons, which received over \$73 million in a one-year period, to the American Bar Association, which received \$2.2 million. Over the past forty years, Congress has helped create a vast patronage network or organizations that enjoy tax-preferred status, receive federal funds, and engage in legislative or political advocacy. The days of big city political machines disbursing patronage may be coming to an end, but the disbursement of financial dividends to political friends is a prominent feature of the federal budget. As Heritage Foundation Senior Fellow Marshall Breger has written:

"Lacking the imprimatur of democratic consent, government subsidy of private advocacy can be seen for what it is—the public patronage of selected political beliefs. That these advocacy subsidies are rarely made openly but are often disguised through grants and contracts for legitimate public functions merely underscore the dangers inherent in a system of expansive government subsidy."¹

Clearly, the right to petition government to redress grievances should not be infringed. Individuals and organizations using funds from the private sector should be encouraged to engage in the legislative and political process. It is an entirely different matter, however, to employ the coercive power of the federal government to force taxpayers to finance organizations which lobby Congress or other government entities. It is every bit as unjust to force liberal taxpayers to fund organizations on the right as it is to force conservative taxpayers to finance organizations on the left. The fundamental principle is that it should be anathema to force taxpayers to underwrite advocacy with which they disagree.

Taxpayer funding of advocacy organizations is wrong—fiscally, morally, and logi-

cally. It is fiscally irresponsible to spend federal revenues on activities that provide no meaningful return to the American people. It is morally wrong for the government to take sides in any public policy debate by assisting the advocacy activities of an elite few. And it is logically wrong for the government to fund activities that often result in lobbying for increased federal expenditures. The reasons are summarized aptly by George Mason University professor James T. Bennett and Loyola College professor Thomas J. DiLorenzo in their comprehensive study, *Destructing Democracy*.

"A large number of individuals with strong views can express their preferences by contributing funds to a group that promotes that issue. With tax-funded politics, however, a small number of zealots with access to the public purse can obtain resources from government to advance its views even though few individuals in society share the group's philosophy. Whenever government funds any political advocacy group, it effectively penalizes those groups that advocate opposing public policies and provides a distinct advantage to the group or groups that it favors in the clash of ideas."²

THE FUNDING OF FACTION

The Founding Fathers recognized the dangers of factions in a republic. James Madison wrote in *Federalist* Number 10 that "Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction." Madison defined faction as "a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."

What the Founding Fathers referred to as factions we now call special interests. Instead of restraining factions, however, the federal government today subsidizes them. This distorts the political process by favoring one faction over another and by nourishing a network of special interests—a welfare-industrial complex—with a direct self-interest in a growth of the welfare state. The financial cost to the taxpayer is far higher than the amount funneled to these organizations. Each one not only lobbies for its contract or grant, but also advocates for bigger, more expensive social welfare programs, further complicating efforts to put the nation's fiscal house in order. Moreover, while these organizations often claim that the money they receive helps the less fortunate, the reality is that it bolsters their own political power, perks, and prestige.

The advocacy network and its leaders contribute to what author James Payne has referred to as a "culture of spending" in Washington which makes it extremely difficult to trim government programs: "Leaders of such federally dependent interest groups should not be seen as representing independent citizen opinion. They are quasi-governmental officials with a vested interest in the spending programs that benefit their organizations."³

Not every dollar given to an advocacy group goes directly to political advocacy activities. However, federal dollars are fungible. Every federal dollar frees private resources to be spent on political, lobbying, and other advocacy activities. Moreover, federal funds make the organization appear to be a larger force in the political arena than it would if it were totally reliant upon private contributions. For example, the National Council of Senior Citizens receives 96 percent of its funding from the federal government.

The NCSC is but one of many advocacy organizations receiving federal funds. Here are just a few other examples:

The AFL-CIO benefited from more than \$2,000,000 between July 1993 and June 1994. According to the AFL-CIO News Online, the AFL-CIO used the Memorial Day recess to increase pressure on Members of Congress with its "Stand UP" campaign: "In those [5 targeted] districts, the AFL-CIO provided radio ads and coordinators to work with local union officials and legislative action committees. Other activity included direct mail, jobsite leafleting, phone call drives using the AFL-CIO's toll-free hotline, petition drives, town meeting attendance, and letters and columns submitted to local newspapers."⁴

Recently, the Service Employees International Union produced a newspaper advertisement opposing tax cuts and efforts in Congress to slow the growth of welfare and Medicare. SEIU claims Congress is attempting to "loot" welfare programs and "steal" from low-income home-energy assistance to help finance "corporate special interests." The ad lamented the impact on Fannie Johnson and her family in Ohio.⁵ This labor special interest benefited from \$137,000 in taxpayer funding in 1993 (for an "anti-discrimination public education campaign"). Terminating it would eliminate the tax burden of nearly 30 families just like Ms. Johnson's in Ohio.

Families USA—a driving force behind the Clinton big-government health care plan, including the failed last-ditch attempt to revive it last summer through a nationwide bus tour⁶—received \$250,000 from the taxpayers between July 1993 and June 1994.

The Child Welfare League of America received more than \$250,000 in federal funding, then turned around and launched an ad campaign to increase welfare spending. The League ran an advertisement opposing the Contract With America's welfare reform bill which charged that "More children will be killed. More children will be raped."⁷

The National Trust for Historic Preservation received approximately \$7 million from the federal government in FY 1994—22 percent of its budget. In the same year, the Trust "launched a lobbying campaign against the Disney project" in Northern Virginia.⁸ In 1993, it "lobbied Congress to expand the historic rehabilitation tax credit."⁹ The group's president, Walter Mondale's former chief of staff Richard Moe, said the full credit would cost "\$1.4 billion over five years."¹⁰

The American Nurses Association received nearly \$1 million between July 1993 and June 1994 from the U.S. taxpayers. In 1994, the ANA endorsed the Gephardt health care plan and actively lobbied for it. According to the union's own press release announcing this endorsement, "The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by . . . lobbying Congress and regulatory agencies on health care issues affecting nurses and the public."¹¹ The *Political Finance and Lobby Reporter* revealed on May 12, 1995, that two new ANA lobbyists had registered.

The American Federation of State, County and Municipal Employees, which received nearly \$150,000 in the most recent grant reporting period, denounced the House welfare plan, saying it "will drive more families into poverty and turns its back on hardworking Americans who fall on bad times. This is the small print in their evil Contract on America." AFSCME President Gerald McEntee went on to say that "AFSCME will continue to fight for real welfare reform that includes

Footnotes at the end of article.

jobs at decent wages, child care, health care and education and training."¹²

Actually, however, government funding of advocacy organizations can hurt their cause. Well-grounded public policy institutions prosper from strong grassroots support backed by individual financial contributions. Much like a profitable company, they can measure support by looking at how many people were willing to open their checkbooks for the cause:

The plain fact is that political advocacy groups will not flourish on the basis of government subsidy. Rather they will prosper only insofar as they develop financial roots in the polity. Reliance on the government trough is no sign of the commitment of your adherents to your cause.¹³

NOT A NEW PROBLEM

Federally funded advocacy is not a new problem. Congress recognized the potential for abuse more than 75 years ago when it passed a law prohibiting the use of federal funds for political advocacy. Unfortunately, the prohibition was too vague, too lenient, and too weakly enforced. Put simply, auditing of federal grants by the government does not provide the level of scrutiny needed to root out abuse.

The scope of the problem can be seen by examining the *Catalog of Federal Domestic Assistance*, published every six months by the federal government. It details nearly every federal program from which eligible individuals, organizations, and governments can receive tens of billions of dollars in taxpayer funding.

For years, congressional offices have worked with constituents to help them find federal grants, in the process becoming very familiar with the *Catalog* as a guide to sources. But very few congressional staff employees have been aware of abuses in the grants process. These abuses are long-standing. In testimony before the House Committee on Government Operations in 1983, Joseph Wright of the Office of Management and Budget noted that the General Accounting Office had found problems as far back as 1948.¹⁴

In the early years of the Reagan Administration, the OMB attempted to revise OMB Circular A-122 (originally issued in the final year of the Carter Administration) to redefine limits on "allowable costs" by federal grantees. The revision, first released in January 1983, was widely criticized as overly broad, excessively burdensome, and unenforceable.

One of the focal points of the initial debates was the fact that the original OMB proposal apparently would have disallowed the use of any equipment, personnel, or office space for both federal grant and political advocacy purposes if at least 5 percent of the organization's resources was used for lobbying. For example, a copy machine could not be used to produce flyers for a rally on Capitol Hill if it was paid for—in whole or in part—by taxpayer funds. Many nonprofits objected to such clear separation between federal funding and political advocacy.

Months later, OMB Director David Stockman and General Counsel Michael Horowitz withdrew the original proposal and released a new draft with a more narrow definition of prohibited activities. This watered-down version no longer drew a clear line between allowable and unallowable costs. Instead, it specified a few examples of prohibited behavior, including a prohibition on reimbursement for conferences used in "substantial" part to promote lobbying activities.

Unfortunately, this effort to appease federally funded nonprofits and quell opposition in Congress was futile. Because Congress signaled its clear opposition to working with

the Reagan Administration to curb federally funded lobbying activities, despite the fact that all parties acknowledged such behavior was inappropriate, A-122 failed to improve substantially the restrictions on lobbyists billing Uncle Sam for their activities.

EXISTING PROHIBITIONS ARE NOT WORKING

Federal law prohibits the use of federal funds for lobbying (18 U.S.C. Section 1913). However, there is no clear set of guidelines as to specific prohibited practices. In addition, numerous appropriations riders have been offered and approved in the past in an effort to curb federally subsidized lobbying. The purpose of the Reagan Administration's attempt to create a more stringent version of OMB Circular A-122 was to tighten the gaping loopholes in existing law and to implement Congress's intent in passing lobbying prohibitions.

Circular A-122 drew on several distinct concepts to frame the new guidelines.

Taxpayers are not obliged to fund advocacy they oppose. The Supreme Court in 1977 ruled that taxpayers are not required, directly or indirectly, "to contribute to the support of an ideological cause [they] may oppose." (*Aboud v. Detroit Board of Education*)

Freedom of speech does not depend on federal funding. In 1983, the Supreme Court unanimously ruled that the federal government "is not required by the First Amendment to subsidize lobbying. . . . We again reject the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State." (*Reagan v. Taxation with Representation*)

The Internal Revenue Code does not alleviate the problem. The notice of the request for public comment on the second revision of A-122 notes that current IRS rules threaten tax-preferred organizations only if they exceed defined limits on lobbying. However, the limits are not tied in any way to the receipt of federal funds, leading to many of the same problems from which the 1919 law prohibiting federally funded lobbying suffers.

Unfortunately, the firestorm created by the first proposed revision of A-122 led to a second draft that watered down the tough initial provisions and failed to solve the problems outlined by the Administration in presenting its proposals. The notice of public comment on the second proposal stated that its "purpose [was] assuring compliance with a myriad of statutory provisions mandating that no federal funds used for lobbying purposes, and to comply, in balanced fashion, with fundamental First Amendment imperatives." Despite the best of intentions, the revised A-122 did not meet these goals.

A particularly serious provision of the second revision was its enforcement mechanism. A popular maxim in the 1980s was "trust but verify." OMB Circular A-122 relied on trust alone:

"[T]he federal government will rely upon [the nonprofit employee's] good faith certification of lobbying time below 25%. . . . Under the proposal, the absence of time logs or similar records not kept pursuant to grantee or contractor discretion will no longer serve as a basis of contesting or disallowing claims for indirect cost employees."

In essence, this lack of verification of time spent on lobbying activities permits the individual to state that he is complying with the law even if that is not the case. This is worse than the fox guarding the henhouse. If a nonprofit is willing to violate the restrictions on advocacy, surely it will have no qualms about certifying it is in compliance with the law.

TOUGHER RESTRICTIONS NEEDED

Tougher laws are needed to prevent the abuse of taxpayers' funds by federal grant-

ees. There is no excuse for compelling John Q. Public to support political advocacy that he opposes. It is fiscally irresponsible and morally indefensible.

The following should be essential parts of any congressional efforts to curb current abuses:

Truth in Testimony. Witnesses testifying before Congress should be required to divulge in their oral and written testimonies whether they receive federal funds and, if so, for what purpose and in what amount. This will permit committees to view the testimony in an appropriate light.

No Federal Funding for Advocacy. No organization that receives federal funds should be permitted engage in any thing but incidental lobbying activities, except on issues directly related to its tax status.

No Bureaucratic Shell Games. No recipient of federal funds should be permitted to maintain organizational ties to any entity that engages in lobbying activity. All subgrantees should be treated as if they received the funds directly from the federal government. Independent Sector, an organization representing hundreds of nonprofit advocacy groups, unwittingly indicated the need for this in a recent report: "Although the nonprofit organization received a check from the local government, the local government may have received some or all of its funding for this project from a Federal Community Development Block Grant (CDBG)." ¹⁵

Meaningful Auditing. The Inspectors General of the various federal departments and agencies must investigate more thoroughly any abuses of current law, as well as new laws passed by the Congress.

Tough Penalties. The consequences for violating the prohibition on federally subsidized lobbying must be sufficient to discourage organizations from violating the standards. Under no circumstances should any organization that willingly and knowingly violates the prohibitions receive further federal funding.

Representative Robert K. Dornan (R-CA) has introduced H.R. 1130, the Integrity in Government Act, which would prohibit a recipient or paid representative of any federal award, grant, or contract from lobbying in the following circumstances:

In favor of continuing the award, grant, or contract;

In favor of the actual program under which the funds were disbursed;

In favor of any other program within the broad department or agency; and

In favor of continued department or agency funding.

The Dornan legislation also prohibits tax-exempt lobbying organizations from receiving federal funds. Representatives Bob Ehrlich (R-MD), Ernset Istook (R-OK), and David McIntosh (R-IN) also are working on legislation to remedy this problem.

It is difficult to craft legislation that satisfactorily defines prohibited activities. Moreover, any bill designed to redress these abuses must prevent organizations from simply establishing separate bank accounts and separate names. To be effective, there must be a definite and complete physical separation between all federally and privately funded resources.

CONCLUSION

Taxpayer-subsidized political advocacy represents pure fiscal folly and moral injustice. No hard-working American should be compelled to finance lobbying activities with which he disagrees. The Founding Fathers would be appalled at current federal grant making. Thirteen years ago, The Washington Post editorialized:

"[W]e agree that there is something disturbing about organizations that strongly

advocate positions many sensible people find politically or morally repugnant, acting at the same time as administrators of government programs. It is easy to believe that the advocacy groups' employees will sometimes proselytize the program's beneficiaries in ways we would consider inappropriate (though not unheard of) for a civil servant. Advocacy organizations might also want to ask themselves whether they risk compromising their own purposes by accepting government money, and whether they want to assume the inevitable risk that it might be withdrawn suddenly for legitimate political reasons."¹⁶

Abuse of federal grant funds must be stopped. Tougher restrictions are needed to prevent lobbying organizations from obtaining some or most of their revenue from the American taxpayers. Auditing and investigation of federal grantees by the Executive Branch must be strengthened. However, a danger always exists that as long as government funds go to advocacy organizations, the "wall of separation" will be porous. Moreover, the less fortunate would be assisted more directly by eliminating the middleman who "does well by doing good."

Without restoring integrity to government by ending federally funded lobbying, Congress and the President will continue to squander millions of taxpayer dollars each year. Political patronage should have no place in the federal budget.

Marshall Wittmann, Senior Fellow in Congressional Affairs.

Charles P. Griffin, Deputy House Liaison.

FOOTNOTES

¹ Marshall Breger, "Halting Taxpayer Subsidy of Partisan Advocacy," *Heritage Lectures* No. 26, 1983, p. 10.

² James T. Bennett and Thomas J. DiLorenzo, *Destroying Democracy: How Government Funds Partisan Politics* (Washington, D.C.: Cato Institute, 1985), p. 388.

³ James Payne, *The Culture of Spending* (San Francisco: ICS Press, 1991), p. 17.

⁴ *AFL-CIO News Online*, June 7, 1995, downloaded from the AFL-CIO's Internet site on June 16, 1995.

⁵ Advertisement, "Fannie Johnson Can't Afford Another Republican Tax Cut," *The New York Times*, June 15, 1995, p. B-11.

⁶ "The \$2 million [bus] trip is financed by Families USA, a liberal philanthropy, with unions and other groups." Families USA was the "chief sponsor of the caravans." Jennifer Campbell, "Caravan Met with Mixed Reaction," *USA Today*, July 29, 1994, p. 4A.

⁷ Advertisement, "First neglect at home, Now abuse by Congress," *The Washington Times*, March 22, 1995, p. A19.

⁸ Editorial, "The War of the Subsidies," *The Washington Times*, May 6, 1994, p. A22.

⁹ James H. Andrews, "Historical Trust Uses Its Clout for US Heritage," *The Christian Science Monitor*, May 14, 1993, p. 12.

¹⁰ Charlene Prost, "Historic Preservation Trust Seeks to Gain New Members," *St. Louis Post-Dispatch*, October 5, 1993, p. 13B.

¹¹ PR Newswire, ANA press release, August 11, 1994, obtained from NEXIS.

¹² PR Newswire, AFSCME press release, March 27, 1995, obtained from NEXIS.

¹³ Marshall Breger, "Partisan Subsidies: Democracy Undone," *The Washington Times*, December 6, 1983, p. 2C.

¹⁴ Joseph R. Wright, Jr., testimony in *Hearing on Proposed Revisions to OMB Circular A-122*, Committee on Government Operations, U.S. House of Representatives, 98th Cong., 1st Sess., March 1, 1983, p. 2.

¹⁵ See "Impact of Federal Budget Proposals Upon the Activities of Charitable Organizations and the People They Serve," Independent Sector, June 1995, p. 314.

¹⁶ Editorial, "Financing the Left," *The Washington Post*, April 26, 1982.

APPENDIX

The following case studies demonstrate the need to reform the federal grants process. The organizations analyzed were selected for illustrative purposes and do not represent the entire universe of the problem.¹

¹ The dollar amounts provided are approximate, based on information provided by congressional of-

American Association of Retired Persons (AARP)

AARP receives funding for approximately one-quarter of its annual expenditures from the federal government. Sources range from programs for the elderly to millions of dollars annually to provide clerical support to the EPA.

Senior Environmental Employment Program (EPA: 66.508)	\$20,000,000
Tax Counseling for the Elderly (IRS: 21.006)	4,600,000
Sr. Community Service Employment Program (DOL:17.235)	49,000,000
Breast/Cervical Cancer Detection Program (HHS: 93.919)	75,000
Total	73,675,000

American Bar Association (ABA)

The American Bar Association received \$2.2 million in federal grants between July 1993 and June 1994.

Missing Children's Assistance (DOJ: 16.543)	\$1,242,000
Social, Behavioral, and Economic Studies (NSF: 47.075)	138,000
"Resistance and Rebellion in Black South Africa: 1830-1920"	
Juvenile Justice and Delinquency Prevention (DOJ: 16.541)	100,000
Nat'l Institute for Juv. Justice and Delinquency Prev. (DOJ: 16.542)	50,000
Justice Research, Development and Evaluation (DOJ: 16.560)	139,000
Drug Control and System Improvement (DOJ: 16.580)	125,000
Title IV—Aging Programs (HHS: 93.048)	200,000
Child Welfare Research and Demonstration (HHS: 93.608)	125,000
Child Abuse and Neglect Discretionary Activities (HHS: 93.670)	58,000
Disaster Assistance (FEMA: 83.516)	30,000
Total	2,207,000

AFL-CIO

The AFL-CIO (and its affiliates) received \$10.7 million in federal funding between July 1993 and June 1994. Following is an overview of this organization's federal funding:

Tripartite Construction Training Tech. Xfer (DOL 17.AAA)	\$1,119,000
Section 8 Rehabilitation (HUD: 14.856)	868,000
Occupational Safety and Health (DOL: 17.500)	70,000
Targeted Training Program—Logging	

In addition, the following contracts were awarded to the AFL-CIO Appalachian Council:

DOL/ETA: Vocational-Technical Training	\$2,670,000
DOL/ETA: Other Ed/Training Services	5,974,000
Total	10,701,000

fices from searches in the Federal Assistance Awards Data System (FAADS) database. All financial data cover the period from June 1993 to July 1994, unless otherwise specified. Numbers in parentheses are referenced numbers for programs listed in the *Catalog of Federal Domestic Assistance*.

Child Welfare League of America (CWLA)

The Child Welfare League of America received the following grants between July 1993 and June 1994:

Intergenerational Grants (Corporation for National Service: 72.014)	\$58,000
Adoption Opportunities (HHS: 93.652)	2,000
Special Programs for the Aging (HHS: 93.048)	200,000
Total	260,000

Consumer Federation of America (CFA)

The Consumer Federation of America received more than \$600,000 from the EPA. The code assigned to the award was not found in the Catalog.

Radon Projects (EPA: 66.AAC)	\$610,000
------------------------------------	-----------

Total 610,000

Environmental Defense Fund (EDF)

The Environmental Defense Fund benefited from more than \$500,000 in taxpayer funding.

Drainage Management System (DOI: 15.BBZ)	\$50,000
Tradable Discharge Permits (EPA: 66.AAC)	15,000
Air Pollution Control Research (EPA: 66.501)	90,000
National Recycling Campaign (EPA: 66.AAC)	360,000
Total	515,000

Families USA

Families USA received at least \$250,000 from the Department of Health and Human Services.

Special Programs for the Aging (HHS: 93.048)	\$250,000
--	-----------

Total 250,000

League of Women Voters (LWV)

The League of Women Voters benefited primarily from EPA funding for various environmental research projects.

Clean Air Act Policy Development (EPA: 66.AAC)	\$100,000
UV Index (EPA: 66.AAC)	21,000
Managing Solid Waste Training (EPA: 66.951)	39,000
Community Ground-Water Education Project (EPA: 66.AAC)	190,000
Nuclear Waste Primer (DOE: 81.065)	261,000
Total	611,000

National Council of Senior Citizens (NCSC)

The NCSC receives 96 percent of its funding from the federal government.

Dislocated Worker Assistance (DOL: 17.246)	\$6,000
Senior Environmental Employment Program (EPA: 66.508)	9,988,000
Section 8 Housing Rehabilitation (HUD: 14.856)	522,000
Sr. Community Service Employment Program (DOL: 17.235)	61,000,000
Total	71,516,000

World Wildlife Fund (WWF)

The World Wildlife Fund received \$2.6 million in federal funding between July 1993 and June 1994. Following is an overview:

Undesignated EPA Grants	\$618,000
Global Marine Contamination Project (EPA: 66.501)	450,000

In addition, 31 federal contracts were awarded to "Resolve, World Wildlife Fund" during this same period. These contracts were from the EPA for "Other Management Support Services" and totaled \$1.5 million.

Total	2,600,000
-------------	-----------

Mr. CRAIG. This paper spells out a broad cross-section of groups in this country that receive as much as \$2 and \$3 million a year in tax dollars, under grants, directly to them, to fund a variety of activities. Many of those interests engage in direct lobbying here, in paid advertising, in every method possible under their right of free speech to cause the Congress of the United States to vote in a certain way.

It is time, I believe, that we make it very clear to those groups that they have every right to exist and that their right to free speech is not infringed upon. But let me suggest that the right of free speech is not tied directly to the right to receive a Federal grant so you can have free speech. While some may argue that they have the right to do certain things—and I would not dispute that—we, as legislators, without question have the right to determine where the tax dollar goes. That is what I am asking that the Senate decide this afternoon and I think that is what the Senator from Wyoming is asking in the amendment he has offered, in a very narrow section of the IRS Code, that we say that the not-for-profit advocacy groups not be allowed to receive money in the Federal form of grant or contract or loan that in any way they can use for the purpose of advocacy or for the purpose of lobbying.

I hope my colleagues will join with the Senator from Wyoming and myself and others in the support of this amendment as we incorporate it in this important legislation, as we work to clarify the whole concern about lobbying in our country, so that the American taxpayer clearly understands our relationship with special interests and the right of all special interests to come to the Congress of the United States to argue their point of view.

I strongly support that. But I do believe it is important that in every way we make it clear and simple to understand how we are approached through the public process.

Mr. President, let me close with this quote from Thomas Jefferson.

To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

Even then Thomas Jefferson was recognizing that no person's dollar should be used to argue a point of view that he or she disagreed with.

Mr. President, in closing, I ask for the yeas and nays on the Simpson-Craig amendment.

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

The PRESIDING OFFICER. The amendment is not before us at this time, the Chair informs the Senator.

The absence of a quorum having been suggested—

Mr. LEVIN. Mr. President, I withhold that. Is there a vote now which has been ordered on the Simpson amendment?

The PRESIDING OFFICER. That amendment is not before us.

Mr. LEVIN. Is it the intention of the Senator from Idaho to ask unanimous consent that it be in order to ask for the yeas and nays on the Simpson amendment.

Mr. CRAIG. It is, and I would so do.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Now I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I ask unanimous consent that the Simpson amendment be in order for the purpose of a second-degree amendment.

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

AMENDMENT NO. 1842 TO AMENDMENT NO. 1839

(Purpose: To prohibit certain exempt organizations from receiving Federal grants)

Mr. CRAIG. Mr. President, I so send that second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 1842 to amendment No. 1839.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the word "Sec.", and insert the following:

EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) which engages in lobbying of the Internal Revenue Code of 1996 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. CRAIG. Mr. President, the purpose of the second-degree amendment is to make clear what, by some people's concern, was not clear, and that is what is the intent of the Simpson amendment. We are addressing section 501 of the IRS Code and, in particular, the 501(c)(4) not-for-profit advocacy groups who receive Federal grant money. What we are saying and what the second-degree amendment clarifies is the difference between their options under this amendment; that is, they

could continue to hold their 501(c)(4) status and lobby, but they could not receive Federal moneys under that status.

If they chose to want to continue to receive Federal grants, they would have the election, under the 501 section of the IRS Code, to become a 501(c)(3), and in that category, not only is the definition of "lobbying" very clear, but the method by which they must handle and account for their Federal dollars. The IRS is very strict and very clear as to the accounting and the management of those dollars so that they are not commingled, so they are kept separate, so that the organization, without question, divides the use of those dollars, so there is not the intent or the ability to use Federal dollars for the purpose of lobbying.

That is, without question, the intent of the Simpson amendment. We thought it was important that it be clarified. I believe the second-degree amendment so clarifies.

Mr. McCONNELL. Will the Senator from Idaho yield for a question?

Mr. CRAIG. I will be more than happy to yield for the purpose of a question.

Mr. McCONNELL. So the Senator from Kentucky is correct in assuming that the purpose of the Craig second-degree amendment to the Simpson amendment is to make it clear that a group currently qualifying under 501(c)(4) can continue to be a 501(c)(4)—

Mr. CRAIG. A not-for-profit advocacy group.

Mr. McCONNELL. And receive Federal grants, but if Federal grants are received, that organization will no longer be allowed to lobby.

Mr. CRAIG. That is correct.

Mr. McCONNELL. And is the Senator from Kentucky further correct in inquiring as follows: If a group currently a 501(c)(4) after the adoption of the Simpson amendment, as amended by the Craig amendment, concluded that receiving Federal grants was critical to its mission, then a logical response to the adoption of this amendment would be to consider qualifying as a 501(c)(3); is that correct?

Mr. CRAIG. That would be correct.

Mr. McCONNELL. I thank the Senator from Idaho. I think his amendment is very useful.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I want to thank very much Senator McCONNELL for his precise inquiry here, and particularly Senator LARRY CRAIG, my colleague from Idaho. There is no intent here to injure the groups that are listed under what I use as a pretty active resource, the GAO report on selected tax-exempt organizations. It gives a list of 501(c)(4) organizations.

Mr. President, I ask unanimous consent that that list be printed in the RECORD.

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

Assets, Revenues and Expenses of the Tax-Exempt Organizations Included in This Study

[In thousands of dollars]

Name of organization	Assets	Revenues	Expenses
Social welfare organizations:			
American Association of Retired Persons	330,638	292,264	310,763
AVMED, Inc	98,346	310,256	288,561
Bank of Sweden Tercentenary Foundation	284,429	20,988	14,371
Blue Care Network of Southeast Michigan	132,446	173,845	158,686
Blue Care Network-Great Lakes	54,598	172,034	169,729
Blue Cross Blue Shield Association	134,320	133,381	131,159
California Vision Service	143,754	304,224	299,865
Capital District Physician's Health Plan, Inc.	69,372	164,166	151,289
City of Mesa-Municipal Development Corporation	50,152	3,101	2,339
City of Scottsdale Municipal Property Corporation	203,588	41,913	15,178
Columbus Multi-School Building Corporation	57,291	1,653	3,316
Connecticare	60,906	190,645	187,197
County of Riverside Asset Leasing Corporation	580,280	34,651	29,879
CSDA Finance Corporation	274,390	19,787	19,730
Delta Dental Plan of Michigan, Inc.	148,660	401,729	399,206
Delta Dental Plan of New Jersey, Inc.	67,113	130,564	122,605
Disabled American Veterans	144,832	70,995	68,854
Firemen's Association of the State of New York	66,710	9,549	5,610
Firemen's Relief Association of Minnesota	52,968	3,403	1,419
Group Health Association	82,704	251,817	248,624
Henry Ford Health Care Corporation Liability Fund	55,565	23,345	21,712
Higher Education Assistance Foundation	216,210	172,588	62,703
Higher Education Loan Program of Kansas, Inc.	235,523	14,972	10,969
Independent Health Association, Inc.	83,935	252,288	244,398
International Olympic Committee	127,121	18,122	22,696
JADER Trust	101,133	6,194	4,060
Luso-American Development Foundation	130,327	24,890	15,188
Marine Spill Response Corporation	264,818	84,610	72,888
Medcenters Health Care, Inc.	102,899	352,189	349,834
Merrillville Multi-School Building Corporation	117,269	3,304	5,773
Midwest Foundation Independent Physicians Association	110,063	225,844	213,056
Minneapolis Fire Department Relief Association	165,395	15,777	11,714
Minneapolis Police Relief Association	264,282	41,230	967
Minnesota School Boards Association Insurance Trust	67,554	42,090	42,056
Mohawk Valley Physician's Health Plan	66,183	178,909	175,637
Municipal Improvement Corporation/Los Angeles	69,061	151,037	158,579
Mutual of America Life Insurance Company	5,521,940	746,637	718,746
National Rifle Association of America	111,019	101,781	139,022
New Albany-Floyd County School Building Corporation	57,932	1,242	51
Physicians Health Plan, Inc.	56,639	178,754	178,352
Regional Airports Improvement Corporation	489,656	38,936	38,936
Sisters of Providence Good Health Plan of Oregon	58,863	117,663	111,068
The Buffalo Enterprise Development Corporation	78,897	2,192	2,926
Trans-Alaska Pipeline Liability Fund	327,579	37,746	57,633
Tufts Associated Health Maintenance Organization	88,902	311,821	300,897
Washington Dental Service	73,670	191,874	188,824
Labor and agricultural organizations:			
AFL-CIO	77,991	69,037	61,736
Air Line Pilots Association	97,057	82,143	69,723
Amalgamated Clothing and Textile Workers Union-Rochester Joint Board	25,273	3,589	2,053
American Federation of State, County and Municipal Employees	26,862	77,326	74,497
American Federation of Teachers, AFL-CIO	51,073	69,280	63,279
Atlantic Coast District ILA	26,130	3,275	2,726
Bakery Confectionery and Tobacco Workers International	24,178	11,875	12,056
Carrier-ILA Container Freight Station Trust Fund	33,375	14,544	2,330
Dakota's Area-wide IBEW-NECA Pension Fund	35,770	3,447	1,295

Mr. SIMPSON. Mr. President, if each of those groups or members of those groups contacted their elected representatives, I am sure that they would be in shock, indicating that they were going to lose something.

So what has occurred in this colloquy and with the second-degree amendment is a very important reiteration of points I made when I spoke during the offering of the amendment as to why the amendment is important.

I think it has been clarified, but let us just do it one more time and, perhaps, if there are any further questions, I hope those who resist the amendment will enter the debate so that we can assure them that this amendment, now as second degreed by Senator CRAIG, does not prevent any 501(c)(4) organization from refiling as a 501(c)(3) and then accepting that category's limits on lobbying.

The only circumstance in which they would be cut off from Federal funds would be if they chose then to remain entirely under 501(c)(4), in effect choosing the unlimited lobbying over the Federal grants.

Under the second-degree amendment, they now have an additional option to stay in 501(c)(4) status without lobbying. So there is no attempt to restrict anyone. The 501(c)(4)'s have the ability—I hope you hear this—they have the ability to spend millions and millions of dollars without restriction. They have no restriction whatsoever. All we are saying is that in the language now of the amendment, as amended by the second-degree amendment—I am going to read it so it will be right in context in this debate, it will now read:

An organization described in section 501(c)(4) which engages in lobbying . . . shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan or any other form.

That is the intent. It is, I hope, clarified now. And if there are those who are not in accord with the amendment, those in opposition, Senator CRAIG and I and others—

Mr. CRAIG. Will the Senator yield?

Mr. SIMPSON. Yes, indeed.

Mr. CRAIG. I want to take this brief moment to thank the Senator from Wyoming for his leadership in this area. As I mentioned in my comments,

this is an issue we have debated now for over 75 years in one form or another, on one occasion or another, and the fundamental concern of Senators long before us was that Federal tax dollars should never be used for the purpose of lobbying; that we should never restrict the right of the citizen, or the group, or the organization to be an advocate before their Government, but that the Government should not be promoting, by the use of those dollars, their right, or their role, or their activity as an advocacy group, that they could under another category receive Federal dollars and perform services so defined by the grant of, or the use of, the Federal dollar or contract. But they could not use those or turn those dollars for the purpose of advocating what might be a very narrow position and not a majority position or a mainstream position of the American people.

The Senator from Wyoming has, in the last good many months, been a strong and outspoken leader on this issue; I think rightfully so. I think the fact he has brought before the American public that literally billions of

dollars are now being used for these purposes—and they should not be—has been well taken. I am pleased that he came forth with the amendment. It helps us clarify the use of these dollars, and I think the American taxpayer will applaud his effort. I thank him for it.

Mr. SIMPSON. I appreciate that indeed. That is a reason. There is another reason, as I have observed it over the past many months. Oftentimes, these groups that obtain Federal funding and support will use that money to then lobby the Federal Government for more Federal support for their members. In other words, whatever the issue is—it may be health care, or whatever it may be—they are using the Federal support to then lobby for more Federal support, to get more money from the Federal Treasury for whatever issue is paramount on their screen. I think that is wrong. I add that.

Mr. LEVIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Wyoming.

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

Mr. SIMPSON. Indeed, I yield to my friend from Michigan.

Mr. LEVIN. As I understand the amendment, as amended by the Senator from Idaho, it would prevent an organization, such as the Disabled American Veterans, that I see on the list here, from receiving any kind of a grant from the Federal Government, if they also want to use even funds that are from a totally unrelated source for lobby; is that correct? In other words, the amendment of the Senator from Wyoming, as amended, is not simply restricting the 501(c)(4) organization, such as the DAV, from both lobbying and receiving a grant. But what the Senator is doing in his amendment, as I understand it, is now telling these organizations that if you get a grant from the Federal Government for one purpose, even though you are using money from a totally different source for lobbying, you may not do both; is that correct?

Mr. SIMPSON. Mr. President, in response to the Senator from Michigan, if I understand the question, what we are saying here is if they get anything from the Federal Government in the form of an award, grant, contract, loan, or any other form, they can file as a 501(c)(3) corporation, nonprofit, or they can stay and continue their work as a 501(c)(4) corporation, but they cannot lobby.

Mr. LEVIN. Now, we have asked the members of the Finance Committee, or the staff of the Finance Committee that are more familiar with (c)(3) and (c)(4) than this Senator—I have not had any dealings with this—I am simply trying to obtain information while we are getting a reaction from committee members and the staff. I believe there was a hearing on this issue, and I think it was in the Judiciary Committee or Finance, in the last few months on this issue.

Mr. SIMPSON. Mr. President, we have had a hearing on the issue of 501(c)(4)'s that receive money from the Federal Government. In this case, it was in the form of grants and awards. We have held a hearing.

Mr. LEVIN. In the Judiciary Committee?

Mr. SIMPSON. In the Finance Committee.

Mr. LEVIN. So we are hoping that the Finance Committee members have some feelings about the Simpson amendment, as amended, and that they would make those feelings known, because this Senator is not able to comment on some of the intricacies—or implications, I should say—of the amendment. I want to be real clear on one thing. If a 501(c)(4) organization—and I see on this list that they include the Disabled American Veterans, International Olympic Committee—if they receive a grant from the Federal Government for some purpose totally unrelated to lobby, they then may not use funds from some different source, other than the Federal Government, to lobby and continue to have their 501(c)(4) status, is that correct?

Mr. SIMPSON. That is correct, Mr. President.

Mr. LEVIN. What all the implications are of that on these organizations, I do not know. I assume that an organization that has a (c)(4) status, which is allowed to lobby, presumably not using Government funds to do so, because I think that would be prohibited under current law; nonetheless, that organization would then have to make a choice, and I presume one of the choices would be to form another (c)(4) organization for the purpose of lobbying—which would be allowed to lobby; put it that way—using sources other than nongovernmental sources. That would always be a choice.

Let me ask my friend from Wyoming, who is much more knowledgeable about this, under current law, can a 501(c)(4) organization use a Federal grant or award for lobbying purposes?

Mr. SIMPSON. Mr. President, a 501(c)(4) corporation cannot, in that sense, use a Federal grant or award for “lobbying” purposes.

Mr. LEVIN. That is under current law, is that correct?

Mr. SIMPSON. Under current law, yes.

Mr. LEVIN. Well, Mr. President, again, I am not as familiar with the implications of this. It would seem to me, however, that if one of these organizations wanted to create two 501(c)(4)'s, they could do so under the Simpson amendment, as amended, and have one organization accept Federal grants for the purposes that the grants are awarded for, and its other (c)(4) organization be in business for whatever the current business is, including permission to lobby, providing it does not use Federal funds for that purpose, as the current law is.

Mr. SIMPSON. Mr. President, I just add that the problem is this: The Gov-

ernment in this situation, then, is subsidizing the activities, the benefits provided by the largest of lobbyists, who have this extraordinary advantage over all other lobbyists. And there are 25 different section (c) corporate tax exemptions; there are 25 of them—the (c)(3)'s, which are familiar to most of us, and the (c)(4), (c)(5), (c)(6), and (c)(7), et cetera. It is the subsidization of the activities, the benefits provided, because they have the ability to spend as much as they wish. They have unlimited ability to inject as much money—if I might have the attention of my friend from Michigan, who I have the deepest affection and respect for. If we are really going to do something about big, big lobbyists, then it seems to me that we should direct it at the biggest ones of all, the ones who have unlimited ability to lobby. There is not a single restriction on a 501(c)(4). They can spend themselves into oblivion. I say, let them do that if they are going to raise their money from contributions and dues and the things that supposedly guide an organization's efforts and objectives, but not in grants, and on and on, from the Federal Government. That is the pitch. I am not directing it at any single institution.

In my research, I came across these extraordinary things. There are some organizations listed on here that you and I probably have never heard of, that have millions and millions of dollars involved in lobbying. All we are saying is, Look, lobby to your little old heart's content. You just keep right on doing it. But if you are going to get Government support, then you are going to have to go to 501(c)(3), which is truly charitable, for religious, charitable, veterans, education, compassion, whatever you have to list. Let them do that. Let them go to 501(c)(3).

You mentioned DAV. There is not a single group here listed in the 501(c) that could not qualify as having a charitable purpose and meet every test of a 501(c)(3).

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

Would it also not be true an organization such as the DAV could create an additional 501(c)(4) which would have as its purpose whatever the purposes are of the current 501(c)(4), and be allowed to lobby, providing it did not receive Federal grants?

In other words, there is an additional option. It is not just a 501(c)(4). The Senator from Wyoming has opened the option to create another 501(c)(4) which will receive Federal grants, and the original 501(c)(4) could continue to lobby.

That is an additional option which the Senator does not preclude, is that not correct?

Mr. SIMPSON. As I understand the question—I am a bit preoccupied. You might ask it again.

Mr. LEVIN. The Senator does not preclude an opening of an organization such as the DAV, creating an additional 501(c)(4) to receive those Federal

grants, providing that additional organization does not engage in lobbying activities?

Mr. SIMPSON. Mr. President, that would be my understanding. If they decided to split into two separate 501(c)(4)'s, they could have one organization which could both receive grants and lobby without limit.

Mr. LEVIN. And the Senator does not in his amendment remove the provision in the current law that exempts 501(c)(4)'s from paying taxes, even if they engaged in lobbying activities, providing, then, they are not eligible for Federal grants or awards?

Mr. SIMPSON. We are not, Mr. President, involved in anything more than the singular amendment, saying that they shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

We are not changing the tax-exempt status in that sense, although there have been many suggestions in both the hearing and on the floor and in discussion as to what to do with these groups. It is felt that this would be the most appropriate and understandable approach.

Mr. LEVIN. Mr. President, I just point out to my dear friend from Wyoming that his amendment leaves open many possibilities to these organizations. His remarks suggest that somehow or another if they are going to engage in lobbying, we will remove the subsidy under this amendment.

In fact, this amendment does not touch their tax-exempt status, if they continue to engage in lobbying. And, in fact, this amendment does not preclude, as the Senator from Wyoming phrased it, the splitting of an organization and the creation of another organization which could do the lobbying effort while organization No. 1 receives the Federal grants.

So offhand I do not see that this precludes 501(c)(4) from a number of options which it currently has, and therefore I am not in a position where I can say that I oppose it, because it seems to me it leaves open many options for 501(c)(4).

Again, I want members of the appropriate committee to take a look at this. I would not be able to accept it at this time. As one Senator, I have no objection to it, but I do want to weigh the views and members of the Finance Committee on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 1842, AS MODIFIED

Mr. CRAIG. As the maker of the second-degree, let me send a correction of that amendment to the desk. It is a clerical correction.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. LEVIN. Mr. President, I wonder if the clerk would read now the amendment, with the second-degree amendment as modified. I think it is still relatively short, and I think it would clar-

ify things for everybody if we would read the entire amendment, assuming the second degree were adopted as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Strike all after the word "Sec.", and insert the following:

EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. SIMPSON. Mr. President, the insert was in the previous sentence and it is now correct where it appears, appropriately on the second line. That is the intent. It is what I read into the RECORD a moment ago.

Let me just say to my friend from Michigan, ask my friends from Kentucky and Idaho, what we are finding is that there are groups in America who have tax-exempt status who, in effect, really skirt very closely to just truly big business. They are involved in big business.

I hope that maybe my friend would help in making inquiry of the tax-exempt status of some of these organizations—not now, but in the future—because I intend to propose additional reform, especially in this area of unrelated business income tax, called the UBIT legislation, taxing sources, income, royalties, and I plan to look at whether we should tax royalties, tax commercial insurance income. That is tax legislation. That needs to go through finance.

Here, I am dealing only with grants to lobbyists. That is what this is singularly to.

Mr. LEVIN. Mr. President, I know there are a number of Members that have questions about the amendment. Again, I am not able to accept the amendment at this time.

Mr. KYL. Mr. President, unless the Senator from Kentucky has something, I would like to speak to this amendment.

Mr. MCCONNELL. If I may briefly indicate that Senator LEVIN and I have reached an agreement on the underlying bill. It is our hope to offer that amendment and have it voted on at 6 o'clock. I would like to have a chance to explain the compromise well before 6 o'clock, but I have no problem giving up the floor at this point.

Mr. KYL. I plan to take about 3 minutes to speak in favor of this amendment. If the Senator would prefer to speak now, or I can go ahead.

Mr. MCCONNELL. I yield the floor.

Mr. KYL. I, too, hope this amendment can be agreed to. It has been pointed out there are ways around it, and that is certainly a possibility, should the amendment be adopted.

But it seems to me that, if we adopt this amendment, we will have made a statement that we want people to divide their operations if, in fact, that is

what they choose to do. They cannot be using the same operation, in effect, for both purposes. It is their right to divide the operation, to do lobbying with one and to have the 501(c)(3) with the other, and that is a possibility. But we would at least be on record as expressing our desire that Federal funds should not be used for lobbying.

That is why I support the amendment, and I want to just express a couple of other reasons why. It has been pointed out that there is a great deal of grant money that has been going to these taxpayer subsidized lobbying organizations, or I should say special interest organizations who also lobby.

Mr. President, at least \$39 billion in Federal grant money was distributed to more than 40,000 organizations in 1990 alone, the last year for which I have figures. That is money that Congress supposedly appropriated to help address important national needs.

Some of the organizations are ones that I have had an affiliation with.

The American Bar Association, for example, received \$2.2 million in Federal grants between July 1993 and June 1994 for such activities as missing children's assistance; aging programs; justice research; development and evaluation; and child welfare research and demonstration.

The American Association of Retired Persons received about \$84.7 million over the same period for the senior environmental employment program and the senior community service employment program.

The AFL-CIO received \$2 million. The National Council of Senior Citizens received \$71.5 million or about 96 percent of its entire budget from the Federal Government.

The problem, as has been noted, Mr. President, is that once a Federal grant reaches the organizations' bank account, it simply frees up additional dollars for the groups to spend on lobbying activities. Many of the organizations are on Capitol Hill every day, often lobbying for more taxpayer money on one program or another. Congress has not only been filling the trough, but paying these groups to feed there.

AARP, for example, has been lobbying strenuously against Medicare reform. The American Bar Association staged a protest on Flag Day against the proposed constitutional amendment to protect the flag. CARE, another organization that receives Federal funds, has been lobbying against cuts in foreign aid.

That is all fine. It is their right. Each one of those groups is entitled to its views, but none has the right to use taxpayer dollars to underwrite its lobbying activities. The U.S. Supreme Court, in the case of *Regan versus Taxation with Representation*, ruled unanimously in 1983 that the Federal Government "is not required by the first amendment to subsidize lobbying." The Court went on to say, "we again reject the notion that first

amendment rights are somehow not fully realized unless they are subsidized by the State."

Thomas Jefferson said it best 200 years ago: "to compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical."

The amendment directly prohibits any recipient of a Federal grant from spending those grant funds on political advocacy. I think we can all agree that is appropriate. And because money is fungible, it also sets limits on the amount of political advocacy that a grantee can perform with nongrant funds.

This amendment is not about free speech, or the right of any organization to petition the Government. Everyone is free to say what he wants. Every group is entitled to express its views to Government officials. What these groups are not entitled to is a subsidy from taxpayers to do that.

No American should be taxed to advance the political agenda of an organization that he or she may have no wish to support or one that advocates an agenda he strongly opposes. Subsidies for political advocacy are wrong.

There is another issue besides lobbying at stake here. When a group asks for Federal funds to conduct a certain activity—whether it is the YMCA to serve the needs of our Nation's youth, the World Wildlife Fund to protect the environment, or the National Council of Senior Citizens to help older Americans—we should expect that the group puts the funds to the intended use. When dollars are commingled and spent in lobbying, it is the every people we want to help that are hurt most. Every dollar that an organization pays a lobbyist is a dollar that could have been used to help a hungry child, someone who is homeless, or in need.

If an organization would rather lobby the Government than serve the needs of the people, it should be frank about it, refuse Federal funds, and go on about its business. We can find another organization that will devote the resources toward the intended purpose.

Mr. President, cutting aid to lobbyists should be the easiest cut we make in Federal spending. We should certainly eliminate it before considering any reductions in aid to the people these lobbyists purport to represent—children, the elderly, the needy, and the environment, to name just a few. It is time to cut off Federal funding for political advocacy by select groups.

It's time to let special interests raise their own funds to promote their points of view.

This amendment will do that, if not totally, 100 percent, at least in a way that sends the message that Congress wants to send on this important issue.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am pleased to indicate that Senator LEVIN and I have reached an agreement on the underlying bill which he will be

sending to the desk shortly. We had hoped to have a vote on this Levin-McConnell compromise at 6 o'clock, but there are some problems on this side with regard to getting a vote at 6. But we thought we would go ahead and describe for our colleagues the agreement that has been reached and at the earliest opportunity, it would be the intention of Senator LEVIN and my intention to get a rollcall vote on this compromise.

Let me say first, in the category of the definition of a lobbyist, the original bill by my friend from Michigan required that 10 percent of the time spent lobbying made one a lobbyist for purposes of the legislation. The alternative that I had earlier offered said that you must spend 25 percent of your time in order to meet that threshold. The compromise that we have reached is 20 percent. I think it is a reasonable compromise, and allows us to sign off in the definition of lobbyist section. And the rationale is clear, that to qualify as a lobbyist, the individual is to have to spend more than just a casual amount of time lobbying.

Second, in the area of thresholds which would trigger registration requirements, the original Levin bill said that \$2,500 in income received by a lobbying firm or \$5,000 spent by an organization which lobbies—\$2,500 for a firm; \$5,000 for an organization—would trigger the requirements. What the Senator from Michigan and I have agreed to is that, with regard to lobbying firms, \$5,000 would trigger coverage; and with regard to organizations, \$20,000 in expenditures by an organization which lobbies.

Here again, the rationale is that those who do not have a regular, ongoing presence in Washington should not be required to register. My hope here, which my friend from Michigan has agreed to in this compromise, is to not bring under the bill those folks back home who may come up here occasionally but who are not in any real sense lobbyists.

Third, in the grassroots area, the issue that bogged us down last fall in passing this legislation last year, the original bill of my friend from Michigan contained a reference to grassroots activity. The compromise deletes all references to grassroots activity and no longer makes any suggestion that any grassroots testimony would trigger registration. This bill will not require any reporting or disclosure whatsoever of grassroots activity.

Obviously, the goal here that the Senator from Michigan and I have is not to discourage genuine grassroots activism out in America to convey to us the opinions of those groups on any legislation that we may be considering.

Fourth, in the area of administration and enforcement, Senator LEVIN's original bill created a new Federal agency with the responsibility of enforcement. This bill now will create no new Government agency. The Secretary of the Senate and the Clerk of

the House would receive reporting and disclosure forms. I think clearly that is a step in the right direction. I want to thank my friend from Michigan for that compromise. We do not believe creating additional Government agencies is a good idea, particularly in this atmosphere of \$5 trillion in cumulative Federal debt.

Finally, with regard to coverage of the executive branch lobbying, the compromise of the Senator from Michigan and myself will cover those contacts within the executive branch but only contacts made by political appointees; that is, schedule C's and above; Presidential appointees which require confirmation by the Senate and schedule C's.

So we have had a very good effort here to reach this agreement. I want to thank my friend from Michigan for his willingness to come together here in a proposal that I think, clearly, Senators on both sides of the aisle ought to feel comfortable in supporting. And it is my hope that at some point, preferably early this evening, we might be able to get a vote on this.

I see my friend from Michigan on his feet. I will be glad to yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while both the Senator from Maine and the Senator from Kentucky are here, let me first say that the changes that we are going to be sending to the desk are important ones but not as significant as the changes in the original Levin-Cohen bill which we have before us. I am going to try to see if I cannot state what the differences are so that there is no confusion when people come to vote.

For instance, in the bill before us, the so-called Levin-Cohen, et cetera, bill, there is no new agency created. That point which Senator McCONNELL just made reference to was already addressed in the underlying bill. So there is no change in that regard in terms of the amendment which I will be sending to the desk, which will be called the Levin-McConnell amendment. There was no new agency created in Levin-Cohen. There is no change in that in terms of the so-called Levin-McConnell amendment.

One of the areas of contention here is whether or not the executive branch should be covered. It was the determination of Senator COHEN and me and others that lobbying activities include the executive branch. We have had hearings in our subcommittee relative to the executive branch. We had hearings into Wedtech, for instance, where the executive branch was lobbied heavily by outsiders and contracts were obtained for a company that never should have gotten contracts and which cost the Treasury millions of dollars. That lobbying activity was never disclosed because executive branch lobbying was not covered by the existing law.

Executive branch lobbying is covered in the Levin-Cohen bill. It is going to

continue to be covered if the so-called Levin-McConnell amendment to Levin-Cohen is adopted. But what will not be covered, however, will be lobbying activities of employees of the executive branch below the political appointee level. We are not going to get to lower level employee lobbying. We are going to focus on where the lobbying really has an impact, which is at the higher levels of the executive branch, including the schedule C's.

So the key issue, however, is that the principle that we are going to include executive branch lobbying for the first time has been preserved. That principle was embedded in the underlying Levin-Cohen bill. It is retained even if we adopt the so-called Levin-McConnell amendment to Levin-Cohen, but we will just be excluding lobbying activities with certain lower level executive branch employees.

Next, we tried to make clear in Levin-Cohen that there was no intent to cover the lobbying activities of people at the grassroots. The only reference to grassroots in Levin-Cohen was where a registered lobbyist hired somebody else to stimulate grassroots activity. But then those expenses would have to be included in the expenses that would be disclosed by the person who is already required to register. That was the sole reference.

There was objection to even that. It did not tell us much, in any event, because it was not identified as being a separate expenditure to stimulate grassroots lobbying. And we decided to avoid any suggestion, even though there was none, to make sure that none could even be made that there is any coverage of grassroots lobbying. We have removed that provision that would have told us very, very little, in any event, since it would not identify that the expenditure was to stimulate grassroots lobbying, but simply would have included that amount in the total expenditure of somebody who is already required to register.

But again, I think we wanted to make sure that nobody could argue, rightly or wrongly, that we were covering grassroots lobbying. So we have agreed to delete even the inclusion of that expenditure that someone who is already required to register would have had to have included in their disclosure form. So that is a minor change. But it is one that we gladly accepted.

As far as the threshold is concerned, we have retained the threshold for firms that lobby, and at \$5,000. That threshold that is in Levin-Cohen is retained at \$5,000. The change that has been made is for the small organizations that lobby themselves, not by hiring a firm but that lobby themselves. In Levin-Cohen, the threshold for that was \$10,000. In the McConnell substitute, the threshold was \$50,000. And the agreement that we have reached is to go from \$10,000 to \$20,000 for those organizations that lobby themselves. So just for clarification, Levin-Cohen said the threshold was

\$10,000. McConnell was \$50,000, and we have gone to \$20,000.

I think that the Senator from Kentucky has covered a number of the other questions. I will not add to that except that I think he has covered this. But in case he has not, we are simplifying disclosure requirements by eliminating the requirement to disclose the specific committees that are contacted, and we are clarifying the requirement to disclose lobbying on specific executive branch actions. We also are making clear that the Clerk of the House and the Secretary of the Senate will handle all administrative tasks, including providing guidance for the public. I think it was our intention that the Clerk of the House and Secretary of the Senate do that. But there apparently was some ambiguity about it. And the Senator from Kentucky and I have agreed that we would make that very clear explicitly in this amendment that we will be sending shortly to the desk to the underlying Levin-Cohen bill.

So I want to thank again my friends from Maine and Kentucky for working on the underlying bill and working for the amendment to that underlying bill. I think we have a very strong lobbying disclosure bill that closes the loophole—no more lawyers' loopholes—which allowed lawyers to be exempted from lobbying disclosure requirements. No more loopholes for those who did not spend all of their time lobbying Members of Congress since just about nobody spends all their time personally lobbying Members personally. They spend a lot of time with staff and a lot of time in preparation.

We have eliminated every loophole we could get our hands on, and it is a strong lobbying bill that has also streamlined and simplified this process. I hope we can keep this bill in its strong form and that it will not be diluted in any way, because, finally, we will be doing what 50 years ago Congress thought they were doing, which is to require that professional lobbyists, persons who were paid to lobby, disclose to the public who is paying them, how much, on what issue. And the important add on to that original intent is that now we are going to cover the executive branch. And that is a critically important addition because so much lobbying activity in this town is both aimed at the executive branch and aimed at Congress urging Members of Congress to weigh in with the executive branch.

One of the difficulties with the original McConnell substitute is that it had language in it which suggested that it was not covering lobbying activities which were aimed at getting us in the Congress to lobby Members for the executive branch.

The underlying Levin-Cohen bill and the Levin-McConnell substitute to Levin-Cohen are absolutely clear that lobbying activities of both the executive branch and of Congress to get us to weigh in with the executive branch are covered lobbying activities.

Again, let me close with thanks to my colleagues on both sides of the aisle. We have had tremendous support here from Senator DASCHLE, and Senator GLENN, as ranking member of Governmental Affairs, has been absolutely steadfast in his support for these reforms, as have so many other of my colleagues on Governmental Affairs. But I particularly want to take off my hat to Senator COHEN who, whether he was the ranking member of the subcommittee we are on or the chairman of that subcommittee, has been constant in his determination that we are going to finally close the loopholes and get paid lobbyists to tell us and tell the public who is paying them how much to lobby Congress and the executive branch and on what issues.

With that, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, let me take just a moment to thank my colleague from Michigan and also my colleague from Kentucky. I think the substitute language they have agreed to will make an improvement on the underlying amendment we offered to the legislation earlier today. For simplicity's sake, we might call it the Levin-McCohen bill. That would perhaps clarify the fact that Levin-McConnell is amending the Levin-Cohen amendment and perhaps eliminate some of the confusion surrounding that.

The changes which have been agreed upon I think do improve the amendment in the sense that it makes it clearer; that it also will achieve what I believe to be an overwhelmingly bipartisan vote for the measure. It has been a long time in the making.

I take this opportunity to thank Senator LEVIN for his steadfastness in pursuing lobby disclosure reform over the years we have worked together.

I yield the floor.

Mr. McCONNELL. Mr. President, just for the information of our colleagues, there is now a great likelihood we will be able to have a vote at 6 on the Levin-McConnell compromise, and even though I do not have the unanimous-consent agreement in front of me to read yet, there is an excellent chance we will have a recorded vote very shortly.

Mr. LOTT. Will the Senator yield—

Mr. McCONNELL. I yield the floor.

Mr. LOTT. Just so that I might comment?

I know there are a number of issues pending out there, a lot of discussion is still underway on the McCain amendment with regard to Ramspeck. I understand they are very close to some agreement on that, so we hope maybe we can dispense with that on a voice vote.

We are continuing to work on both sides on the language in the Brown amendments and hopefully something will be worked out on two of those.

We would like to have a vote—I believe we already have the yeas and nays ordered—on the Craig substitute to the Simpson amendment. So I believe we could have a vote on that at 6 o'clock. And then the agreement on Levin-McConnell. So we would be able to move forward with a recorded vote on two at 6 o'clock, and I believe we can work out several of these other issues on a voice vote. If we find out later we cannot, we can always have a recorded vote on those if negotiations do not work out. So I believe we would be ready to ask for unanimous consent shortly with the idea of getting a vote at 6.

Mr. LEVIN. If the Senator will yield on that question.

Mr. LOTT. I will be happy to yield.

Mr. LEVIN. Mr. President, as I understand it, the yeas and nays have been ordered on the underlying Simpson amendment.

Mr. LOTT. I believe that is the amendment offered by the Senator from Idaho [Mr. CRAIG].

Mr. LEVIN. My understanding was it was on the Simpson amendment, but that does not make any difference. I do not know that the yeas and nays are needed on the second-degree amendment. I think they may be needed, however, on the underlying amendment.

Mr. LOTT. Right. That is what we would hope to get in our unanimous-consent agreement.

Mr. LEVIN. Then I hope this amendment, the Levin-McConnell amendment, the rollover on that, if necessary, will come immediately following. Is that the intention of the Senator from Mississippi?

Mr. LOTT. I believe that would be appropriate. We could do it either way. But I think in view of the fact—

Mr. LEVIN. May I suggest that the vote on the Levin-McConnell amendment come first, to give people a little more opportunity to focus on what is in the underlying Simpson amendment, and I think we are ready to have a vote on the Levin-McConnell amendment, which, by the way, has not been sent to the desk.

If the Senator will yield further, I wonder if he would permit me now to send the so-called Levin-McConnell amendment to the desk.

Mr. LOTT. Mr. President, I would yield for that purpose so that the Levin-McConnell amendment can be sent to the desk. Just very briefly, I want to emphasize that this once again is evidence of the substantial progress that has been made by the distinguished Senator from Michigan and the distinguished Senator from Kentucky. A lot of details have been worked out. I hope the Members will have an opportunity to take a look at this agreement. I believe it is the basis for concluding this lobby reform legislation very shortly.

AMENDMENT NO. 1843 TO AMENDMENT NO. 1836

The PRESIDING OFFICER. Without objection, the pending amendments are

set aside. The clerk will report the amendment submitted by the Senator from Michigan.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCONNELL, proposes an amendment numbered 1843 to amendment No. 1836.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike the text of the amendment and insert the following in lieu thereof:

On page 3, line 20, strike paragraph (E) and redesignate the following paragraphs accordingly.

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph.

On page 7, line 10, strike line 10 through 21 and insert in lieu thereof "cense"; or"

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public".

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17 and 18, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "\$2,500" and insert "\$5,000".

On page 17, line 2, strike "\$5,000" and insert "\$20,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "\$5,000" and insert "\$10,000".

On page 18, line 14, strike paragraph (B) and insert in lieu thereof the following:

"(B) in whole or in major part plans, supervises, or controls such lobbying activities."

On page 18, line 19, strike "\$5,000" and insert "\$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 5, strike paragraph (2).

On page 22, line 5, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 22, line 18, strike "regulatory actions" and all that follows through the end of line 20 and insert in lieu thereof "executive branch actions".

On page 22, line 21, strike "and commitments".

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

"(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 24, line 23, strike subsection (d).

On page 25, line 24, strike subsection (e).

On page 31, strike line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

"SEC. 7. DISCLOSURE AND ENFORCEMENT.

"The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

"(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18 and renumber accordingly.

On page 55, line 23, strike Section 20 and renumber accordingly.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator LEVIN be recognized to offer an amendment to the Levin-Cohen amendment No. 1836, and a vote occur on the amendment at 6 p.m. this evening; and that no amendments be in order to the Levin amendment.

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

Mr. McCONNELL. Mr. President, I further ask unanimous consent that immediately following the vote on the Levin-McConnell amendment, the Senate proceed to the adoption of the Levin-Cohen amendment, as amended, if amended, without any intervening action or debate.

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

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

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

AMENDMENT NO. 1842, AS FURTHER MODIFIED

Mr. CRAIG. Mr. President, I call up amendment No. 1842 for further modification of the second-degree amendment.

The PRESIDING OFFICER. That will be the pending business.

Mr. CRAIG. I send the modification to the desk and ask that it be so modified.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

Mr. CRAIG. I thank the President.

Mr. LEVIN addressed the Chair.

Mr. LEVIN. Mr. President, may I suggest the clerk read the amendment now as it is modified again. It is a short amendment and it does make a difference, and if there is a change in it, everybody should hear what that change is. This is an additional modification. I ask that the clerk read this amendment. This is an amendment to the Craig substitute, as I understand.

Mr. CRAIG. If the Senator from Michigan will yield, I changed and added the word "activities" to "lobbying." I think the Senator has made an important point, and I wish the full amendment, as modified, to be read into the RECORD.

The PRESIDING OFFICER. The clerk will read the amendment, as modified.

The assistant legislative clerk read as follows:

Strike all after the word "Sec.", and insert the following:

. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. CRAIG. I thank the Senator from Michigan for making that clarifying point. Recognizing that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 1843 to amendment No. 1836.

Mr. BROWN. Mr. President, I ask unanimous consent that we temporarily set aside the pending business to go to Brown No. 3 amendment, No. 1841.

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

AMENDMENT NO. 1841

Mr. BROWN. Mr. President, this is the amendment that deals with qualified blind trust and provides for reporting of the total cash value of that if, indeed, the trust provides that the beneficiary of the trust is notified under the terms of the trust. My understanding is both sides have reviewed this and do not have objection to it.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am unaware of any objection to the

Brown amendment just outlined on this side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I know of no objections to this amendment on this side. To be clear, this is the so-called Brown amendment No. 3 earlier in the afternoon.

Mr. BROWN. It is.

The PRESIDING OFFICER. Is there further debate on amendment No. 1841? If not, the question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the Levin McConnell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Levin McConnell amendment No. 1843 be considered a substitute for amendment No. 1836.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, this is a technical change. We see no problem with it. There is no objection on this side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1843

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1843, of the Senator from Michigan.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—98

Abraham	Conrad	Grams
Akaka	Coverdell	Grassley
Ashcroft	Craig	Gregg
Baucus	D'Amato	Harkin
Biden	Daschle	Hatch
Bingaman	DeWine	Hatfield
Bond	Dodd	Heflin
Boxer	Dole	Helms
Bradley	Domenici	Hollings
Breaux	Dorgan	Hutchison
Brown	Exon	Inhofe
Bryan	Faircloth	Inouye
Bumpers	Feingold	Jeffords
Burns	Feinstein	Johnston
Byrd	Ford	Kassebaum
Campbell	Frist	Kempthorne
Chafee	Glenn	Kennedy
Coats	Gorton	Kerrey
Cochran	Graham	Kerry
Cohen	Gramm	Kohl

Kyl	Murray	Shelby
Lautenberg	Nickles	Simon
Leahy	Nunn	Simpson
Levin	Packwood	Smith
Lieberman	Pell	Snowe
Lott	Pressler	Specter
Mack	Pryor	Stevens
McCain	Reid	Thomas
McConnell	Robb	Thompson
Mikulski	Rockefeller	Thurmond
Moseley-Braun	Roth	Warner
Moynihan	Santorum	Wellstone
Murkowski	Sarbanes	

NOT VOTING—2

Bennett	Lugar
---------	-------

So the amendment (No. 1843) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the Levin-McConnell amendment, No. 1843, was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Arizona is recognized.

Mr. FORD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senator will withhold for a moment.

Regular order requires us to vote on the underlying amendment.

VOTE ON AMENDMENT NO. 1836, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1836, as amended.

The amendment (No. 1836), as amended, was agreed to.

AMENDMENT NO. 1837

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I call for regular order with regard to the McCain amendment No. 1837.

The PRESIDING OFFICER. The Senator has a right to call for regular order and that is now the pending question.

Mr. LEAHY. Mr. President, the Senate is still not in order.

The PRESIDING OFFICER. The Senate will please come to order. Senators will cease conversation.

The Senator from Arizona.

AMENDMENT NO. 1837, AS MODIFIED

Mr. MCCAIN. Mr. President, I have a modification at the desk. I ask unanimous consent the amendment be modified.

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

The amendment (No. 1837), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

Add the following new section:

SEC. 2. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.

(a) IN GENERAL.—Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection:

“(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102).” In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit-based appointments.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and
(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this has been agreed to by Chairman ROTH and the Governmental Affairs Committee, and with the consent of Senator STEVENS, including language Senator STEVENS added when he reported the legislation out of the Civil Service Subcommittee in May regarding OPM and judicial regulations, to consider the experience of individuals who served in the legislative branch as well as private sector; preference will not be given in these regulations.

I thank Senator ROTH and Senator STEVENS for their assistance on this amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further amendment or further discussion on amendment No. 1837, as modified?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I do not like to ask this question. I realize we are in the Dracula stage of legislation. The Dracula rule appears, over the last several months, where we do not vote during daylight hours but only in the evening. Otherwise, we might be wasting our time with our families, our wives, our husbands, our children, whatever else.

As one who would like to spend some time with his family, I wonder if the leader might be able to give us some idea whether this will be one of those 2 or 3 evenings a month that we are allowed time with our families. I realize the commitment of everybody here to family values. I just ask that question.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, a great deal of progress has been made today.

That last vote was an indication of how much progress has been made in working out an agreement on this legislation.

There is now an agreement on the McCain amendment. There are other amendments being discussed that we could hopefully reach agreement on. There are some that still may require some recorded votes tonight. The leader has indicated he would like for us to push on and see if we can work out as many amendments as possible and get votes on others and get to final passage on lobby reform tonight.

The reason for that is we do still have to take up, under the unanimous-consent agreement, gift reform later on tonight or tomorrow, without votes on gift reform tonight. We do have the Bosnia resolution pending for consideration tomorrow afternoon, and many other bills that we need to complete before we get to our August recess period.

But the answer to the question of the Senator from Vermont is, we do want to go forward. We think we can complete this legislation at a reasonable hour tonight.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Mississippi has said. I do compliment the Senator from Kentucky and the Senator from Michigan. I know from various phone calls that went back and forth they have done yeomen's service here today in reaching this area of agreement. Obviously, had they not, we could be here much, much longer than we have.

The question I have again, for some of us who have families, is there going to be either a window or shall we tell them to all go to bed and get up at 1 tomorrow morning to see us? I do not mean to question facetiously, but we are falling into this trend of almost Dracula voting—we only vote when the Sun goes down. But some of us do have families and would like to see them.

I ask the question in all seriousness, will there be a window? Will there be time? Shall we make any plans to see our families?

Mr. LOTT. To respond further, it is very difficult to say right now that could be done because we have three or four negotiations going on simultaneously. We may get those worked out shortly, and then there would not be a necessity for votes again in the next hour. But right now, we could not indicate that there will be a window. We want to try to complete this before it is late tonight. That would be the best way so that we all could go home at 8 or 8:30.

Mr. LEAHY. Is there a possibility of setting the votes in the morning?

Mr. LOTT. There is. We would have to check to see where the negotiations are. There is a possibility we could have stacked votes later on tonight, or perhaps even in the morning. Right now the leader wants us to push this forward so we can get an agreement. I believe we can accomplish that.

I yield the floor.

Mr. DOMENICI. Mr. President, will the Senator not leave for a moment? I wonder. Whoever is putting this together, have you considered a sliding scale, sort of a means testing on the gifts?

The PRESIDING OFFICER. If the Senator will withhold, the Senate will be in order.

The Senator from New Mexico.

Mr. DOMENICI. I want to repeat my question. I am sure the distinguished Senator from Mississippi took it far too seriously. Let me repeat it again with a big smile.

Some of us are wondering whether you have considered a sliding scale on the gifts, a means testing for some of us who are in different conditions of finances than others. There are some who are in such great finances that they ought to be willing to have no gifts of any type under any circumstances. Have you ever considered a means testing for gifts?

Mr. LOTT. If I might respond, Mr. President, the gift rule issue will not come up until later on tonight with votes not occurring on that today but tomorrow. Speaking for myself, I think that is a great idea.

[Laughter.]

Mr. DOMENICI. I am going to bring that to a vote.

Thank you very much.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Is there further debate on amendment 1837, as modified? If there is no further debate on the amendment No. 1837, the question is on agreeing to the amendment.

The amendment (No. 1837), as modified, was agreed to.

Mr. McCONNELL. Mr. President, may we have order? The Senate is still not in order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order. Those participating in conversations will please retire to the cloakrooms. The Senate is not in order.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, as the majority whip indicated, we believe we are down to a relatively few amendments. There is an excellent chance of finishing the bill tonight.

Mr. President, I see my friend from Michigan seeking recognition. So I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

VOTE VITIATED ON AMENDMENT NO. 1841

Mr. LEVIN. Mr. President, after consulting with the Presiding Officer, whose amendment I am referring to, I would ask unanimous consent to vitiate the vote on the so-called Brown No. 3 amendment, which was voice voted in the last 20 minutes. There was a problem with it that this Senator was not aware of. I indicated that I had no objection. In fact, there was some objection.

I ask unanimous consent that we vitiate the vote approving Brown 3 with the right of the Senator from Colorado, of course, to offer that amendment at any time.

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

Mr. LEVIN. I thank the Presiding Officer.

Mr. LOTT. Mr. President, can I inquire as to whether or not we reached the point where maybe we could get an agreement to dispose of the Craig-Simpson modified amendment by voice vote? I understood maybe that was now possible. That would rid us of the necessity for another recorded vote. I am told that perhaps the other side is willing to agree to that now. I do have a unanimous consent request, if that is possible.

Mr. LEVIN. I do not know of a request for a rollcall vote on the Simpson amendment on this side. However, I would like all Members to understand that this is a very significant amendment which is going to affect 501(c)(4) organizations and would state that a 501(c)(4) organization, which includes Blue Cross, AARP, Disabled American Veterans, International Olympic Committee, and a whole host of other organizations that currently are allowed, although they have a tax exemption, to lobby, that under the Simpson-Craig amendment, they no longer would be allowed to receive a grant or an award from the Federal Government at the same time that they are allowed to lobby.

I think this creates a whole host of new issues. I am not on the Finance Committee. Unless someone from the Finance Committee wishes to get into this in some detail, I do not know of any indication on this side for a rollcall vote.

Mr. DODD. If the Senator will yield, frankly, this is one Senator who may want a vote. I am uneasy, I say, Mr. President. This raises a question, I say to my colleague. I am very uneasy about this list. I am not sure it is a complete list of 501(c)(4)'s. Some of them may very well be deserving of grants. I do not have any difficulty being lobbied by some of these organizations. It sounds to me like you have a few here that are being targeted for some specific purpose.

I think we ought to think more carefully before we take a rather significant step in deciding that a whole group of very legitimate organizations, that may very well qualify for grants of one kind or another, all of a sudden are being precluded from either doing that or lobbying Members of the U.S. Senate.

I, for one, would prefer to have a rollcall vote on this and have a voice vote, and I do not know frankly what the implications are.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, if I can draw the attention of my colleagues

back to the issue here, we had the debate which was not participated in by everyone. And I understand that. I have been here for several years.

Let me tell you what this is. This is not an attempt to get anybody. The amendment is very clear. I am going to read it.

Here is the amendment with regard to 501(c)(4) corporations. There are a lot of them. This does not have anything to do with 501(c)(3) corporations, charitable corporations, the kind we think of most often. It has nothing to do with universities. It has nothing to do with 501(c)(5) corporations or 501(c)(6) corporations.

Remember, a 501(c)(4) corporation is tax-exempt and has unlimited ability to lobby with unlimited sums of money. They can lobby with \$20 or \$30 million, if they wish. There is no limitation whatsoever on lobbying activities. That is a 501(c)(4).

The 501(c)(3)'s are limited to a certain amount, a million bucks. You cannot go over that—501(c)(5)'s and (c)(6)'s have limitations. Here is what the amendment says:

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Meaning that if a 501(c)(4) decided that they wanted to continue to lobby and were receiving Federal funds, they could no longer continue to lobby. However, if they wished to continue to receive Federal funds, then they would limit their lobbying activities. They can also go into splits, if they wish to split a 501(c)(4) organization. At least that would be an improvement over present law, which simply says that these groups can lobby. And if you are doing something with lobbying reform, it would seem to me you would want to do something with the one tax-exempt organization that can lobby with unlimited funding and still receive grants from the Federal Government to do so.

Mr. DODD. I apologize for not being here earlier today. Like most Members, I was not here in town for the debate.

I am looking down the list here of some of these numbers. I am told—correct me if I am wrong—there are 140,000 501(c)(4) organizations in the United States.

Now, I am looking at a list of 20 or 30 here. Obviously, it may be a list put together to cause someone like me to raise the issue, but I look at the Fireman's Association, State of New York, Group Health Association—a lot of groups that may very well qualify for grants, and I certainly, as a Member, do not have any objection if they want to come and lobby me in the office for some particular purpose. I do not know why we are singling out that particular group in this particular environment.

Now, to me, to disqualify 140,000 organizations in the United States seems to go a little too far.

Mr. SIMPSON. Mr. President, we are not disqualifying 140,000 organizations of the United States. We are disqualifying those that receive funding from the Federal Government, and very few of these do. Some receive minuscule amounts, most receive none. Here is the Mutual of America Life Insurance Co. with assets of \$5.5 billion. I doubt that they receive anything from the Federal Government for lobbying activities.

Mr. DODD. I ask my colleague, what is the point of the amendment then? If none of them is getting grants, why do we need an amendment?

Mr. SIMPSON. The point of the amendment is there are many tax-exempt 501(c)(4) corporations that receive grants, awards, contracts, or loans, or any other form from the Federal Government and use it to lobby the Federal Government for more Federal money for themselves.

Mr. LEVIN. Will the Senator yield on that point? I do not know who has the floor.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. LEVIN. Will the Senator from Wyoming yield on that point?

Mr. SIMPSON. Certainly.

Mr. LEVIN. The Senator just said that they could use the grant for lobbying purposes. I think that he misspoke when he said that because there is a law which prohibits the use of appropriated funds for lobbying activities.

What the amendment does is something different, because we already have a ban on using appropriated funds for lobbying.

What the amendment says is that if an organization gets funds from some other source, if a 501(c)(4) gets funds from some other source and uses those other funds to lobby, it may not then get a grant or an award from the Federal Government to do some social function that is within the scope of the grant.

I do not think the Senator from Wyoming is suggesting—at least I hope he is not—that currently a 501(c)(4) can get a grant or an award from the Federal Government and use that money to pay for lobbying.

Mr. SIMPSON. Mr. President, under the present law of the United States, when we are talking about a tax-exempt corporation, we are seeing happening in the country—this is something we have had one hearing on; there will be many more—where the Government is subsidizing the programs and activities of huge lobbying organizations that are engaged in things on the direct edge of UBIT, which is the unrelated business income Tax, that are involved in profitmaking activities and that receive a tax-exempt status.

What we are saying is those organizations which lobby without limit—and this is the only one in the whole panoply that lobbies without limit, without any kind of limitation on the

amount of money they can spend. So if you are going to do a lobbying reform bill, it would seem to me that you would want to deal with the one subsection (c) corporation that can spend itself into oblivion and even use Federal money in the process of receiving grants, awards, notes, whatever it may be, bonuses, contracts, and we are saying you make a choice here. If you are going to lobby, then you are not going to receive Federal grants. If you want to receive Federal grants, you do not lobby. Take your pick.

Mr. DODD. If my colleague will yield further, I appreciate his point.

Mr. SIMPSON. I will yield to the Senator from Idaho.

Mr. CRAIG. All money is fungible, and if there is not a clear, tight bookkeeping system, as there is in a 501(c)(3), which the IRS says very clearly how much of its assets or what percentage of it it can spend in lobbying up to a universal cap of \$1 million, then we went over and created a 501(c)(4) which said you can be tax-exempt and you can have unlimited advocacy.

What we have seen over the years is not only do they have unlimited advocacy, and, yes, there is a rather open bookkeeping system and, yes, there is a prohibition against using Federal dollars, tax dollars for the purpose of lobbying, all of the money moves inside the organization and it is extremely fungible.

We are saying, if you want to retain your 501(c)(4) for lobbying, you can and you should and you are tax-exempt. But if you want to do the grant business, go create something else for that purpose so there is a clear line so the taxpayers of this country can know and know very well that there is not the fungibility that is going on here, not in the hundreds of thousands of those organizations but in a substantial number that have taken advantage of a tax-exempt status. I do not think the Senator and I, in granting that tax-exempt status, want to allow them to take advantage.

Now, we do not want to deny them the opportunity to serve their public and their membership, and they can do that by shifting their status for certain purposes.

Mr. DODD. I thank my colleague. If my colleague will yield further, I will seek time or whatever.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I might inquire of a couple things. One, I am told there are some 140,000 of these organizations. I do not know. And maybe there have been hearings on this by the Finance Committee. This is a pretty significant step we are taking. Could I inquire of my colleague from Wyoming whether or not there have been any hearings on what the implications of this are? I presume it is a Finance Committee matter since it is a 501(c)(4). And what are the tax implications of it? I do not know if that has been done.

Mr. SIMPSON. Mr. President, we did have a hearing in the Finance Committee on these issues of tax exemptions, and we will have many more. We did, indeed. The "little guys" that people have been talking about protecting, grassroots and so on, they are going to be well protected because they are, most of them, 501(c)(3).

We are talking about a singular group of maybe 140,000—that is exactly correct—and we are talking about big time, big time lobbying. One group spends \$26 million a year on unlimited lobbying and receives grants from the Federal Government. We are saying if you do that, then you are no longer going to receive the grants. You can lobby to oblivion; you can continue to do whatever you wish to do. Or if you wish not to receive grants or receive grants, you take your choice. Or you can split into two 501(c)(4)'s, one lobbying with all sorts of money and dues, it is perfectly appropriate, without limit; or, if you are going to receive Federal funds, you do not lobby. You take your pick.

Mr. DODD. I thank my colleague for his response, Mr. President.

I just say again, I do not hold myself as any expert in this area, but it seems to me we are taking, in my view, I do say with all due respect to my good friend, a rather draconian step; with 140,000 organizations in this country, admittedly, by one of the authors of the amendment, out of the 140,000 we are talking a handful that really stick in the craw of my colleague from Wyoming.

In doing so, my own view is I do not know why we ought to take 139,900 and ask them to pay an awful price here because of what 100 organizations may be doing that is offensive. My view is we are changing a pretty significant piece of tax law when it comes to these organizations. And to step forward and single out 140,000 organizations, most of which are pretty small operators here that have set up under those guidelines, I think goes too far.

Now, clearly, there may be some here that, because of their income status or whatever, maybe we ought to come back with another amendment that deals with some of those in some specific way. But to pick on groups here that literally are tiny—the Henry Ford Health Care Corp., the Higher Education Foundation, they are on the list of organizations here that do not seem to me to be any great threat to anyone.

So, Mr. President, with great respect to the authors of the amendment, I think this just goes too far. I think we are stepping way over a line here. If we are going to change entirely the nature of 501(c)(4) corporations, I think we ought to have some specific hearings, there ought to be specific legislation that comes up and not have an amendment offered on the floor that wipes out 140,000 organizations from what has been up to this very moment a legitimate tax status.

I say to my colleague from Idaho, money is fungible, but the fact of the matter is the law is the law. And you are not allowed to use taxpayer money for lobbying purposes. That is the law. If someone does, they are in violation of the law and there are penalties associated with that.

But to suggest because there is some grant money there that somehow all of that leaches into the rest of this money and ends up being used for lobbying purposes I think, frankly, is to suggest that somehow people are out there violating the law right and left, and I do not see it.

Come back if you want to on this one, but I do not know why you want to take 140,000 organizations and relegate them to a very unique status—all of them in this country—because of the complaints of a few.

Mr. CRAIG. Will the Senator yield?

Mr. DODD. I will be glad to yield.

The PRESIDING OFFICER. The Senator from Connecticut has yielded for a question.

Mr. DODD. Certainly.

Mr. CRAIG. I think it is important to cite here that we are not amending the Tax Code. We are using the Tax Code to identify the group in lobbying, and that clarification is how I read what we are doing. I think it is also fair to say that any 501(c)(4) that chooses not to get a grant and feed at the Federal trough is exempt.

Mr. DODD. May I ask my colleague, for instance, why are we not including 501(c)(6)? Those are trade associations. They are tax exempt. They get Federal contracts and grants and they lobby.

Mr. CRAIG. Because there is an entirely different qualifying mechanism under the IRS Code for them, and they are watched very closely and their audits are held very tightly.

Mr. DODD. Will my colleague not agree they meet all the standards the Senator applies to this amendment?

Mr. CRAIG. Absolutely.

Mr. DODD. They are trade associations. They get grants and they lobby. Why is there any reason to suspect they are going to be any different in terms of their tax dollars—

Mr. CRAIG. The term is unlimited versus the percentages of total revenue base. The IRS Code already established that. 501(c)(4) is an unlimited category.

Mr. LEVIN. Will the Senator from Connecticut yield for a question?

Mr. DODD. I yield to my colleague from Michigan.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has yielded to the Senator from Michigan for a question.

Mr. LEVIN. It seems to me the Senator from Connecticut is pointing out something which is very significant, which is that the proponents of the amendment are basically using the amendment which will ban a 501(c)(4) organization from doing something it currently does, which is to both lobby

with its own funds and to receive a grant for a public purpose somewhere else.

The purpose of this amendment, as I understand it, is an accounting purpose. The argument is made that money is fungible and, therefore, we have to make sure they do not use public funds for lobbying purposes and that we need an accounting mechanism in order to be sure that that is not done.

In 18 United States Code section 1913, it already says that:

No part of the money appropriated by Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress to favor or oppose by vote or otherwise any legislation or appropriation by Congress whether before or after the introduction of any bill or resolution proposing such legislation or appropriation.

So we already have a ban on the use of public funds for lobbying. It seems to me what this comes down to then is to say we are going to change the rules currently lived by 140,000 organizations in order to make sure that the few organizations, relatively, that lobby keep good books.

Mr. DODD. I say to my colleague—

Mr. LEVIN. I am wondering whether the Senator from Connecticut will agree.

Mr. DODD. I agree. It sounds like the "Lawyers and Accountants Relief Act." You hire accountants and lawyers and create two organizations and you have met the standard. I suppose you can get around the law that way. I am not sure that is what we want to be doing necessarily, except that a lot of smaller organizations that do not have the resources are going to have to go out and hire people to do it.

For the life of me, I do not understand the value, particularly when the law is clear when you use those resources.

Mr. LEVIN. My question to the Senator is this: Will the Senator agree that an amendment might be in order that might require 501(c)(4)'s to maintain clear books as to how they use Federal funds for Federal purposes and do not use those funds for lobbying purposes? Will the Senator agree that that kind of an amendment might be appropriate in order to address the fungibility issue of the Senator from Idaho?

Mr. DODD. I say to my colleague from Michigan, that would at least—I understand the heart of the argument in a sense, that the fungibility question is one that people are worried about. I suggest if we are going to do it, we might apply it to the 501(c)(6) organizations as well. That at least addresses a potential problem, although to me that may be solved by means other than through the amendment process.

Nonetheless, that would at least make some sense to me. But to wipe

out 140,000 organizations—as I say, I do not hold myself out—I just happened to walk on the floor and heard this amendment was coming up, and it seemed to go too far. I do not have a particular brief; no one talked about it. I looked at the list and said, "Why are we taking 140,000 organizations in this country that are 501(c)(4) organizations and all of a sudden applying a standard that I think goes beyond the pale?" That is all I feel about it. I do not have a particular brief for it. It just seems to go too far for me.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I say to my friend from Connecticut, after 16 years of legislating on the floor, I remember one incident distinctly. We went for 5 days of debate—I was managing the bill—and suddenly in the door came one of our colleagues. He happened to be on our side of the aisle and had paid no particular interest in the measure, and suddenly just went for it tooth and fang. I thought, well, that is interesting.

Mr. DODD. Did he win or lose?

Mr. SIMPSON. Oh, he lost.

Mr. DODD. I had a feeling that was the answer.

[Laughter.]

Mr. SIMPSON. Directing my remarks to the Chair, of course, rather than my colleague from Connecticut, let me just say we are not wiping out anybody. We are not in the business of wiping out 501(c)(4)'s, and if you want to go to 501(c)(6)'s and (c)(5)'s, I am ready to go there, too. But I did not want to bite off too big a chunk because I did not want to get into it with the chamber of commerce and the AFL-CIO.

Mr. DODD. The AFL-CIO is a 501(c)(4).

Mr. SIMPSON. No, they are not.

Mr. DODD. I am told they are—

Mr. SIMPSON. They are a (c)(5); the AFL-CIO is a (c)(5).

Mr. DODD. Right; (c)(5).

Mr. SIMPSON. So is the U.S. Chamber of Commerce.

Mr. DODD. I apologize to my colleague.

Mr. SIMPSON. What we are saying is if anyone gets stung here in this process, they can go become a 501(c)(3) if they are really into big-time charity, doing things that you would like to see charities do. They can be a 501(c)(3). That is a charitable corporation; that is \$1 million limiting activity of lobbying. They can give up lobbying or they can go into a separate split-off. They can split into two, a lobbying organization or a grant organization. That is what we are saying.

We are seeing abuses of the system. This is not about tax exemption. This is about lobbying. I thought that is what this is about.

Why in the world should we allow a group to have unlimited ability to spend their members' dues and then use Federal money to offset what they ordinarily would have paid? They

would have had to pay for this somewhere but, no, they get it from the Feds. I think that is wrong if you are doing lobbying reform.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I frequently come to the floor on the spur of the moment like my friend from Connecticut—and we see eye to eye—but I think he is wrong on this one. I think the Senator from Wyoming is right.

Frankly, I did not know this was legal. I could not imagine that you would have a tax-exempt corporation—meaning they do not pay any tax on all the money they take in—going out and lobbying the Federal Government, because that is permissive, and then going out and seeking grants from the Federal Government. I could not imagine a situation with more potential for conflict of interest than putting in a corporation that gets all these benefits and can lobby the Federal Government and then saying, “On the other hand, you can go get all the money you can scratch out of these grants”—and do what with it? Spend it for the same entity, the same corporation.

If I were to have had this before me at the beginning when it was passed, I would have voted against it. I think it is an exciting idea that when you are reforming the lobbying laws of the Nation that you give the corporations a clear opportunity. If you want to lobby, you choose another tax-exempt status.

If you want to choose this one, then do not go to the Federal Government against whom you are lobbying to get money. It seems to me pretty clear that the Senator from Wyoming is on the right track. I hope we will vote soon and get rid of this opportunity that we should never have given to these kinds of nonprofit corporations.

I yield the floor.

Mr. MCCONNELL. Mr. President, let me say that we are down to six amendments, most of which I think are going to be accepted. There is an excellent chance of finishing this bill very soon. I do not want to interrupt the debate going on. But we can get through here pretty quickly if we will have the cooperation of Senators.

I yield the floor.

Mr. LOTT. Mr. President, I know that some Members are waiting to see if we are going to have a vote momentarily, or whether we are going to do this on a voice vote or not. I believe that the yeas and nays have already been ordered on the underlying Simpson amendment.

So I believe we are ready to go to a vote. Does the Senator want to dispose of this on a voice vote?

Mr. DODD. I would like a recorded vote. Has there been a request for a recorded vote?

The PRESIDING OFFICER. The yeas and nays have been ordered on the underlying amendment. There is a sec-

ond-degree amendment that the yeas and nays have not been ordered on.

Mr. DODD. Which is the second-degree amendment?

Mr. LOTT. Let me see if I can clarify a request here.

I ask unanimous consent that the Senate proceed to vote on or in relation to the Craig amendment, as further modified, that no amendments be in order to the Craig amendment No. 1843, and that following the disposition of the Craig amendment, the Senate proceed to the adoption of the Simpson amendment No. 1839, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. 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. DORGAN. Mr. President, let me inquire further of the Senator from Mississippi as to what he expects for a schedule tonight. Some of us would like to know, if we have a recorded vote now, when will we have the next recorded vote?

Mr. LOTT. Mr. President, we are down to half a dozen amendments. We believe we can work out agreements on some of those. Some we believe we can voice vote. We think we are down to maybe a couple more votes tonight, and we would like to go ahead and move toward getting a conclusion on those amendments.

Mr. DORGAN. Mr. President, I would observe that much of the day was spent in quorum calls and now, as we reach the dinner hour, we seem to be more interested in debate.

Mr. LOTT. Let me respond to the Senator, if I could. Let us go ahead and go to this recorded vote, and during that vote we will see if we can get a further clarification on exactly when the final votes would occur. We will work on that and tell the Members after this vote.

Mr. DORGAN. That is fine with me. I hope that the majority will consider rolling votes tomorrow morning. I hope he will consider doing this on a routine basis. If we have a couple more votes, rather than people coming back at 9 or 10 p.m. to cast votes, why not stack them for the first thing in the morning?

Mr. LOTT. We will have to check with the majority leader on that. The important thing is that we need to finish lobby reform, so that we can go to gift reform first thing in the morning. Perhaps we can work something out along the lines of what he is suggesting.

I ask unanimous consent that the yeas and nays be vitiated on the underlying Simpson amendment No. 1839.

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

Mr. LOTT. I believe we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1842, as further modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—59

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Johnston	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dole	Kerry	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feinstein	Mack	

NAYS—39

Akaka	Feingold	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Inouye	Pell
Byrd	Jeffords	Pryor
Conrad	Kennedy	Robb
Daschle	Kohl	Rockefeller
Dodd	Lautenberg	Sarbanes
Dorgan	Leahy	Simon
Exon	Levin	Wellstone

NOT VOTING—2

Bennett Lugar

So the amendment (No. 1842), as further modified, was agreed to.

The PRESIDING OFFICER. The question is on the underlying amendment, as amended.

Mr. EXON. Mr. President, may we have order, please?

Mr. MCCONNELL. I move to reconsider the vote.

The PRESIDING OFFICER. The Senate will be in order.

The motion to reconsider the previous vote has been made.

Mr. KERRY. I move to lay that motion on the table.

The PRESIDING OFFICER. There is a motion to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1839, AS AMENDED

Mr. EXON. Mr. President, what is the matter currently before the Senate?

The PRESIDING OFFICER. Amendment No. 1839, as amended.

Mr. EXON. Further debate has been ordered, then, before we proceed to consider the matter for final approval, is that right?

The PRESIDING OFFICER. Under the previous order, it provided for an immediate vote upon the disposition of the second-degree amendment.

Mr. EXON. There was a unanimous-consent agreement to that effect?

The PRESIDING OFFICER. That is correct.

The question is on the underlying first-degree amendment, as amended.

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? This is the same amendment as just voted on. Is there a sufficient second?

Mr. EXON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. EXON. I know that.

The PRESIDING OFFICER. There is not sufficient second.

Mr. LOTT. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for a parliamentary inquiry.

Mr. LOTT. There was a good deal of discussion when the Senator from Nebraska was making his motion. Is he asking for a recorded vote on the Simpson amendment?

Mr. FORD. As amended.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. LOTT. I thought we had vitiated that in an earlier unanimous-consent request?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. So that has been disposed of.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. May I make further inquiry of the Chair?

If I understand what the situation is at the present time, there was a unanimous consent agreement earlier, after we had voted on the second-degree amendment, that the underlying amendment offered by the Senator from Wyoming would then be approved on a voice vote? Was that the unanimous-consent agreement?

The PRESIDING OFFICER. It would be voted on immediately following.

Mr. EXON. Immediately following.

I have asked for a rollcall vote. I did not receive a sufficient second? Is that the ruling of the Chair?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I make one further request for a rollcall vote on the Simpson amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

Mr. LOTT. Mr. President, I observe the absence of a quorum.

Mr. FORD. Regular order.

The PRESIDING OFFICER. The regular order is for the Chair to determine.

Mr. LOTT. Mr. President, again, parliamentary inquiry, I think we need to

try to understand exactly where we are and what we are trying to accomplish here.

I believe, in framing my parliamentary inquiry, the amendment now before us is identical to the language we just voted on. And, therefore, this would be a second recorded vote on the same issue we just voted on now, under the Craig amendment?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

The yeas and nays have been requested.

Mr. LOTT. Mr. President, just one further parliamentary inquiry. We were to the point, if we were able to complete that vote and dispose of it, hopefully, to enter a unanimous-consent agreement that would allow us to complete action tonight and perhaps have final passage on this issue, a final vote in the morning at 9 o'clock.

So I was in hopes that we could complete this final vote that we just had and move on to the unanimous consent agreement without additional recorded votes tonight. I just wanted to make that point before we proceed further.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

Mr. BUMPERS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for a parliamentary inquiry.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Did I understand just now that the order is that since this rollcall vote has been requested by the Senator from Nebraska, we vote on that and that the only pending business left before final will be voted on at 9 o'clock in the morning? Is that correct?

Mr. LOTT. Mr. President, if I might respond to the Senator from Arkansas, no. It was our hope that we could then enter into a unanimous-consent agreement that would, if we get all the details agreed to, say that any further recorded votes would occur in the morning at 9 o'clock on any amendments thereto and final passage if any amendments are requested for recorded vote.

Mr. BUMPERS. Mr. President, I just ask the distinguished assistant majority leader if he can tell us how many amendments we are working on. What is the potential for more votes?

Mr. LOTT. Mr. President, if I might respond, there are about three amendments that are still pending. We think maybe a recorded vote would be necessary on one of those amendments. But we need to work through the unanimous-consent agreement first.

Mr. LAUTENBERG. Will the Senator from Mississippi yield for a question? Can we identify those amendments?

Mr. LOTT. They have been identified. We have discussed those with the distinguished Democratic leader and with the managers of the bill.

Mr. LAUTENBERG. I would like to know who the author is and what the nature of these amendments are before

agreeing to closing out the amendment tree and leaving only final passage to be considered.

Mr. LOTT. That would be the hope of the managers of the bill as soon as we move to that. In fact, I think we are ready to go to the unanimous-consent request here momentarily.

The PRESIDING OFFICER (Mr. GRAMS). The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desired to vote?

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—59

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dole	Kerry	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feinstein	Mack	

NAYS—37

Akaka	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Heflin	Pell
Bryan	Inouye	Pryor
Bumpers	Kennedy	Robb
Byrd	Kohl	Rockefeller
Conrad	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dodd	Levin	Wellstone
Exon	Lieberman	
Feingold	Mikulski	

NOT VOTING—4

Bennett	Johnston
Dorgan	Lugar

So, the amendment (No. 1839), as amended, was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1838, AS MODIFIED

Mr. FORD. Mr. President, the distinguished Senator from Colorado [Mr. BROWN] and I have been working on amendment No. 1838. We now have arrived at an agreement.

I ask unanimous consent to modify amendment No. 1838.

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

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking “or”; and
(2) by striking clause (viii) and inserting the following:

“(viii) greater than \$1,000,000 but not more than \$5,000,000, or
“(ix) greater than \$5,000,000;
“(x) greater than \$1,000,000.”

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking “and”; and

(2) by striking subparagraph (G) and inserting the following:

“(G) greater than \$1,000,000 but not more than \$5,000,000;
“(H) greater than \$5,000,000 but not more than \$25,000,000;
“(I) greater than \$25,000,000 but not more than \$50,000,000; and
“(J) greater than \$50,000,000;
“(K) greater than \$1,000,000.”

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by inserting after 102(e)(1)(E) the following:

“(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 shall apply to spouses and dependent children only if the income, asset or liability is held jointly with the reporting individual; all other income and/or liabilities of a spouse or dependent children greater than \$1,000,000 shall be categorized as greater than \$1,000,000.”

Mr. FORD. I thank the Chair.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that section 6 be stricken from S. 1060, and when the Senate considers S. 1061, section 6 be inserted at the appropriate place.

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

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

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

AMENDMENT NO. 1838, AS MODIFIED

Mr. BROWN. Mr. President, with the assistance of the distinguished Senator from Kentucky, I believe amendment No. 1838 is modified in a way that meets the approval of Members. To refresh Members' memories, this amendment deals solely with reporting categories, not the more controversial areas of residence or the area of blind trust. This amendment deals solely with reporting categories. The modification makes it clear that it does not apply the new categories to the assets, income or liabilities of dependents or spouses, but only to those of the reporting individuals.

Mr. President, I believe the amendment is at a point where both sides have agreed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1838), as modified, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1840 WITHDRAWN

Mr. BROWN. Mr. President, my second amendment is amendment No. 1840. It deals with reporting of residences.

Mr. President, I have had the opportunity in the last several hours to hear from, I believe, close to a majority of my colleagues. It is quite clear from those who have spoken to me that there is not support in the Chamber for this amendment.

While I continue to believe that assets of this kind that exceed \$1 million should be reported, it is quite clear—or so it appears—that we do not have the votes for this.

Therefore, I withdraw amendment No. 1840.

The PRESIDING OFFICER (Mr. DEWINE). The amendment is withdrawn.

So the amendment (No. 1840) was withdrawn.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

AMENDMENT NO. 1844

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. DOLE, proposes an amendment numbered 1844.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

AMENDMENT TO THE FOREIGN AGENTS

REGISTRATION ACT (P.L. 75-583)

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

SEC. 11. REPORTS TO THE CONGRESS.

The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.

Mr. McCONNELL. Mr. President, it is my understanding that this amendment has been cleared on both sides.

Mr. LEVIN. We have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1844) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 1845

(Purpose: To amend section 207 of title 18, United States Code, to prohibit any person serving as the U.S. Trade Representative and the Deputy U.S. Trade Representative from representing or advising a foreign entity at any time after termination of that person's service and to disqualify such a person from serving as a U.S. Trade Representative and the Deputy U.S. Trade Representative)

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. DOLE, proposes an amendment numbered 1845.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting “or Deputy United States Trade Representative” after “is the United States Trade Representative”; and

(2) striking “within 3 years” and inserting “at any time”.

“(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19

U.S.C. 2171(b)) is amended by adding at the end following new paragraph:

“(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

Mr. MCCONNELL. Mr. President, this is the Dole amendment related to the U.S. Trade Representative.

Mr. LEVIN. Mr. President, I understand that this amendment has been modified. It is no longer retroactive; it is prospective only, is that correct?

Mr. MCCONNELL. That is correct.

Mr. LEVIN. With that modification, I have no objection. I think it might be wise to state, perhaps, what that amendment does provide, because it does make a change in terms of the USTR, who can be appointed to USTR. I think it would be wise, because it makes a change in the revolving door law, that this be stated, albeit briefly.

Mr. MCCONNELL. Mr. President, the first provision says that no one shall be appointed to the important post of U.S. Trade Representative, or a Deputy U.S. Trade Representative, if that person had in the past directly represented a foreign government at a trade dispute or negotiation with the United States.

The second provision says that nobody who served as U.S. Trade Representative, or Deputy U.S. Trade Representative, may, after his or her employment has ended, represent, aid, or advise any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency.

I do not know whether the Senator from Michigan would like me to go on. I think that basically explains the amendment.

Mr. DOLE. Mr. President, this amendment has two provisions:

The first provision says that no one shall be appointed to the important posts of U.S. Trade Representative or Deputy U.S. Trade Representative if that person had, in the past, directly represented a foreign government in a trade dispute or negotiation with the United States.

The second provision says that no one who has served as U.S. Trade Representative or Deputy U.S. Trade Representative may, after his or her employment has ended, represent, aid, or advise any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency; 18 U.S.C. section 207(f)(2) currently prohibits the U.S. Trade Representative from aiding and advising a foreign entity for a period of 3 years after his service has ended. My

amendment transforms this 3-year ban into a lifetime ban and applies the ban to the Deputy Trade Representative as well.

Of course, there are many fine men and women who have served America as our trade representatives. My amendment should not be misconstrued as an effort to impugn their integrity in any way whatsoever.

The real problem here is one of appearance—the appearance of a revolving door between Government service and private-sector enrichment. This appearance problem becomes all the more acute when former high Government officials work on behalf of foreign interests.

That is why my amendment insists that if you have represented the United States as one of its most senior trade officials in sensitive trade negotiations, you should not now—not 3 years from now, not ever—represent a foreign government or foreign business before the Government of the United States.

Service as a high Government official is a privilege, not a right. This amendment may discourage some individuals from accepting the U.S.T.R. job, but in my view, this is a small price to pay when the confidence of the American people is at stake.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

So the amendment (No. 1845) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1841

Mr. BROWN. Mr. President, I believe my amendment No. 1841 is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWN. Mr. President, it is my understanding that there is disagreement by Members on this amendment.

To refresh the memory of others, this is the amendment that would allow for the total assets of a trust to be reported on the disclosure form, in the event that the Member is advised under the trust instrument of what the total cash value of those assets are. Right now, Members do report income from their blind trust. They do not, however, report the total cash value of that blind trust, even though our form of a qualified blind trust does report that to the Member.

So this amendment removes a loophole. It would provide for reporting of the total cash value. That clearly does not include the underlying assets, but it includes the total cash value of all the assets, only in the case that the trust instrument provides for that to be reported to the individual.

Mr. President, there is disagreement on this. I, therefore, ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I have discussed this amendment with the distinguished Senator from Colorado, and I have expressed some reservation about it, because what we are doing here is really amending the structure of the blind trust—understanding that it has been in existence here—that permits Members to disassociate the management of assets from their activities here and thereby not involving any opportunity for conflict. It serves a purpose. It has been on the books for some time now as part of the responsibilities of disclosure of Senators.

Frankly, I think this is a rather back-door attempt to place this now in front of the public without full consideration. I think there ought to have been hearings about this to see what the Finance Committee or the Judiciary Committee has to say about the value of this instrument as an opportunity to serve, without having to look back over one's shoulder, about whether or not they are making a decision that may in fact present a conflict.

I heard very clearly what the Senator said. All this does is talk about the value. Well, right now, that value may or may not be known but, likely, in an accountant's report, it is to be known for the value of doing one's estate planning, financial planning, children, other beneficiaries, in terms of where one would like to see the assets perhaps testamentally go. But now what we are saying is, OK, whether you obtain your assets through inheritance, hard work under the opportunities afforded in our country, the accumulation of assets now begins to look like it is somehow or other a stigma on one's ability.

What we are going to do is continue to denigrate the interest in serving by exposing families to public review, by encouraging those who seek to gain other people's assets, by either criminal or illegal means—and that is the purpose of having some protection.

I assume that the Senator says that “OK, what we ought to do is make sure that anybody who has acquired assets, no matter how hard they worked for it, no matter how ingenious they have been in creating it, they ought to present it willy-nilly out there for public scrutiny.”

We now, Mr. President, have categories of assets. I understand that one of those, if I am correct, and I ask the Chair to be sure that what I am saying is accurate, one of those has just been modified so that we now have new levels of reporting assets that we did not have before.

Is that true, Mr. President?

The PRESIDING OFFICER. The Chair cannot comment on the substance of the amendment.

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

Mr. LAUTENBERG. I yield to the Senator.

Mr. BROWN. The Senator is correct, the amendment just accepted adds categories to the existing law, which stops at greater than \$1 million. The additional categories apply only to a Member's personal or joint assets.

Mr. LAUTENBERG. Mr. President, I suggest that the Senator further modify it to say, "Let's put your checkbook on the table, put your bank account out there so the public can see," and see what your bill paying process has been to make sure that the assets you choose to acquire are subject to public scrutiny.

This is a subterfuge of some kind. I cannot quite figure it out. Obviously, it is designed to either embarrass or stigmatize that which has been a legitimate practice here, and that is to say there are categories of assets that indicate in general terms what it is that these assets represent.

Now we are getting down to the nitty-gritty and perhaps we will eventually ask for weekly income or such things. The Senate has accepted it, Mr. President. I am sorry to see that we are, as we discuss lobbying reform, now into this kind of amendment.

I wish it had been offered. I might very well support it. I object to it as I hear it, because I have not had a chance to see it examined fully, to see whether it is an appropriate process, one that we adopted some time ago, and have been following fairly scrupulously.

Mr. President, I hope that this amendment will be defeated so it can be deferred and discussed at length in the appropriate committees, as opposed to tacking this on to the lobbying reform bill.

I also have an amendment, Mr. President, which I believe is listed in the category of amendments to be considered. I yield the floor.

Mr. BROWN. Mr. President, the measure before the Senate does not change the underlying statute. Under the statute, a beneficiary can receive certain information. In subparagraph 5:

Interested parties shall not receive any report on the holding and sources of income of the trust except a report at the end of each calendar quarter with respect to the total cash value of each of the interested parties in trust, or the net income or loss of the trust or any reports necessary to enable interested parties to complete individual tax returns.

It goes on. My amendment does not change what makes up a blind trust. What it does do is close a loophole. In the past, Members with a qualified blind trust received a report on their income and reported that income.

But Members who have a qualified blind trust and receive a report on the total cash value do not have to report the total cash value.

My amendment does not change the qualified blind trust, but it does change what we report. It provides for the closing of the loophole. It does not require the disclosure of the individual

assets in the blind trust. Obviously, those are not supposed to be disclosed to the people involved. It does however, require the disclosure of what is reported to the beneficiaries; that is, their total cash value. This has been on the books for some time.

Let me deal with another aspect. In my view, my amendment in no way is meant to cast a stigma about the abilities of anyone associated with the blind trust. I think people who work hard and save the money have a right to be proud of that. It is an achievement. It is not something that casts any stigma on them. This amendment is not offered in that light. It is offered in a belief that disclosure should be consistent and there should not be loopholes to shelter very large assets, and full disclosure for those with lesser assets.

The fact that you can afford an independent trustee should not be used as a measure for exempting you from disclosure. Disclosure ought to be applied both to those who cannot afford an independent trustee and those who can afford an independent trustee. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1841

Mr. BROWN. Mr. President, I understand the leaders have reached an agreement on the Brown amendment, 1841. I ask unanimous consent to withdraw my request for a record vote.

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

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1845

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator McCain be added as a cosponsor of the Dole U.S. Trade Representative amendment approved earlier tonight.

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

Mr. McCONNELL. Mr. President, we will have a unanimous-consent agreement shortly. It is being typed. So, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday the Senate resume consideration of S. 1060, and at that time Senator LAUTENBERG be recognized to offer a relevant amendment; further, that the amendment be limited to a 60-minute time limitation to be equally divided in the usual form, and that there be no second-degree amendments in order to amendment.

I further ask that the only other amendment in order to S. 1060 be a managers' amendment to be offered following the disposition of the Lautenberg amendment; that it be considered under a 5-minute time limitation equally divided in the usual form; and, that immediately following the disposition of the managers' amendment S. 1060 be advanced to third reading and final passage occur all without any intervening action or debate.

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

Mr. McCONNELL. Finally, I ask unanimous consent that the Senate turn to the consideration of S. 1061 at 9 a.m. on Tuesday, July 25 for the purpose of debate only.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. LOTT. Mr. President, we are not quite ready to do the closing comments. But I would like to announce to the Members who might be watching or waiting that, since we have been able to reach the unanimous-consent agreement, there will be no further votes tonight. We will begin the session at 9 a.m. in the morning on the gift reform issue. And the votes will occur beginning at 12 o'clock. But there will be no further votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for morning business now wherein Members can speak not to exceed 5 minutes.

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

ANNOUNCEMENT OF POSITION ON VOTES

Mr. FAIRCLOTH. Mr. President, I was necessarily absent on the evening of July 20, 1995. Had I been present, I would have voted "yea" on rollcall vote No. 317, an amendment offered by the Senator from Texas [Mr. GRAMM] regarding the elimination of set-asides in the Federal procurement process.

I was also necessarily absent on July 21, 1995. Had I been present I would have voted as follows: "yea" on rollcall vote No. 319, "yea" on rollcall vote No. 320, "yea" on rollcall vote No. 321, "yea" on rollcall vote No. 322, and "yea" on rollcall vote No. 323.

RELOCATION OF THE "PORTRAIT MONUMENT"

Mr. STEVENS. Mr. President, last week, with the help of the distinguished majority leader BOB DOLE, the Senate in record time passed an important joint resolution. The measure calls for a statue honoring the leaders of the Women's Suffrage Movement to be removed from the crypt and put in a place of honor in the Capitol rotunda.

The House must now act on this resolution. But when it is approved, this Congress will have succeeded where three others did not.

In 1928, 1932, and 1950 resolutions were introduced to move the statue of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony from the crypt.

These resolutions went nowhere. But with Senator DOLE's help, we were able to quickly clear a space on the calendar for this resolution to be passed.

Timing is critical because we want to move the statue before the 75th anniversary of the ratification of the 19th amendment to the Constitution. That occurs on August 26, and several groups have planned ceremonies to mark the date when women earned the right to vote—and thereby gained full citizenship in our Republic.

I believe the elevation of that statue is long overdue and was pleased that so many of my colleagues gave their support. The rotunda is filled with monuments to the achievements of men in American history. It is only fitting that the accomplishments of these women will also be memorialized in a place of honor. Their efforts changed the history of the United States—and the world by making Democracy "saleable" to every person.

Mr. President, last week the 75th anniversary of Woman Suffrage task

force held a press conference and discussed our resolution. At that meeting, Joan Meacham and Dr. Caroline Sparks—leaders in the effort to move the statue—eloquently traced the history of the monument and what its elevation would mean to American women. I ask that their statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

REMARKS, JOAN-FAYE MEACHAM, PRESIDENT OF THE 75TH ANNIVERSARY OF WOMAN SUFFRAGE TASK FORCE

Press Conference to Announce Senate Passage of Resolution to Move the Suffrage Statue from the Crypt of the Capitol to the Rotunda, Sewall-Belmont House, July 19, 1995.

Good Morning, my name is Joan Faye Meacham. I am the President of the 75th Anniversary of Woman Suffrage Task Force. On behalf of the Task Force and the National Woman's Party, I welcome Senator Ted Stevens of Alaska and members of his staff, distinguished members of Congress, members of the Task Force's Honorary Leadership Committee, representative of participating women's organizations, and members of the press.

We are happy to be here at the historic Sewall-Belmont House to announce that on July 17, 1995 the U.S. Senate unanimously passed a resolution to move the suffrage statue from the Crypt of the U.S. Capitol to the Rotunda.

In 1848, a simple statement was included in the "Declaration of Sentiments" presented in Seneca Falls, New York at the Convention that launched the modern women's rights movement.

"Resolved. That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise."

The three women, Lucreita Mott, Elizabeth Cady Stanton and Susan B. Anthony, that we honor in the Suffrage Monument, devoted their entire adult lives to this duty to achieve the vote that we enjoy today.

As you know, August 26th is the 75th Anniversary of the success of their efforts. The 75th Anniversary Task Force is celebrating the achievements of these women and thousands of others who worked and sacrificed for suffrage by announcing four days of activities in our nation's capital from August 24th to August 27th 1995. One of our primary goals for this anniversary is to honor our suffrage leaders by moving their monument to a place of prominence in the Rotunda of the U.S. Capitol. The Senate's passage of the resolution to move the statue brings us closer to our long awaited goal.

Here to tell you more about the meaning of the statue and the effort to move, is Caroline Sparks, Chair of the 75th Anniversary Women's Rights March who, with Barbara Irvine, the President of the Alice Paul Centennial Foundation, was the founder and Co-Chair of the "Move the Statues" Campaign. Dr. Sparks, an activist for the women's rights for 25 years, has tirelessly worked to bring the story of the statue to public attention. It is with pride and appreciation that I introduce Dr. Sparks.

REMARKS BY CAROLINE H. SPARKS, PH.D., CHAIR OF THE 75TH ANNIVERSARY WOMEN'S RIGHTS FESTIVAL AND MARCH AND CO-CHAIR OF THE "MOVE THE STATUE" CAMPAIGN

Press conference to Announce Senate Passage of the Resolution to Move the Suffrage Statue to the Capitol Rotunda. July 19, 1995, Sewall-Belmont House.

The statue of suffrage leaders, featuring Lucretia Mott, Elizabeth Cady Stanton and Susan B. Anthony—our "mothers of woman suffrage"—was presented to Congress by the women of the nation on February 15, 1921, Susan B. Anthony's birthday. Alice Paul of The National Woman's Party, commissioned the statue as a memorial to the work of women to achieve the vote.

Adelaide Johnson, the sculptor of the statue, tried to capture in her monument the spirit of the revolution that enfranchised the women of our nation. Her beliefs about the import of the woman movement are expressed in her original inscription for the monument:

"Spiritually the woman movement is the all-enfolding one. It represents the emancipation of womanhood. The release of the feminine principle in humanity, the moral integration of human evolution come to rescue torn and struggling humanity from its savage self."

Johnson's inscription described the three suffrage leaders as "the three great destiny characters of the world whose spiritual import and historical significance transcend that of all others of any country or any age." Her words were whitewashed out with yellow paint in 1921 after the Joint Committee of the Library of Congress balked at the so-called pagan language that glorified the early feminist movement. The statue was moved from the Rotunda to the Crypt shortly after its initial dedication, where it still remains, 75 years later. The statue's name has been lost though it has been known variously as "The Woman Movement", "Revolution" and the "Pioneer Suffrage Statue". Today, known simply as "The Portrait Monument", the women's names face the wall and cannot be seen.

I first saw the statue while in Washington for a march for women's equality in 1977. Like many women, a friend and I simply stumbled upon it. Although we had been activists for many years, we had never known of its existence. When I worked for the Feminist Institute, the statue was the inspiration for the development of the Feminist Walking Tour of Capitol Hill, in which we gave women an opportunity to see women's history in the nation's capital and to hear stories of women's fight for equality. Women still tell me that they "stumble" upon the statue, never having known its story.

In 1990, a coalition of women's groups, led by the Feminist Institute, the Alice Paul Foundation, The National Woman's Party and other women's organizations and supporters launched a campaign to move the statue. We felt then, and we still feel, that we need public symbols that depict women who have participated in the creation of our Nation. We are concerned that visitors to the Capitol Rotunda are left with the impression that women had nothing to do with the founding of the Nation. We believe it is important for our citizens, especially our children, and foreign guests to see pioneers of suffrage in the Rotunda with George Washington, Abraham Lincoln and Martin Luther King, as an inspiration and a reminder that women fought for over 70 years to win basic rights. Young women, especially, need to know that women accepted their duty to fight for our rights and be inspired to continue the struggle for equality begun by these foremothers. Everyone needs to know the history of the struggle to achieve suffrage for half our population.

Our coalition is not the first to demand more prominent display of the suffrage monument. A year after the statue was removed to the basement storage area, members of the National Woman's Party protested that it was covered with dirt and rubbish. Unable to have the statue cleaned, they brought mops and buckets in and cleaned it themselves. Resolutions to move the statue have been brought before Congress in 1928, 1932 and 1950 but were unsuccessful.

We, like these others who tried before us, want the Suffrage leaders in the rotunda as a visible reminder of the strength and ability of women and as an inspiration to women in the future to continue to fight for their rights. We believe that this, the 75th year after its creation, is the year this effort will be successful.

The Joint Resolution to Move the Statue has already passed unanimously in the Senate and now goes to the House of Representatives. We ask that our Representatives recognize the importance of women voters by joining the Senate in this resolution and we remind them that in a democracy: "It's not nice to put your forefathers in the living room and your foremothers in the basement."

With us today is someone who understood immediately the importance of honoring our suffrage leaders. Senator Ted Stevens of Alaska introduced the Joint Resolution to Move the Suffrage monument to the Rotunda. We thank Senator Stevens and ask that he make a few remarks about his involvement in the effort to move the statue.

BOSNIA

Mr. PRESSLER. Mr. President, I wanted to take a few moments to share with my Senate colleagues my concerns regarding our current policy in Bosnia.

The situation in Bosnia is a tragedy, there is no question. It is a tragedy borne by interventionist policies that have not worked, and will not work if allowed to continue. Most important, unless we reverse current policies, we are inviting for increased U.S. involvement, in the form of air support now and ground troops tomorrow. That must not happen.

The conflict between the Moslems and Serbs that reside in Bosnia did not begin with the fall of the former Yugoslavian Government. The conflict has roots of animosity that are far deeper—roots that stretch back for centuries. This is just the latest chapter, the latest reincarnation, of a brutal civil war between ethnic factions. What makes this latest chapter of conflict more tragic is the fact that one side has been prevented from defending its people by governments and organizations that claim to support their interests.

Mr. President, I believe we should not send U.S. ground troops to Bosnia for two basic reasons. First, there is no clear objective, no national security interest that justifies deploying American forces into a regional civil war.

American lives are sacred. As an army lieutenant who served in Vietnam, I strongly oppose sending our young men and women to Bosnia as a

separate force or under U.N. command. It is plain common sense that you do not commit American forces without a clear plan or purpose. To do otherwise would not be fair to our troops. It would not be fair to their families. At this time, no clear plan or purpose exists that would justify U.S. troop deployment.

Second, I oppose sending American troops to Bosnia because I believe it would only make matters worse in the region. I am concerned that the insertion of American forces to carry out current policies in Bosnia would only extend the conflict. Again, Mr. President, this is a civil war. Past history suggests that when foreign governments intervene in a civil war, they serve to exacerbate the conflict.

We must not forget our own history. We had a civil war of our own—the bloodiest, costliest conflict in our Nation's history. It was a long, brutal affair. Yet, had England or France entered on the side of the Confederacy at that time—which they considered doing—I believe our civil war would have gone on far longer—meaning more pain, more suffering, more lives lost on both sides.

The same is true in Bosnia. We have seen outside parties, mainly the United Nations, intervene in Bosnia already. This intervention included an arms embargo that has prevented a legitimate government from defending itself. It has prevented the citizens of a legitimate government from defending their homes and property. This intervention has done nothing more than allow the conflict to drag on with no end in sight. This policy of intervention has failed. And unless we recognize this now, we will only make matters worse for the people in the region and for our own people at home.

So, again, Mr. President, let me state that our current interventionist policy in Bosnia has failed. It is wrong. And if allowed to continue, I fear it will mean U.S. troops in Bosnia. That must not happen. I oppose placing U.S. troops under our own leadership or under the authority of the United Nations in Bosnia in the midst of a Bosnian civil war. There is no commonsense justification for doing so. The Government of Bosnia has not asked for U.S. troops. The people of Bosnia know that U.S. troops will only make the conflict last longer and would claim more lives unnecessarily. They simply want the right to defend themselves. I agree. Let us give them that right, and let us keep our American forces here at home.

WAS CONGRESS IRRESPONSIBLE? JUST LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, it does not take a rocket scientist to be aware that the U.S. Constitution forbids any President to spend even a dime of Federal tax money that has not first been authorized and appropriated by Con-

gress—both the House of Representatives and the U.S. Senate.

So when a politician or an editor or a commentator pops off that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending.

Thus, it is the fiscal irresponsibility of Congress that has created the incredible Federal debt which stood at \$4,936,735,579,244.31 as of the close of business Friday, July 21. This outrageous debt—which will be passed on to our children and grandchildren—averages out to \$18,739.93 for every man, woman, and child in America.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

ENROLLED BILLS SIGNED

A message from the House, received on July 21, 1995, during the recess of the Senate, announced that the Speaker pro tempore (Mr. ARMEY) signed the following enrolled bill:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 143. A bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes (Rept. No. 104-118).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 402. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes (Rept. No. 104-119).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Mary S. Furlong, of California, to be Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999, vice Daniel W. Casey, term expired.

Lynne C. Waihee, of Hawaii, to be a member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Richard J. Stern, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2000, vice Catherine Yi-yu Cho Woo, term expired.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself and Mr. JEFFORDS):

S. 1065. A bill to provide procedures for the contribution of volunteer United States military personnel to international peace operations; to amend title 10, United States Code, to provide for participation of the

Armed Forces in peacekeeping activities, humanitarian activities, and refugee assistance, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself and Mr. NICKLES):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feed stocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1068. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself and Mr. JEFFORDS):

S. 1065. A bill to provide procedures for the contribution of volunteer U.S. military personnel to international peace operations; to amend title 10, United States Code, to provide for participation of the Armed Force in peacekeeping activities, humanitarian activities, and refugee assistance, and for other purposes; to the Committee on Foreign Relations.

THE INTERNATIONAL PEACE OPERATIONS SUPPORT ACT OF 1995

Mr. SIMON. Mr. President, Senator JEFFORDS and I are introducing today a bill entitled "The International Peace Operations Support Act of 1995." The bill would enhance the U.S. military's ability to contribute to international peace operations, and is similar to legislation we introduced in the last Congress.

The Simon-Jeffords bill requires the President to report to Congress on a plan to earmark within the Armed Forces a contingency force that could be used for peace and humanitarian operations, and could be deployed on 24-hour notice. The force would include up to 3,000 active-duty personnel from any of the services, who would volunteer to serve in international peace operations. The soldiers would receive extra compensation for their participation, and would get special training for such operations.

Additionally, the bill augments the mission statements of the Army, Navy, and Air Force by affirming that their responsibilities include participation in "international peacekeeping operations, humanitarian activities, and refugee assistance activities, when determined by the President to be in the national interest."

Senator JEFFORDS and I designed this legislation to help the U.S. military meet some of the emerging threats in the post-cold-war era: ethnic conflicts and civil wars that cause regional in-

stability, humanitarian disasters, and aggressors that threaten our interests overseas. Just as the military was used to confront the threat of the cold war, it will be called upon to address the threats of today and tomorrow. This has been evident in recent years in Bangladesh, Somalia, Macedonia, Rwanda, and Haiti, where the United States military has been asked to perform missions beyond the scope of traditional war-fighting, generally called peace operations.

Some reject categorically these kinds of roles for our military. I believe that is a mistake, and a denial of reality. That point of view implies that our military planners should prepare only for the big ones like World War II on the gulf war. That notion is not realistic, and would not serve our national security interests. Regional conflicts and instability are inevitable, and humanitarian disasters are inescapable. Peace operations will be needed, and the U.S. military—the most capable in the world—will be called upon to respond, so long as our Nation rejects isolationism.

Simon-Jeffords bill would help us respond to emergencies and crises by consolidating up to 3,000 soldiers with both the will and the training to undertake peace operations, who could react on short, perhaps 24-hour, notice. Let me give an example of why this is important:

In May 1994, when the situation in Rwanda was going from worse to horrific, Senator JEFFORDS and I called the Canadian general in charge of the small U.N. force there. General Daullaire made it clear that the quick infusion of 5,000-8,000 troops could stabilize the situation. Unfortunately, the United Nations did not have the troops, nor were nations willing to provide them, and we subsequently witnessed the deaths of hundreds of thousands. Rapid deployment of a contingency force as envisioned in this bill, in conjunction with similar forces in other countries, may have been able to help General Daullaire prevent some of the tragedy in Rwanda.

The concept of rapid reaction capability is neither new nor is it revolutionary. The first U.N. Secretary General, Trygve Lie, raised the idea in 1948, and there is a growing interest among the international community in enhanced military responsiveness. In fact, the United States is far behind our allies on new thinking in these areas. Canada is studying proposals to have nations designate contingency forces for peace operations, which would be coordinated by a central headquarters in some location. Our bill would fit into that plan very well. Denmark and the Netherlands are also formulating plans on quick reaction forces.

The U.S. military realizes that we will have to deal with regional crises, and I give credit to the services for incorporating peace and humanitarian

operations into their mission statements, strategy and planning. The National Military Strategy prepared by the Joint Chiefs finds that peacetime engagement activities are a primary military task—activities such as peacekeeping, humanitarian operations and democratic assistance. Senator JEFFORDS and I believe our bill complements these efforts already underway.

I noted before that the contingency force would be made of volunteers, who would be given added compensation. This is all volunteers, who would be given added compensation. This is an important component. We must recall that despite the difficulties with our operations in Somalia and Haiti, our soldiers expressed a sense of pride and accomplishment in their missions to help the people in these troubled lands. I imagine that it would not be difficult to find soldiers who would like to join this force.

The burden of world leadership is on the United States—we are the richest, the most influential, and the most militarily capable nation. Our soldiers will inevitably be called on to respond to world crises. The Simon-Jeffords bill can improve our response capability by providing for a contingency force of specially trained troops for quick deployment.

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. 1065

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 "International Peace Operations Support Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) With the end of the Cold War, the United States is clearly the undisputed world economic and military leader and as such bears major international responsibilities.

(2) Threats to the long-term security and well-being of the United States no longer derive primarily from the risk of external military aggression against the United States or its closest treaty allies but in large measure derive from instability from a variety of causes: population movements, ethnic and regional conflicts including genocide against ethnic and religious groups, famine, terrorism, narcotics trafficking, and proliferation of weapons of mass destruction.

(3) To address such threats, the United States has increasingly turned to the United Nations and other international peace operations, which at times offer the best and most cost-effective way to prevent, contain, and resolve such problems.

(4) In numerous crisis situations, such as the massacres in Rwanda, the United Nations has been unable to respond with peace operations in a swift manner.

(5) The Secretary-General of the United Nations has asked member states to identify in advance units which are available for contribution to international peace operations under the auspices of the United Nations in order to create a rapid response capability.

(6) United States participation and leadership in the initiative of the Secretary-General is critical to leveraging contributions from other nations and, in that way, limiting the United States share of the burden and helping the United Nations to achieve success.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "appropriate congressional consultation" means consultation as described in section 3 of the War Powers Resolution; and

(2) the term "international peace operations" means any such operation carried out under chapter VI or chapter VII of the United Nations Charter or under the auspices of the Organization of American States.

SEC. 4. REPORT ON PLAN TO ORGANIZE VOLUNTEER UNITS.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Congress setting forth—

(1) a plan for—

(A) organizing into units of the Armed Forces a contingency force of up to 3,000 personnel, comprised of current active-duty military personnel, who volunteer additionally and specifically to serve in international peace operations and who receive added compensation for such service;

(B) recruiting personnel to serve in such units; and

(C) providing training to such personnel which is appropriate to such operations; and

(2) proposed procedures to implement such plan.

SEC. 5. AUTHORIZATION.

(a) IN GENERAL.—Upon approval by the United Nations Security Council of an international peace operation, the President, after appropriate congressional consultation, is authorized to make immediately available for such operations those units of the Armed Forces of the United States which are organized under section 4(1)(A).

(b) TERMINATION OF USE OF UNITED STATES ARMED FORCES.—(1) Subject to paragraph (2), the President may terminate United States participation in international peace operations at any time and take whatever actions he deems necessary to protect United States forces.

(2) Notwithstanding section 5(b) of the War Powers Resolution, not later than 180 days after a Presidential report is submitted or required to be submitted under section 4(a) of the War Powers Resolution in connection with the participation of the Armed Forces of the United States in an international peace operation, the President shall terminate any use of the Armed Forces with respect to which such report was submitted or required to be submitted, unless the Congress has extended by law such 180-day period.

SEC. 6. AVAILABILITY OF FUNDS.

Funds available to the Department of Defense are authorized to be available to carry out section 5(a).

SEC. 7. WAR POWERS RESOLUTION REQUIREMENTS.

Except as otherwise provided, this Act does not supersede the requirements of the War Powers Resolution.

SEC. 8. MISSION STATEMENTS FOR ARMED FORCES.

(a) ARMY.—Section 3062(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "and"; and

(3) by adding at the end the following:

"(5) participating in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States."

(b) NAVY.—Section 5062(a) of such title is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out the second sentence; and

(3) by adding at the end the following new paragraph:

"(3) The Navy is responsible for the preparation of naval forces necessary for the following activities:

"(A) Effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

"(B) Participation in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States."

(c) AIR FORCE.—Section 8062(a) of such title is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "and"; and

(3) by adding at the end the following:

"(5) participating in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States."

Mr. JEFFORDS. Mr. President, today I join Senator SIMON in introducing the Simon-Jeffords International Peace Operations Support Act of 1995.

The altogether natural and necessary focus in American politics on our domestic problems should not blind us to the monumental responsibilities of the United States as a leader of the world community. The very real dangers of the post-cold war world, as well as the equally real opportunities, are ignored only at our peril.

When civil strife or naked aggression threaten the stability of countries or whole regions and threaten the lives of whole populations, it is clearly in the world community's interest to try to do something. This response could take many forms, and a U.S. contribution might appropriately consist of political support, logistics or intelligence assistance, or provision of equipment. But there surely will be times when it will be in the U.S. national interest to respond to acute peacekeeping and other humanitarian needs with a contribution of troops.

We are severely hamstrung today in our ability to respond to these types of problems. With the most capable military establishment in the world, we find ourselves often unable to contribute troops to international peacekeeping efforts because of unclear political guidance to our military as to whether peacekeeping is part of its mission and a reluctance to train a designated cadre of troops to perform the tasks of peacekeeping, refugee assistance, and other humanitarian operations.

Our legislation addresses this problem. It sharpens one of our tools of foreign and security policy by providing

clearer guidelines for U.S. troop contributions to United Nations or other international peace activities. It specifically makes this activity a formal mission of the U.S. military in cases where U.S. national interests are served by a peacekeeping deployment. It also calls for the identification of a specific unit or units consisting of service personnel who have volunteered for such service and who would be given specialized training for the unique circumstances of such missions.

The preeminent position of the United States in the world, and our far-flung commercial and security interests do not always dictate that we contribute troops to address particular problems, but they do dictate that we be prepared to do so if necessary. As in other areas of international endeavor, U.S. leadership means that our contributions leverage contributions by other states that follow our lead. Thus, greater U.S. contributions to U.N. peacekeeping might, as the result of a multiplier effect, prove to be the most cost-effective method of increasing worldwide peacekeeping capabilities.

We are rightly proud of the dedication, skills, and bravery of our Armed Forces. They are the world's most effective fighting force, and their skills and dedication have successfully been applied to humanitarian activities in, for example, Operations Provide Comfort in Iraq and Restore Democracy in Haiti. Not all international crises will result in U.S. troop deployments. Indeed, our experience in Somalia has brought home quite clearly to us the limits of international action in the face of massive civil strife. But when the international community decides to act, and when we decide that it is appropriate to offer as our contribution the finest, most capable men and women in uniform in the world, we must be ready.

By Mr. BRADLEY (for himself and Mr. NICKLES):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feedstocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

THE CLEAN FUELS EQUITY ACT OF 1995

Mr. BRADLEY. Mr. President, I rise today to introduce legislation aimed at restoring some level of financial equity in the marketplace for clean automotive fuels. My bill will phase out certain targeted tax subsidies given to an industry that has too long received unique and favorable treatment under the Tax Code: The domestic ethanol industry. In this effort, I am very pleased to be joined in this effort by Senator NICKLES as an original cosponsor of this legislation.

The Clean Fuels Equity Act will phase out the ethanol tax subsidy for ethanol produced from feedstocks that already receive other subsidies through the Department of Agriculture's price

and income support programs. The phaseout would occur over 3 years to allow the existing industry an orderly transition to a less-sheltered marketplace. My legislation would continue to allow the tax credits for special energy crops, waste products, and other biomass that do not benefit from the USDA price supports. These energy crops hold some promise of environmental and energy benefits. Furthermore, they still represent a technically immature industry, for which additional Federal support might be justified.

As most people know, the bulk of the ethanol produced in the United States is derived from corn, and processed and sold in the Midwest; 20 years ago, there was no fuel ethanol industry. But, born from the crisis concerns of the late 1970's, this business grew from nothing, built by an array of special and substantial tax privileges. However, unlike many of the questionable policies developed during that period of energy crisis—from the Synfuels Corp. to the Fuel Use Act and plans for gas rationing—the ethanol subsidies continue to survive.

When the credits were initiated over 15 years ago, they were intended to jumpstart an industry that would not otherwise exist. This policy has obviously succeeded. The ethanol industry is no longer a small, fledgling industry. It now produces in excess of a billion gallons of ethanol per year and consumes roughly one-half billion bushels of corn yearly. It is an industry that now benefits from special tax credits and exemptions worth roughly \$700 million per year—a number that is growing. These tax subsidies are in addition to the millions of dollars in benefits the industry receives each year from the USDA price support programs.

In light of recent ethanol industry efforts to obtain regulatory expansions of their subsidies, it seems the ethanol industry's attitude can be characterized by the phrase "never enough." Why worry what it costs to produce a product when you get a targeted tax credit, soon to be worth nearly \$1 billion per year? Why worry about competition when you receive millions more through price supports?

The cost to taxpayers and the cost to consumers are real. These subsidies take money out of Americans' pockets. In the face of billions of dollars in cuts in Medicare, Medicaid, and education programs for children, I question a continued, substantial tax break to a single, well-established industry. By handing out subsidies to ethanol, the Government is passing along a bill worth hundreds of millions of dollars to taxpayers and consumers.

Ethanol competes in the marketplace with other chemicals that have no special tax break. These alternatives must compete based on price and performance. This legislation is not intended to be punitive to ethanol. Rather, it is an attempt to allow the markets a bet-

ter chance to work for the benefit of all consumers, taxpayers, and the environment. Furthermore, it is acknowledgment that you cannot have it both ways. If ethanol already benefits from price supports, there is no need for a tax credit to keep an industry afloat. It is that simple.

I urge my colleagues to consider this legislation carefully. Last year the Joint Tax Committee estimated that this bill would raise almost \$3 billion over a 5-year period; since then, the cost of subsidizing the ethanol industry has only gone up. In these times when we are struggling to reduce the deficit as well as the tax burden on the American middle class it makes sense to reduce unneeded subsidies whenever possible.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

SECTION 1. PHASE-OUT OF TAX SUBSIDIES FOR ALCOHOL FUELS PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.

(a) ALCOHOL FUELS CREDIT.—Section 40 of the Internal Revenue Code of 1986 (relating to credit for alcohol used as a fuel) is amended by adding at the end the following new subsection:

“(i) PHASE-OUT OF CREDIT FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(1) IN GENERAL.—No credit shall be allowed under this section with respect to any alcohol, or fuel containing alcohol, which is produced from any feedstock which is a subsidized agricultural commodity.

“(2) PHASE-IN OF DISALLOWANCE.—In the case of taxable years beginning in 1996 and 1997, paragraph (1) shall not apply and the credit determined under this section with respect to alcohol or fuels described in paragraph (1) shall be equal to 67 percent (33 percent in the case of taxable years beginning in 1997) of the credit determined without regard to this subsection.

“(3) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this subsection, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(b) EXCISE TAX REDUCTION.—

(1) PETROLEUM PRODUCTS.—Section 4081(c) of the Internal Revenue Code of 1986 (relating to taxable fuels mixed with alcohol) is amended by redesignating paragraph (8) as paragraph (9) and by adding after paragraph (7) the following new paragraph:

“(8) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(A) IN GENERAL.—This subsection shall not apply to any qualified alcohol mixture containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

“(B) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax under subsection (a) with respect to any qualified alcohol mixture described in subparagraph (A) shall be equal to the sum of—

“(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

“(ii) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

“(C) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this paragraph, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(2) SPECIAL FUELS.—Section 4041 (relating to tax on special fuels) is amended by adding at the end the following new subsection:

“(n) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(1) IN GENERAL.—Subsections (b)(2), (k), and (m) shall not apply to any alcohol fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

“(2) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax determined under subsection (b)(2), (k), or (m) with respect to any alcohol fuel described in paragraph (1) shall be equal to the sum of—

“(A) the rate of tax determined under such subsection (without regard to this subsection), plus

“(B) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under this section determined with and without regard to subsection (b)(2), (k), or (m), whichever is applicable.

“(3) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this subsection, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(3) AVIATION FUEL.—Section 4091(c) (relating to reduced rate of tax for aviation fuel in alcohol mixture) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(A) IN GENERAL.—This subsection shall not apply to any mixture of aviation fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

“(B) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax under subsection (a) with respect to any mixture of aviation fuel described in subparagraph (A) shall be equal to the sum of—

“(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

“(ii) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

“(C) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this paragraph, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(C) EFFECTIVE DATES.—

(1) CREDIT.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

(2) EXCISE TAXES.—

(A) IN GENERAL.—The amendments made by subsection (b) shall take effect on January 1, 1996.

(B) FLOOR STOCK TAX.—

(i) IN GENERAL.—In the case of any alcohol fuel in which tax was imposed under section 4041, 4081, or 4091 of the Internal Revenue Code of 1986 before any tax-increase date, and which is held on such date by any person, then there is hereby imposed a floor stock tax on such fuel equal to the difference between the tax imposed under such section on such date and the tax so imposed.

(ii) LIABILITY FOR TAX AND METHOD PAYMENT.—A person holding an alcohol fuel on any tax-increase date shall be liable for such tax, shall pay such tax no later than 90 days after such date, and shall pay such tax in such manner as the Secretary may prescribe.

(iii) EXCEPTIONS.—The tax imposed by clause (i) shall not apply—

(I) to any fuel held in the tank of a motor vehicle or motorboat, or

(II) to any fuel held by a person if, on the tax-increase date, the aggregate amount of fuel held by such person and any related persons does not exceed 2,000 gallons.

(iv) TAX-INCREASE DATE.—For purposes of this subparagraph, the term “tax-increase date” means January 1, 1996, January 1, 1997, and January 1, 1998.

(v) OTHER LAWS APPLICABLE.—All provisions of law, including penalties applicable with respect to the taxes imposed by sections 4041, 4081, and 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subparagraph, apply with respect to the floor stock taxes imposed by clause (i).

THE CLEAN FUELS EQUITY ACT OF 1995

Senator BRADLEY’s legislation would phase out the existing tax credits for ethanol produced from certain feedstocks. The tax will be phased out for ethanol if it is produced from feedstocks, such as corn, that are eligible for various price and income supports under the programs of the U.S. Department of Agriculture. If the ethanol feedstock is a specialized energy crop, not supported by USDA, or a waste product, the tax credit will still be allowed.

The phase-out will occur over 3 years. Unless exempt, ethanol would be allowed: the full tax credits for calendar year 1995; 67 percent of the existing credits for 1996; and 33 percent of the existing credits for 1997. No special tax subsidies would be allowed for ethanol, unless exempt, after December 31, 1997.

The principal Federal incentive for ethanol is a 54-cent exemption from the Federal motor fuel excise tax. Each gallon of gasoline blended with at least 10 percent ethanol is eligible for the exemption. Using a blend, each gallon of ethanol can be blended with nine gallons of gasoline to make ten gallons of a blended fuel. All ten gallons are eligible for the exemption, which equates to a total exemption of 54 cents on each gallon of ethanol.

Also, an equivalent 5.4-cent-per-gallon federal blenders’ income tax credit or refund is available to fuel distributors that blend ethanol into motor fuels. The tax credit or refund can be taken in lieu of the excise tax exemption described above.

Because of these tax subsidies, ethanol can be offered at a dramatically lower price than would be the case otherwise. The U.S. ethanol industry produces approximately 1.2 billion gallons of ethanol for blending into fuel each year. This equates to a total subsidy value in excess of \$700 million annually. Last year’s effort by EPA to mandate a market set-aside for ethanol would have added at

least another \$300 million annually to the tax subsidy total.

Ethanol is produced today almost exclusively from feedstocks that are eligible for USDA support.

Mr. NICKLES. Mr. President, I am pleased to join my friend from New Jersey, Senator BRADLEY, in the introduction of legislation to phase-out tax subsidies for the ethanol industry. If enacted, our legislation will reduce the Federal budget deficit by nearly \$3 billion over the next 5 years.

For 15 years the Federal Government has provided substantial tax breaks to subsidize the development and use of ethanol as a clean, renewable fuel. Those subsidies have proven very effective, as the U.S. ethanol industry will produce over 1 billion gallons of ethanol for blending into fuel this year, costing the government over \$700 million in lost tax revenue.

However as with most government programs, even though the need for ethanol tax subsidies has ended, the subsidies themselves live on. In fact, the ethanol industry and their friends in the legislative and executive branches are continually seeking to expand those subsidies.

We believe the time has come to stop subsidizing a healthy industry. Other clean fuels offer the same benefits as ethanol, but struggle to compete against ethanol’s massive tax advantage.

Our legislation will even the playing-field by phasing-out the excise tax exemption and income tax credit over 3 years for ethanol produced from crops which are also eligible for U.S. farm program subsidies. This prevents the double-subsidization of some farm production, while allowing continued ethanol tax breaks for alcohol produced from non-subsidized crops or waste products.

Mr. President, as we seek to eliminate our budget deficit, it is important that we examine all forms of Federal spending, including specialized tax expenditures. We should not allow our tax code to subsidize healthy businesses, especially when those subsidies create an unfair competitive advantage over others. I am pleased to join Senator BRADLEY in this initiative.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

TAX ON TRANSPORTATION BY WATER

Mr. COHEN. Mr. President, I am introducing legislation today to clarify an interpretation of a section in the Internal Revenue Code that imposes a \$3 departure tax on ship passengers aboard vessels that travel outside the U.S. The provision was intended to apply to passengers on cruise ships and gambling voyages. The language of the statute reaches further, however, and the International Revenue Service has

been interpreting the law to apply to a broader class of passenger ship traffic, including ferry services that operate between the United States and Canada.

Section 4471 of the Internal Revenue Code was added to the Internal Revenue Code in the Omnibus Reconciliation Act of 1989. The provision originated in the Senate Commerce Committee as a means of that Committee fulfilling its reconciliation instructions. The tax writing committees assumed jurisdiction once it became clear that the provision was more in the nature of a tax than a fee. The fee, as envisioned by the Commerce Committee, was intended to apply to overnight passenger cruises that do not travel between two U.S. ports, and to gambling boats providing gambling entertainment to passengers outside the territorial waters of the U.S.

Unfortunately, the statutory language of the 1989 Act was not drafted in accordance with the intent of Congress. As a result, the tax appears to apply to commercial ferry operations traveling between the United States and Canada. Two such ferries operate between Maine and Nova Scotia. The Maine ferries carry commercial and passenger vehicles to Nova Scotia in the warmer months as a more direct means of transportation between Maine and eastern Canada. As such they are an extension of the highway system, carrying commercial traffic and vacationers. The lengths of the voyages are approximately 11 hours and almost all passengers traveling on the outbound voyages do not return on the inbound voyages of the two ferries. Because the trips are of some length, the ferries provide entertainment for the passengers, including some gaming tables that bring in minimal income.

This is not a voyage for the purpose of gambling and the great majority of the passengers, including children, do not gamble. Clearly, these ferries are not the kind of overnight passenger cruises or gambling boats intended to be covered by the law. However, the IRS has been interpreting the statute to apply this tax to ferries.

The statute establishes a dual test for determining if the tax applies. First, the tax applies to voyages of passenger vessels which extend over more than one night. As a factual matter, the Maine ferries do not travel over more than one night but the IRS interprets that they do because it takes into account both the outward and inward voyage of the vessel. The IRS considers both portions of the trip to be one voyage even though virtually no passengers are the same.

Second, the tax applies to commercial vessels transporting passengers engaged in gambling. Although the intent was to apply the tax to gambling boats, the wording of the statute applies to all passengers on vessels that carry any passengers who engage in gambling, no matter how minor that gambling. That interpretation subjects the Maine ferries to the tax because they

earn a minimal amount of income from providing gambling entertainment to some passengers.

The legislation I am introducing clarifies the statute by exempting ferries which are defined as vessels where no more than half of the passengers typically return to the port where the voyage began.

This legislation is not intended to give a special break to a certain class of passenger ships. It is instead intended to clarify the statute so that it achieves its original intent: To tax passengers on cruise ships and gambling voyages, not passengers on ferry boats.

The imposition of the tax to ferries is particularly unfair. First, because Congress did not intend to tax such ferries. Second, because the burden of the tax relative to the price of the ticket, is greater on ferries. Their ticket prices are much lower than tickets for cruise ships so the tax is considerably more burdensome for ferry operations and interferes to a greater extent with their operations.

Similar legislation addressing this issue has been approved by the Finance Committee in the past but the underlying bills were not enacted into law.

I ask unanimous consent that a copy of the introduced legislation be included in the RECORD.

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

S. 1067

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

SECTION 1. EXEMPTION FOR TRANSPORTATION ON CERTAIN FERRIES.

(a) GENERAL RULE.—Subparagraph (B) of section 4472(1) of the Internal Revenue Code of 1986 (relating to exception for certain voyages on passenger vessels) is amended to read as follows:

“(B) EXCEPTION FOR CERTAIN VOYAGES.—The term ‘covered voyage’ shall not include—

“(i) a voyage of a passenger vessel of less than 12 hours between 2 ports in the United States, and

“(ii) a voyage of less than 12 hours on a ferry between a port in the United States and a port outside the United States.

For purposes of the preceding sentence, the term ‘ferry’ means any vessel if normally no more than 50 percent of the passengers on any voyage of such vessel return to the port where such voyage began on the 1st return of such vessel to such port.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to voyages beginning after December 31, 1989; except that—

(1) no refund of any tax paid before the date of the enactment of this Act shall be made by reason of such amendment, and

(2) any tax collected from the passenger before the date of the enactment of this Act shall be remitted to the United States.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1068. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

STOP ARMING FELONS (SAFE) ACT

Mr. LAUTENBERG. Mr. President, today Senator SIMON and I are introducing legislation, the Stop Arming Felons, or SAFE, Act, to close two loopholes in current law that allow convicted violent felons to possess and traffic in firearms.

The legislation would repeal an existing provision that automatically restores the firearms privileges of convicted violent felons and drug offenders when States restore certain civil rights. In addition, the bill would abolish a procedure by which the Bureau of Alcohol, Tobacco and Firearms can waive Federal restrictions for individuals otherwise prohibited from possessing firearms or explosives.

As a general matter, Mr. President, Federal law prohibits any person convicted of a felony from possessing firearms or explosives. However, there are two gaping loopholes.

I call the first the “State guns for felons loophole.” Under this provision, if a felon’s criminal record has been expunged, or his basic civil rights have been restored under State law—that is, rights like the right to vote, the right to hold public office, and the right to sit on a jury—then the conviction is wiped out and all Federal firearm privileges are restored.

Many States automatically expunge the records or restore the civil rights of even the most dangerous felons. Sometimes this happens immediately after the felon serves his or her sentence. Sometimes, the felon must wait a few years. The restoration of rights or expungement often is conferred automatically by statute—not based on any individualized determination that a given criminal has reformed.

As a result of this loophole, which was added with little debate in 1986, even persons convicted of horrible, violent crimes can legally obtain firearms.

Mr. President, I think most Americans would agree that this guns for felons loophole makes no sense. Given the severity of our crime problem, we should be looking for ways to get tougher, not easier, on convicted felons. How can the government claim to be serious about crime, and then turn around and give convicted violent felons their firearms back?

I recognize that, according to some theories, the criminal justice system is supposed to rehabilitate convicted criminals. But in reality, many of those released from prison soon go back to their violent ways. According to the Justice Department, of State prisoners released from prison in 1983, 62.5 percent were arrested within only 3 years. Knowing that, how many Americans would want convicted violent felons carrying firearms around their neighborhood?

This guns for felons loophole also is creating a major obstacle for Federal law enforcement.

The Justice Department reports that many hardened criminals are escaping

prosecution under the Armed Career Criminal Act, which prescribes stiff penalties for repeat offenders, because the criminals' prior convictions have automatically been nullified by State law. It is a very serious problem. According to testimony before the House Judiciary Committee, for example, the U.S. Attorney in Montana believes that this provision has virtually gutted her ability to minimize violent crime by keeping guns out of the hands of known criminals in Montana.

Concern about the guns for felons loophole is not limited to Federal law enforcement officials. State and local law enforcement officers also feel strongly about this. The Presidents of the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers have written that the loophole is having "terrible results" around the country, and re-arming people with long criminal records.

Mr. President, the legislation that Senator SIMON and I are offering today would close this State guns-for-felons loophole. Under the bill, persons convicted of violent felonies or serious drug offenses would be banned from possessing firearms, regardless of whether a State restores other rights, or expunges their record.

In the case of those convicted of other, nonviolent felonies, a State's restoration of civil rights, or expungement, would not eliminate the Federal firearm prohibition unless the State makes an individualized determination that the person does not threaten public safety.

As under current law, if a conviction is reversed or set aside based on a determination that it is invalid, or the person is pardoned unconditionally, the Federal firearm prohibition would not apply.

Otherwise, though—and this is the essential message of the legislation—convicted violent felons and serious drug offenders would be strictly prohibited from possessing firearms. Not just for a year. Not just for a few years. But for the rest of their lives.

Let me turn now to the second "guns for felons loophole."

I think of this as the Federal guns for felons loophole. You could also call it the bombs for felons loophole.

Even if a felon's civil rights have not been restored under State law, nor his records expunged, there is another way that a criminal can legally obtain guns or explosives. The Bureau of Alcohol, Tobacco and Firearms can simply issue a waiver.

Under this second loophole, convicted felons of every stripe can apply to ATF, which then must perform a broad based field investigation and background check. If the Bureau believes that the applicant does not pose a threat to public safety, it can grant a waiver.

Between 1981 and 1991, 5600 waivers were granted.

Mr. President, this relief procedure has an interesting history. It was first established in 1965 not to permit common criminals to get access to guns, but to help out a particular firearm manufacturer, called Winchester. Winchester had pleaded guilty to felony counts in a kickback scheme. Because of the conviction, Winchester was forbidden to ship firearms in interstate commerce. The amendment was approved to allow Winchester to stay in business.

Because it was drafted broadly, however, the waiver provision applied not only to corporations like Winchester, but to common criminals. Originally, waivers were not available to those convicted of firearms offenses. But the loophole was further expanded in 1986, when Congress allowed even persons convicted of firearms offenses, as well as those involuntarily committed to a mental institution, to apply for a waiver.

Between 1981 and 1991, ATF processed well over 13,000 applications at taxpayer expense. Many of these have required a substantial amount of scarce time and resources. ATF investigations can last weeks, including interviews with family, friends, and the police.

In the late 1980's, the cost of processing and investigating these petitions worked out to about \$10,000 for each waiver granted. It is hard to imagine a more outrageous waste of taxpayer dollars.

Of course, Mr. President, giving firearms to convicted violent felons is more than a problem of wasted taxpayer dollars and misallocated ATF resources. It also threatens public safety.

The Violence Policy Center sampled 100 case files of those who had been granted relief. The study found that 41 percent had been convicted of a crime of violence, or a drug or firearms offense. The crimes of violence included several homicides, sexual assaults, and armed robberies.

Under the relief procedure, ATF officials are required to guess whether criminals like these can be entrusted with deadly weapons. Needless to say, it is a difficult task. Even after Bureau investigators spend long hours investigating a particular criminal, there is no way to know with any certainty whether he or she is still dangerous.

The law forces officials to make these types of guesses, knowing that a mistake could have tragic consequences for innocent Americans; consequences that could range from serious bodily injury to death.

What happens when convicted felons get their firearms rights back? Well, some apparently go back to their violent ways. Those granted relief subsequently have been rearrested for crimes ranging from attempted murder to rape, kidnapping, and child molestation.

Mr. President, this simply has got to stop.

In fact, Senator SIMON and I have been successful over the past three

years in securing language in the Treasury, Postal Service and General Government Appropriations Bill that prohibits the use of appropriated funds to implement the ATF relief procedure with respect to firearms. However, a funding ban is merely a stop-gap measure effective for one fiscal year. This bill would eliminate the relief procedure permanently. As we see it, Federal taxpayers should never be forced to pay a single cent to arm a felon.

I also would note that the existing funding ban applies only to firearm waivers. ATF still is allowed to provide waivers for convicted felons who want to possess or traffic in explosives. The waivers for explosives are not granted often, and seem to be less of a problem. But in light of the Oklahoma City bombing, how many Americans would want any of their tax dollars spent so that convicted felons can obtain explosives?

Mr. President, there is broad support for closing the guns for felons loophole. In 1992, the Constitution Subcommittee of the Judiciary Committee held a hearing on this matter. At that hearing, the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers all testified that these loopholes must be closed. In addition, I would note that both the New York Times and the Washington Post have editorialized on this matter.

Mr. President, I would like to take a moment and say a word to those who generally oppose gun control measures. I know that many Americans are very concerned about any effort that could lead to broad restrictions on guns. So I want to emphasize something: this is an anticriminal bill. And a pro-taxpayer bill. Law-abiding citizens have nothing to fear, and everything to gain from a prohibition on firearm possession by violent felons and serious drug offenders.

In conclusion, Mr. President, firearm violence has reached epidemic proportions. We have a responsibility to the victims and prospective victims to take all reasonable steps to keep this violence to a minimum. Keeping firearms away from convicted violent felons and serious drug offenders is the least these innocent Americans should be able to expect.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point, along with some related materials.

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

S. 1068

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 "Stop Arming Felons (SAFE) Act".

SEC. 2. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS AND EXPLOSIVES PROHIBITIONS.

(a) IN GENERAL.—(1) Section 925(c) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "who is prohibited";

(B) in the fourth sentence—

(i) by inserting "person (other than a natural person) who is a" before "licensed importer"; and

(ii) by striking "his" and inserting "the person's"; and

(C) in the fifth sentence, by inserting "(i) the name of the person, (ii) the disability with respect to which the relief is granted, (iii) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (iv)" before "the reasons therefor".

(2) Section 845(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "may make application to the Secretary"; and

(B) in the second sentence by inserting "(other than a natural person)" before "who makes application for relief".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and

(2) applications for administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

SEC. 3. PERMANENT FIREARM PROHIBITION FOR CONVICTED VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(A)" after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the second sentence, by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the third sentence and inserting the following new subparagraph:

"(C) A conviction shall not be considered to be a conviction for purposes of this chapter if—

"(i) the conviction is reversed or set aside based on a determination that the conviction is invalid;

"(ii) the person has been pardoned, unless the authority that grants the pardon expressly states that the person may not ship, transport, possess, or receive firearms; or

"(iii) the person has had civil rights restored, or the conviction is expunged, and—

"(I) the authority that grants the restoration of civil rights or expungement expressly authorizes the person to ship, transport, receive, and possess firearms and expressly determines that the circumstances regarding the conviction and the person's record and reputation are such that the person is not likely to act in a manner that is dangerous to public safety, and that the granting of the relief is not contrary to the public interest; and

"(II) the conviction was for an offense other than a serious drug offense (as defined in section 924(e)(2)(A)) or violent felony (as defined in section 924(e)(2)(B))."

[From the Washington Post, Nov. 27, 1991]

\$4 MILLION A YEAR TO REARM FELONS

Congress, reluctant for so long to buck the National Rifle Association, has come to understand the importance of controlling firearms. Whether or not the measure becomes law this year, both houses have now voted for a waiting period before the purchase of a handgun, and the Senate was even willing to prohibit the sale of certain kinds of semi-automatic assault weapons. Another proposal to limit gun possession, first suggested

by the Washington-based Violence Policy Center, was offered too late for inclusion in the crime bill but will be introduced by its sponsors, Rep. Edward Feighan (D-Ohio) and Rep. Lawrence Smith (D-Fla.), when Congress returns in January.

By statute, the Treasury's Bureau of Alcohol, Tobacco and Firearms is required to process applications submitted by convicted felons seeking to have their right to own guns restored. In general, such individuals are prohibited from possessing, shipping, transporting or receiving firearms, but a special exception was created to allow the federal government to restore these rights in some circumstances. The loophole was created to save the Winchester Firearms Co.—whose parent company had been convicted in a kickback scheme—from bankruptcy. Unfortunately, the law is broad enough to encompass individuals who are found "not likely to act in a manner dangerous to public safety," and because special appellate rights have been granted to applicants who are turned down, BATF must take every application seriously and be able to justify every ruling.

How does a federal agency go about deciding which felons, of the 10,000 who have applied for restoration of gun rights, would constitute a danger to society if allowed to own a firearm? By full field investigations involving interviews with family, friends, neighbors and business associates of the applicant, by reviewing criminal records and parole histories and by relying on the expert judgment of professionals trained to assess an individual's potential for violence—if, indeed, that can be done. All this takes a great deal of time and costs the taxpayer about \$1 million a year.

The idea of the government's making a special effort to rearm convicted felons is difficult to fathom. The continued expenditure, in tight budget times, of millions of dollars to implement this program is impossible to justify. Both situations should be remedied by the passage of the Feighan-Smith bill early next year.

[From The Washington Post, Jul. 5, 1995]

OUT OF PRISON AND ARMED AGAIN.

The National Rifle Association showed its muscle last week during a House Appropriations subcommittee markup. As a result, Congress is now on track to restoring one of the most senseless programs ever to be foisted on the executive branch. It involves firearms and convicted felons, and contrary to all reason, members of Congress have now taken the first step toward putting the two together.

Federal law rightly bars convicted felons from possessing, shipping, transporting or receiving firearms or ammunition. It's one of the penalties, like losing the right to vote or run for office, imposed on people who commit serious crimes. But in the '60s a loophole was created allowing the secretary of the Treasury to lift this prohibition in cases in which the criminal was "not likely to act in a manner dangerous to public safety." The change was made to save the Winchester Firearms Co., whose parent corporation, Olin Mathieson, had pleaded guilty to felony kickback charges. Without the waiver, the gun company would have gone into bankruptcy. Unfortunately, individuals began applying to have their firearms rights restored, too. And nine years ago, the problem was exacerbated when Congress gave every dissatisfied applicant the right to challenge a denial in court.

The Bureau of Alcohol, Tobacco and Firearms is charged with implementing this program, and it was spending millions each year and assigning 40 agents full-time to do back-

ground checks on applicants. In 1992, however, Congress in effect ended the program by prohibiting the use of appropriated funds for that purpose. While the NRA likes to talk about the otherwise law-abiding stockbroker caught in a financial swindle and now cut off from his beloved hobby of deer hunting, the truth is that the rights restoration program regularly enabled violent offenders to rearm. A number were convicted of new gun crimes after their rights were restored.

Now the Treasury subcommittee of House Appropriations has voted to resurrect the program. This is nonsense. Even if felons are required to pay the cost of investigations themselves, even if violent criminals and gun offenders are excluded from the benefit, the whole idea of putting weapons in the hands of men and women who are serious offenders is irrational. It's hard enough these days to distinguish an ordinary citizen from a potential killer with a grudge. But people who have already been convicted of a felony are easy to identify. Why spend the government's time and money to restore such a person's right to arm himself to the teeth, when his track record affords legitimate reason to keep him away from weapons? The Appropriations subcommittee is off to a very bad start in this direction, and responsible forces on the Hill should see to it that the effort is deep-sixed.

Mr. SIMON. Mr. President, today I introduce the Stop Arming Felons Act [SAFE], a bill to correct dangerous Federal and State legislative loopholes which allow convicted felons to possess firearms.

Until Senator LAUTENBERG and I shut down funding for the Federal loophole in 1992, millions of taxpayers' dollars had been spent rearming felons. This money was spent because a 1965 gun control statute has required the Bureau of Alcohol, Tobacco and Firearms [BATF] to process gun ownership applications submitted by convicted felons. While in general the 1968 Gun Control Act prohibits persons convicted of crimes punishable by imprisonment for a term exceeding 1 year from possessing a firearm, this 1965 loophole allowed convicted felons to apply to BATF and petition for a waiver on the ground that the felon "will not be likely to act in a manner dangerous to public safety."

Certainly, this wasn't the intention of Congress when it passed the exemption in 1965. In fact, it was passed as a favor to the Winchester Firearms Co., whose parent organization had been found guilty of a kickback scheme. Without the amendment, the company would have gone bankrupt. In 1968, however, the language was expanded to allow individuals to apply.

According to the Washington Post, some 22,000 such applications for exemption by individuals were processed by BATF from 1986-91—at a taxpayer cost of approximately \$4 million a year. This means that from fiscal years 1985 to 1991, BATF spent well over \$20 million to investigate gun possession applications submitted by felons. Not only is the process costly, it's also very laborious. Because the applicants' eligibility is dependent upon the laws of the State where they were convicted, BATF agents must be familiar with 50

different statutes. Furthermore, many of the numerous applications for relief require a background check and an extensive investigation of the former felon. These time consuming, often tedious investigations are performed by agents who would otherwise be investigating violent crimes.

Senator LAUTENBERG and I have successfully shut down funding for the BATF Program since 1992 through the appropriations process. This year, however, a House subcommittee voted to lift the funding prohibition on a partyline vote. Fortunately, Congressman DURBIN and his Democratic colleagues successfully reinstated the prohibition at the full committee markup. It is time to put a permanent end to this program, or we risk getting into annual appropriations struggles over whether or not to spend money rearming felons. Indeed, when the House committee first agreed to revise the action of the subcommittee, they offered language which stated that there should be no assurance that the funding prohibition would be maintained in fiscal year 1997. Again, Congressman DURBIN successfully offered an amendment to strike that language.

When the House subcommittee voted to restore funding this year, Chairman LIGHTFOOT stated: "I don't see this as dangerous. Violent people won't apply in the first place." Similarly, an NRA spokesman claimed: "We're talking about individuals who may have run afoul of Federal law but paid their debt to society."

These statements are simply untrue. Running "afoul" of Federal law would be a huge understatement to describe many of the crimes committed by the felons who not only apply for relief, but who are actually granted waivers by the BATF under this program. For example, according to a 1992 Violence Policy Center study, out of a random sample of 100 applicants who were granted relief by the BATF, 11 originally were convicted of burglary, 17 were convicted of drug-related offenses, 8 were convicted of firearm violations, 5 were convicted of robbery, including 1 who committed armed robbery with a handgun, and 5 were convicted of sexual assault, including aggravated rape, sodomy, and child molestation. Here are some of the stories behind the numbers:

Jerome Sanford Brower was granted relief after pleading guilty to charges of conspiracy to transport explosives. He transported explosives to Libya and instructed Libyans in defusing explosive devices.

An applicant was granted relief in 1989 after serving 24 months for voluntary manslaughter after killing his cousin with a 16-gauge shotgun.

An applicant, granted relief in 1989, pleaded guilty to sexual abuse after assaulting his 14-year-old stepdaughter.

An applicant, granted relief in 1989, was convicted of armed robbery and served 18 months for robbing a K-Mart with a loaded .38 caliber revolver.

In addition to these examples, the numbers of applicants rejected also gives us insight into the types of felons who are applying to regain their right to carry a weapon. After conducting extensive investigations, the BATF may deny the applications of felons who will "be likely to act in a manner dangerous to public safety." Under this standard, the BATF found it necessary to deny 3,498, or approximately one-third of all applications, between 1981-91. In other words, BATF determined that almost 3,500 applicants might pose a threat to public safety.

Not only do violent felons apply to have their rights restored, but many commit crimes after their applications are approved by the BATF. Almost 5 percent of those felons granted relief in 1986 were rearrested by 1990. According to the Violence Policy Center's report, none of these recidivist crimes were white collar, but rather were violent crimes ranging from attempted murder, sexual assault, abduction-kidnaping, child molestation, drug trafficking, and illegal firearms possession.

Amazingly, an application for relief isn't always necessary: several States automatically restore gun privileges to felons upon the completion of their sentence. In other words, some States restore the civil rights, including their firearms rights, of convicted felons the minute they walk out of prison, or within several months of their release. Felons in these States need not even apply to BATF to get their firearms rights restored. This State loophole, in the words of a Justice Department official, is "the biggest problem" facing U.S. attorney's today.

Perhaps the most disturbing case of this type has been that of Idaho felon Baldemar Gomez. He had been convicted of second-degree murder, voluntary manslaughter and battery on a correctional officer. However, because Idaho was one of the States that automatically restored convicts' civil rights upon their release from prison, in the words of Assistant U.S. Attorney Kim Lindquist, "when Baldemar walked out of the penitentiary, someone could have been standing there and handed him a shotgun and it would have been entirely legal * * *". In 1987, Gomez was rearrested during a drug raid and was convicted of violating the Gun Control Act by knowingly possessing a firearm after having been previously convicted of a crime punishable by imprisonment for a period of more than 1 year. However, this conviction was overturned by the U.S. Court of Appeals because of Idaho's automatic relief provision.

In response to the Gomez case, the Idaho legislature changed its law so that felons must wait 5 years after their sentence and then get State approval in order to own a firearm. Some States, however, still have laws which restore firearms rights to convicted felons without such review.

Fortunately, we can eliminate these dangerous loopholes by passing the

Stop Arming Felons Act [SAFe]. Our act can put a permanent end to the unnecessary expense of the BATF Program and put the agents at BATF back to work on the investigation of violent crimes—not convicted felons. Specifically, the bill would prohibit individuals, including felons and fugitives from Justice, from applying to BATF for firearms disability relief.

Furthermore, the SAFe Act would address the State loophole by prohibiting States from restoring firearm privileges to violent felons. Nonviolent felons may be granted a waiver, but only after the State has made an individualized determination that the person would not pose a threat to public safety.

How would this bill affect Illinois? Illinois law currently allows the State police to grant firearms privileges to nonviolent felons. Forcible—or violent—felons may not apply for relief. Because our proposed bill and the current Illinois firearm privilege restoration procedures are so similar, Illinois would benefit from this bill, because the residents of Illinois would no longer have to fund the BATF relief procedure through their taxes.

I feel confident that most of my colleagues will support this measure. While many of us have differed in the past over issues such as controlling assault weapons and passing a handgun waiting period, I think we can all agree that convicted felons should not be applying to the Federal Government for firearms relief at the taxpayers' expense—nor should violent felons be getting relief from the States. This is simply common sense. I urge all of my colleagues to join me in this effort.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Virginia [Mr. WARNER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 832

At the request of Mr. GRAHAM, the names of the Senator from Florida [Mr. MACK] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 832, a bill to require the Prospective Payment Assessment Commission to develop separate applicable percentage increases to ensure that medicare beneficiaries who receive services from medicare dependent hospitals receive the same quality of care and access to services as medicare

beneficiaries in other hospitals, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 1014

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1014, a bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

S. 1060

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1060, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 1061

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1061, a bill to provide for congressional gift reform.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

LOBBYING DISCLOSURE ACT OF 1995

MCCAIN (AND COHEN) AMENDMENT NO. 1836

Mr. MCCAIN (for himself and Mr. COHEN) proposed an amendment to the bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; as follows:

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph and insert in lieu thereof the following:

"Lobbying activities do not include grassroots lobbying communications or other

communications by volunteers who express their own views on an issue, but do include paid efforts, by the employees or contractors of a person who is otherwise required to register, to stimulate such communications in support of lobbying contacts by a registered lobbyist."

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public".

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17 and 18, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "\$2,500" and insert "\$5,000".

On page 17, line 2, strike "\$5,000" and insert "\$10,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and"

On page 18, line 10, strike "\$5,000" and insert "\$10,000".

On page 18, line 19, strike "\$5,000" and insert "\$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 12, strike "\$2,500" and insert "\$5,000".

On page 21, line 17, strike "\$5,000" and insert "\$10,000".

On page 21, line 23, strike "the Director in such form as the Director may prescribe" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 22, line 6, strike "shall be in such form as the Director shall prescribe by regulation and"

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

"(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 25, line 24, strike subsection (e).

On page 31, line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

"SEC. 7. DISCLOSURE AND ENFORCEMENT.

"(a) The Director of the Office of Government Ethics shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act; and

"(2) after consultation with the Secretary of the Senate and the Clerk of the House of Representatives, develop common standards, rules, and procedures for compliance with this Act.

"(b) The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(2) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(3) ensure that the computer systems developed pursuant to paragraph (2) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line 2, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18.

On page 55, line 23, strike Section 20.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1997.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or

suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

“(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.”

MCCAIN AMENDMENT NO. 1837

Mr. MCCAIN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) Redesignation.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) Effective Date.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

BROWN AMENDMENT NO. 1838

Mr. BROWN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (viii) by striking “or”; and
(2) by striking clause (viii) and inserting the following:

“(viii) greater than \$1,000,000 but not more than \$5,000,000, or

“(ix) greater than \$5,000,000.”.

(b) Assets and Liabilities.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking “and”; and

(2) by striking subparagraph (G) and inserting the following:

“(G) greater than \$1,000,000 but not more than \$5,000,000;

“(H) greater than \$5,000,000 but not more than \$25,000,000;

“(I) greater than \$25,000,000 but not more than \$50,000,000; and

“(J) greater than \$50,000,000.”.

SIMPSON (AND OTHERS) AMENDMENT NO. 1839

Mr. SIMPSON (for himself, Mr. CRAIG, Mr. MURKOWSKI, Mr. KYL, Mr. FAIRCLOTH, Mr. ABRAHAM, Mr. GRAMS, Mr. NICKLES, Mr. LOTT, Mr. SHELBY, and Mr. COVERDELL) proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

BROWN AMENDMENT NO. 1840

Mr. BROWN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ANY PERSONAL RESIDENCE IN EXCESS OF \$1,000,000 UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of value of any property used solely as a personal residence of the reporting individual or the spouse of the individual which exceeds \$1,000,000.”.

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5) and inserting “(5), and (8)”.

BROWN AMENDMENT NO. 1841

Mr. BROWN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.”

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5)” and inserting “(5), and (8)”.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

CRAIG AMENDMENT NO. 1842

Mr. CRAIG proposed an amendment to the bill, S. 1060, *supra*; as follows:

Strike all after the word “Sec.”, and insert the following:

. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) which engages in lobbying of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

LEVIN (AND McCONNELL) AMENDMENT NO. 1843

Mr. LEVIN (for himself and Mr. McCONNELL) proposed an amendment to the bill, S. 1060, *supra*; as follows:

Strike the text of the amendment and insert the following in lieu thereof:

On page 3, line 20, strike paragraph (E) and redesignate the following paragraphs accordingly.

On page 5, line 9, strike paragraph (5) and renumber accordingly.

On page 6, line 5, strike “Lobbying activities also include efforts to stimulate grassroots lobbying” and all that follows through the end of the paragraph.

On page 7, line 10, strike lines 10 through 21 and insert in lieu thereof “cense; or”

On page 8, line 11, strike “that is widely distributed to the public” and insert “that is distributed and made available to the public”.

On page 9, line 11, strike “a written request” and insert “an oral or written request”.

On page 13, line 15, strike “1 or more lobbying contacts”, and insert “more than one lobbying contact”.

On page 13, lines 17 and 18, strike “10 percent of the time engaged in the services provided by such individual to that client” and insert “20 percent of the time engaged in the services provided by such individual to that client over a six month period”.

On page 16, line 3, strike “30 days” and insert “45 days”.

On page 16, line 8, strike “the Office of Lobbying Registration and Public Disclosure” and insert “the Secretary of the Senate and the Clerk of the House of Representatives”.

On page 16, line 23, strike “\$2,500” and insert “\$5,000”.

On page 17, line 2, strike “\$5,000” and insert “\$20,000”.

On page 17, line 11, strike “shall be in such form as the Director shall prescribe by regulation and”.

On page 18, line 10, strike “\$5,000” and insert “\$10,000”.

On page 18, line 14, strike paragraph (B) and insert in lieu thereof the following:

“(B) in whole or in major part plans, supervises, or controls such lobbying activities.”

On page 18, line 19, strike “\$5,000” and insert “\$10,000”.

On page 20, line 18, strike “the Director” and insert “the Secretary of the Senate and the Clerk of the House of Representatives”.

On page 20, line 21, strike “30 days” and insert “45 days”.

On page 21, line 1, strike “the Office of Lobbying Registration and Public Disclosure” and insert “the Secretary of the Senate and the Clerk of the House of Representatives”.

On page 21, line 5, strike paragraph (2).

On page 22, line 5, strike “shall be in such form as the Director shall prescribe by regulation and”.

On page 22, line 18, strike “regulatory actions” and all that follows through the end of line 20 and insert in lieu thereof “executive branch actions”.

On page 22, line 21, strike “and commitments”.

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

“(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

“(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

“(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

“(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).”

On page 24, line 23, strike subsection (d).

On page 25, line 24, strike subsection (e).

On page 31, strike line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

“SEC. 7. DISCLOSURE AND ENFORCEMENT.

“The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

"(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

"(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line 2, strike "the Director or".
On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18 and renumber accordingly.

On page 55, line 23, strike Section 20 and renumber accordingly.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and re-

tain information filed or received before the effective date of such repeals and amendments."

DOLE AMENDMENT NO. 1844

Mr. MCCONNELL (for Mr. DOLE) proposed an amendment to the bill, S. 1060, *supra*; as follows:

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

SEC. 11. REPORTS TO THE CONGRESS

The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.

DOLE (AND MCCAIN) AMENDMENT NO. 1845

Mr. MCCONNELL (for Mr. DOLE, for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, July 24, 1995, at 2 p.m. to hold a hearing on "Cyberporn and Children: The Scope of the Problem, the State of the Technology and the Need for Congressional Action."

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

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 21, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by \$20.9 billion in budget authority and \$2.0 billion in outlays. Current level is \$0.5 billion over the revenue floor in 1995 and below by \$9.5 billion over the 5 years 1995–1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$237.4 billion, \$3.7 billion below the maximum deficit amount for 1995 of \$241.0 billion.

Since my last report, dated July 11, 1995, Congress has cleared for the President's signature the 1995 emergency supplementals and rescissions bill (H.R. 1944). This action changed the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 24, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through July 21, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 10, 1995, Congress has cleared for the President's signature the 1995 Emergency Supplementals and Rescissions bill (H.R. 1944). This action changed the current level of budget authority and outlays.

Sincerely,

JUNE E. O'NEILL.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JULY 21, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218) ¹	Current level ²	Current level over/under resolution
ON-BUDGET			
Budget authority	1,238.7	1,217.8	-20.9
Outlays	1,217.6	1,215.6	-2.0
Revenues:			
1995	977.7	978.2	0.5
1995-1999	5,415.2	5,405.7	-9.5
Deficit	241.0	237.4	-3.7
Debt Subject to Limit	4,965.1	4,846.5	-118.6
OFF-BUDGET			
Social Security Outlays:			
1995	287.6	287.5	-0.1
1995-1999	1,562.6	1,562.6	(³)
Social Security Revenues:			
1995	360.5	360.3	-0.2
1995-1999	1,998.4	1,998.2	-0.2

¹ Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.² Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.³ Less than \$50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995, AS OF CLOSE OF BUSINESS JULY 21, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			978,466
Permanents and other spending legislation	750,307	706,236	
Appropriation legislation	738,096	757,783	
Offsetting receipts	-250,027	-250,027	
Total previously enacted	1,238,376	1,213,992	978,466
Enacted this Session			
1995 Emergency Supplementals and Rescissions Act (P.L. 104-6)	-3,386	-1,008	
Self-Employed Health Insurance Act (P.L. 104-7)			-248
Total enacted this session	-3,386	-1,008	-248
Pending Signature			
1995 Emergency Supplementals and Rescissions (H.R. 1444)	-15,286	-590	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements other mandatory programs not yet enacted	-1,896	3,180	
Total Current Level ¹	1,217,807	1,215,574	978,218
Total Budget Resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under Budget Resolution	20,937	2,031	
Over Budget Resolution			518

¹ In accordance with the Budget Enforcement Act, the total does not include \$7,360 million in budget authority and \$7,885 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$841 million in budget authority and \$917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

THE PASSING OF DR. SAMUEL L. BANKS

• Ms. MIKULSKI. Mr. President, on Wednesday, July 19, the children of Maryland lost a distinguished educator. African-Americans in Maryland lost an impassioned, tireless and eloquent leader. All of us who thirst for justice and equality lost an enormously distinguished champion. And, I lost a good friend.

I refer, Mr. President, to the passing of Baltimore's Dr. Samuel L. Banks. My relationship with Dr. Banks was one of long-standing, dating back to my earliest days as a grassroots organizer and community activist. Dr. Banks and I debated one another on many occasions. I always felt that we not only debated each other but delighted each other.

No community ever had a more persuasive, persistent and effective advocate than did Baltimore's African-American community in Dr. Banks. He had a rare and wonderful gift for language and communication. He never failed to awe me with his unique ability to express the most content-rich views in the most vivid of images.

Dr. Banks was a fighter for those left out and left behind. He was a mighty warrior for good. In an illustrious career of over 30 years as a teacher and Administrator in Baltimore City public schools, he implemented his vision of education as a tool of empowerment.

His loss is a deep tragedy for his family and friends. My condolences go out to all his loved ones. But his passing is also a tremendous loss for the children of Maryland. I wish we had a hundred—a thousand—Dr. Banks in Baltimore and in communities throughout Maryland and, indeed, the country. We desperately need more people with his dedication and vision.

So, all of us will miss him greatly. I hope, though, that when he entered the gates of Paradise, he was greeted by Martin Luther King, Jr., Sojourner Truth, Frederick Douglass and Mary McLeod Bethune. And wouldn't we all like to sit there and listen to that heavenly choir.

Mr. President, I would like to share with my colleagues an article and an editorial tribute from the Sun which sum up much of what made Dr. Samuel Banks such a remarkable figure, and ask that they be printed in the RECORD. The articles follow:

[From the Baltimore Sun, July 20, 1995]

SAMUEL L. BANKS

Regular readers of this newspaper's letters to the editor knew Samuel L. Banks as an inveterate correspondent always ready to take on the powers-that-be with a rhetorical flourish that both enlightened and entertained.

Dr. Banks, who died Wednesday at 64, was for 36 years a teacher and administrator in the Baltimore City public schools. But it was through his innumerable letters to the editor, his feisty opinion-page pieces and his sometimes prolix prose that he became known to thousands of Marylanders as a tireless champion of equal opportunity.

Most people write letters to the editor to let off steam, express a personal opinion or simply for the thrill of seeing their name in print. The letters columns are a forum for all manner of complaints, grudges and passionate appeals as well as for the occasional gem of lucidity and sweet reason. A few people develop virtual second careers as letters column correspondents, vying with other letter writers and the newspaper's own staff members for pride of placement and frequency of publication.

For Dr. Banks, however, a letter to the editor or an opinion page article was a means to

an end, not an end in itself. He addressed the issues of the day not out of vanity but because he believed fervently that change would never come unless the status quo was challenged. He made it his business to do so as forcefully as possible. He wanted to wipe out every trace of bigotry and discrimination so that the nation might at last fulfill its historic promise of justice and equal opportunity for all.

Applying the dictum of old-time labor leader Sam Gomers—always demand more, more, more—Dr. Banks brought to his advocacy an unquenchable demand for improvement in the lives of his fellow African Americans. This newspaper was his special focus. He would rise in righteous fury against news stories or editorials he considered unfair to this constituency or his several causes. Yet when writers displayed what he regarded as greater sensitivity, he would dispense gentlemanly praise before launching into a lecture of what could be done better. He was one of our most persistent bed bugs, albeit a beneficent bed bug. We suspect that description would please him.

Dr. Banks' style often mimicked the stately cadences of a church sermon. But he was fond of spicing up his phrases with unusual and sometimes arcane words that lent his expressions a peculiar dignity and sly humor. He knew readers delighted in his seemingly inexhaustible stock of adjectives, which he piled atop one another.

Editors could pare words, phrases or whole paragraphs from his letters and still have more than enough left to fill the allotted space. Dr. Banks' vision of America and its possibilities was as generous as his use of words, and as wise.

SAMUEL BANKS, CHAMPION OF BLACK HISTORY,
DIES—EDUCATOR WAS KNOWN FOR HIS LOVE
OF WORDS

(By Joan Jacobson)

Samuel L. Banks, a Baltimore educator who was a connoisseur of the English language and a nationally known champion of African-American history, died suddenly yesterday at his home in Prince George's County. He was 64.

Dr. Banks was a teacher and administrator for 36 years, orchestrating one of the nation's first Afro-centric social studies curricula in city schools more than 20 years ago.

A history and social studies teacher who taught future mayor Kurt L. Schmoke at City College during the 1960s, Dr. Banks became a school administrator and national leader at writing history and social studies curricula.

A prolific writer—particularly for *The Sun*, *The Evening Sun* and the *Afro-American*—Dr. Banks excoriated the U.S. Supreme Court for its rulings against affirmative action and flayed the Republican-dominated Congress for what he believed was a racially biased "Contract with America."

In his writings, he was fond of using French phrases and quoting abolitionist-writer Frederick Douglass. He often sent readers to a dictionary to look up words. He used the word "Zeitgeist" in a July 14 letter to a *Sun* editor that arrived on the day of Dr. Banks' death.

Dr. Banks died yesterday morning after a routine day of work and an evening at home the day before, said his wife of 38 years, Elizabeth.

As she was waking up, Mrs. Banks said, she heard her husband take two heavy breaths and heard no breathing after that. She said she did not know the cause of death.

The news of Dr. Banks' death traveled quickly and with sadness through the Baltimore Education Department's North Avenue headquarters yesterday.

"It was awfully hard to break the news," said May Nicholson, associate superintendent for instruction, who informed the staff of the school system's department of compensatory and funded programs, which Dr. Banks directed.

"I asked them to carry on the legacy and think of all the contributions he made," she said.

Delores Powell, a secretary whose desk sits outside Dr. Banks' office, remembered him as a "sweet, gentle man" who took time out from his busy schedule to write recommendation letters to help her daughter get a college scholarship.

"It's a shock to everybody," she said. "I don't know a better word, but Dr. Banks would have a better word."

A WISE LEADER

Dr. Banks was "a wise leader in the school system and in the city of Baltimore," said Martin Gould, assistant superintendent for family and student support services. "He was a warm and supportive colleague from the first day I came on board here."

On Tuesday, said Dr. Gould, Dr. Banks appeared in good health, physically and mentally as he "consumed a 150-page document in a matter of hours" before discussing it in detail.

Mayor Schmoke, in a written statement, called Dr. Banks, "a leader in promoting multicultural education long before it became a fashionable topic for public discussion."

"I was a student of his at City College and through the years I found him to be a tough advocate with a kind heart, a person who will be greatly missed by his community," said Mr. Schmoke.

Dr. Banks had many other admirers as well.

"The world is a much lesser place without Dr. Banks," said Margie Ashe, a homemaker and writer, who became Dr. Banks' friend through the Association for the Study of Afro-American Life and History. "Dr. Banks was a gentleman. He was one of the most considerate human beings I have ever met."

The Woodlawn resident said she and Dr. Banks also had a mutual love for words.

"One of my major accomplishments was that I found a four-letter word that Dr. Banks didn't know. It was 'limn' which means to outline or describe something. I found it in a crossword puzzle. After I finally worked it out, I said, 'Did you know this one, Sam?' and he said no. He was famous for knowing all the words in the dictionary and using them."

Thousands of Marylanders who never met Dr. Banks knew him through his articles and letters to the editor of the *Sun* and the *Evening Sun*. Joseph R. L. Sterne, *Sun* editorial page editor, estimated that Dr. Banks wrote more letters to the editor than any other contributor during the last two decades.

MANY TOPICS

"He's been one of our most dedicated letter writers. His letters often were couched in formal language that led to some kinds of parody but also rang with a certain kind of dignity," said Mr. Sterne.

In his letters to the editor, Dr. Banks took on many topics—most dealing with the inequities he perceived toward African-Americans. For instance, in a letter that appeared in Saturday's paper, he criticized the Supreme Court decision against minority set-asides, saying the court "has placed its judicial imprimatur in a resuscitation of separate but unequal treatment for black citizens."

Yesterday, in what turned out to be his last communication with *The Sun*, Dr. Banks wrote of his "concern that so many in our society, young and adult, are bombarded

constantly with negativism failure, cynicism and alienation. This situation, I believe, weighs very heavily and disproportionately on children and youths given the Zeitgeist or spirit of the times."

In his letter to a *Sun* editor, Dr. Banks encouraged the newspaper to "highlight the experiences and successes of young people who are making vital, substantive and inspirational gains in spite of societal turbulence, apathy and ennui."

In the early 1980s, Dr. Banks was instrumental in leading a predominantly black boycott of the Baltimore *Sun* after a series of articles appeared in *The Evening Sun* that dealt with single-parent families.

But harsh criticisms were not limited to the Supreme Court, congress or the local newspaper.

In a recent interview, Dr. Banks ridiculed his boss, City School Superintendent Walter G. Amprey, for his unusually close relationship with the head of a private company hired to run several city schools.

Dr. Banks' wife said his prolific writing and strong opinions on education were fueled by "his care and concern for children. He believed in education. It was uppermost in his thoughts. He loved children."

Dr. Banks was educated in the Norfolk, Va., school system, received his undergraduate and master's degrees from Howard University in Washington and his doctorate in education from George Washington University, also in Washington.

He was a member of numerous organizations, including the National Council of History Standards and the NAACP. He taught Bible class at Walker Memorial Baptist Church in Washington.

Funeral arrangements were incomplete yesterday.

In addition to his wife, he is survived by two daughters, Gayle Banks Jones of Bowie and Allison Banks Holmes of Upper Marlboro; and three grandchildren.

BANKS' LETTERS TO THE EDITOR

For close readers of *The Sun* during the past quarter of a century, Samuel L. Banks was as familiar a fixture at the newspaper as any of its regular staff writers. His missives to *The Sun* were unceasing; it was not unusual for two or three of his letters to be published in the newspaper each month. "In the past 22 years that I've been on this job, we've had more Sam Banks' letters than any other letter writer by far," Joseph R. L. Sterne, *The Sun's* editorial page editor, said yesterday. "And yet being Sam Banks, if we discarded a few of his letters, he would be quick to put on pressure to get his letters into the paper."

If Mr. Banks' writing was often verbose and more than a bit preachy, it was also dignified, passionate and occasionally caustic. Below, a selection from his voluminous correspondence with this newspaper:

The [Joe] Smith case has reverberations far beyond College Park. The larger issue concerns an almost veritable disregard in predominantly white NCAA-affiliated colleges for black student-athletes. These black youths are simply seen as gladiators, especially in football and basketball, whose athletic talents and abilities bring huge profits to the institutions.—May 17, 1995.

Finally, I recall, as an undergraduate member of the debating team at Howard University, how the late Lewis Fenderson often cautioned us: "When you have the facts, argue the facts. When you don't have the facts, pound the table lustily."

Mr. Slepian's letter gave abundant evidence of the latter.—April 30, 1995.

It is a national scandal that, 31 years after the enactment of the 1964 Civil Rights Act, white males still make up 97 percent of senior managers in Fortune 1000 companies.—March 29, 1995.

The banal and wholly self-serving comments of Mr. Williams regarding his upbringing in South Carolina and the role of race represented a cruel and mindless transmutation of truth and reality.—Feb. 26, 1995.

The painting of graffiti outside the Knesset Israel Synagogue in Annapolis and a black-owned hair salon in Edgewater is a manifestation of a worrisome situation that goes far beyond the October Ku Klux Klan rally in Annapolis led by a group of rag-tag, venomous and obstreperous peddlers of hate, divisiveness and intolerance.

As has been true historically in our nation, the central problem remains the refusal of white Americans to accept the clear and present reality of racism.—Jan. 6, 1995.

Congressional Republicans' so-called "Contract with America" signals an intensification of hostility, racism and indifference to the socio-economic and educational needs of racial minorities and the poor.—Dec. 13, 1994.

The saga of Marion Barry is instructive and inspirational. He had fallen, through his visceral and worldly appetites, to the lowest point with his incarceration. Nonetheless, he paid his dues and bounced back. His incarnation provides a marvelous example to those in similar predicaments as to what can be achieved through faith in God, determination and staying power.—Nov. 2, 1994.●

SAMUEL L. BANKS

● Mr. SARBANES. Mr. President, I am proud to join with the Baltimore community and the friends of education throughout Maryland in honoring the memory of Dr. Samuel L. Banks who was a longtime champion of civil rights and education in our State.

Dr. Banks was an outspoken advocate for expanding educational opportunities and was particularly concerned in fostering the potential of Afro-American students. He was fervent in his pursuit for educational equality as was evidenced in his frequent contributions to the Baltimore Sun, both in letters to the editor and in the commentary section.

Most importantly, Dr. Banks was an extraordinarily well-read and learned person who displayed throughout his professional life intellectual excellence and personal generosity.

I extend my most sincere sympathies to Elizabeth, his wife, Gayle and Allison, his daughters, and to all of the family and friends of Samuel Banks. Mr. President, I ask that an editorial from the Baltimore Sun that pays homage to Dr. Banks be inserted in the RECORD as follows:

[From the Baltimore Sun, July 21, 1995]

SAMUEL L. BANKS

Regular readers of this newspaper's letters to the editor knew Samuel L. Banks as an inveterate correspondent always ready to take on the powers-that-be with rhetorical flourish that both enlightened and entertained.

Dr. Banks, who died Wednesday at 64, was for 36 years a teacher and administrator in the Baltimore City public schools. But it was through his innumerable letters to the editor, his feisty opinion-page pieces and his sometimes prolix prose that he became known to thousands of Marylanders as a tireless champion of equal opportunity.

Most people write letters to the editor to let off steam, express a personal opinion or

simply for the thrill of seeing their name in print. The letters columns are a forum for all manner of complaints, grudges and passionate appeals as well as for the occasional gem of lucidity and sweet reason. A few people develop virtual second careers as letters column correspondents, vying with other letter writers and the newspaper's own staff members for pride of placement and frequency of publication.

For Dr. Banks, however, a letter to the editor or an opinion page article was a means to an end, not an end in itself. He addressed the issues of the day not out of vanity but because he believed fervently that change would never come unless the status quo was challenged. He made it his business to do so as forcefully as possible. He wanted to wipe out every trace of bigotry and discrimination so that the nation might at last fulfill its historic promise of justice and equal opportunity for all.

Applying the dictum of old-time labor leader Sam Gompers—always demand more, more, more—Dr. Banks brought to his advocacy an unquenchable demand for improvement in the lives of his fellow African Americans. This newspaper was his special focus. He would rise in righteous fury against news stories or editorials he considered unfair to his constituency or his several causes. Yet when writers displayed what he regarded as greater sensitivity, he would dispense gentlemanly praise before launching into a lecture of what could be done better. He was one of our most persistent bed bugs, albeit a beneficent bed bug. We suspect that description would please him.

Dr. Banks' style often mimicked the stately cadences of a church sermon. But he was fond of spicing up his phrases with unusual and sometimes arcane words that lent his expressions a peculiar dignity and sly humor. He knew readers delighted in his seemingly inexhaustible stock of adjectives, which he piled atop one another.

Editors could pare words, phrases or whole paragraphs from his letters and still have more than enough left to fill the allotted space. Dr. Banks' vision of America and its possibilities was as generous as his use of words, and as wise.●

KOREAN WAR VETERANS MEMORIAL

● Mr. ROCKEFELLER. Mr. President, I rise today to honor the 5.7 million service men and women who served our Nation during the Korean war. All too often, these individuals have been America's forgotten soldiers, having fought and died in what has been called the forgotten war.

With the dedication of the National Korean War Memorial on July 27, here in Washington, DC, the memory of the supreme effort that so many made will now be honored by future generations. Though we will never be able to express in mere words or stone the greatness of the deeds performed by our veterans in that war, the memorial will at least keep fresh the memories of our fathers and mothers, husbands and wives, and brothers and sisters who made the greatest of all sacrifices in that far-off land.

Today, over 37,000 veterans from the Korean war reside in West Virginia. One of those 37,000 is my friend Edmund Reel. I want to tell you his story because his experiences and actions speak far more eloquently about him

and his fellow veterans than I could hope to.

Edmund is from Moorefield, WV, where he is a retired command sergeant major after 28 years of service. He devotes all of his free time to major veterans' groups, helping his former comrades in arms.

Edmund arrived in Korea on August 25, 1950. Serving in Company M of the 8th Regiment of the 1st Cavalry, he saw action from Taegu to the Yalu. On November 1, he was captured by the Chinese. For the next 34 months, Edmund was a prisoner of war. Shuffled between North Korean and Chinese prison camps, he was subject to torture, hard labor, starvation, and constant beatings. Edmund remembers that one time, during a particularly brutal winter day, he was forced to stand on a hill for hours with a heavy rock above his head. During a day of hard labor, he fell in a deep hole, fracturing his back. North Korean officers offered him medical care if he would convert to communism and be used as a propaganda tool. Edmund refused. Though his body was broken, his will would never be. Despite his injury, Edmund was forced to continue hard labor, cutting logs and building bomb shelters. Many of Edmund's buddies never got out of those prison camps. He saw them die, as many as 35 a day, from starvation and sickness.

On August 24, 1953, Edmund was released and was soon headed home to the States and West Virginia.

His story is just one of many that make up the history of the American experience in Korea. He, like so many others, was sent to that distant country, joining with other soldiers from other allied nations in fighting a common, merciless aggressor. They knew the justness of their cause, democracy against totalitarianism.

The debt we owe to our Korean war veterans, like the veterans of other wars, is immeasurable. The memories of those young soldiers, sailors, and airmen who gave, in the words of Abraham Lincoln, that "last full measure of devotion," remain etched in our minds. Places such as Heartbreak Ridge, Inchon, and Chipyeong-ni will forever be hallowed ground where Americans gave their lives for freedom. They sacrificed so that a people they did not even know might remain free. In doing so, they ennobled themselves and our Nation. Those living and dead of the Korean war will always serve as examples of true Americans.●

ORDERS FOR TUESDAY, JULY 25, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, July 25, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate

then immediately begin consideration of S. 1061, the gift ban bill, as stated earlier, for the purposes of debate only.

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

Mr. LOTT. I ask unanimous consent that immediately following the vote on passage of S. 1060, the lobbying bill, the Senate stand in recess until the hour of 2:15 p.m. for the weekly policy conferences.

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

PROGRAM

Mr. LOTT. For the information of all Senators, under the previous order, the Senate will begin consideration of the gift ban bill at 9 a.m. tomorrow. Under the previous order, at 11, the Senate will resume consideration of the lobbying bill and complete action on that measure prior to the policy luncheons. Senators should therefore expect roll-call votes at approximately 12 noon on Tuesday.

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:41 p.m., recessed until Tuesday, July 25, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1995:

EXECUTIVE OFFICE OF THE PRESIDENT

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE LAURA D'ANDREA TYSON.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203, SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

VON S. BASHAY, 000-00-0000
JILL C. COLLINS, 000-00-0000
MICHAEL E. CRIDER, 000-00-0000
THOMAS L. DAVIS, 000-00-0000
JAMES W. FREESE, 000-00-0000
JAMES O. HALL, 000-00-0000
STEVEN M. HERPEL, 000-00-0000
ROBERT M. HESSELBEIN, 000-00-0000
RICHARD E. HILL, 000-00-0000
BRYON E. HUDDLESTON, 000-00-0000
WILLIAM E. HUDSON, 000-00-0000
GEORGE M. LAMBIRTH, 000-00-0000
BRIAN D. LENZI, 000-00-0000
SHAWN D. MACK, 000-00-0000
JOHN O. MAEDKE, 000-00-0000
DANIEL C. MCGINLEY, 000-00-0000
GUNTHER H. NEUMANN, 000-00-0000
MARK L. NOONAN, 000-00-0000
MICHAEL W. RITZ, 000-00-0000
DALE C. SINE, 000-00-0000
ROBERT A. STEVENS, 000-00-0000
CLYDE Y. TORIGOE, 000-00-0000
SHELLEY J. WEISS, 000-00-0000
DAVID A. WILLIAMS, 000-00-0000

CHAPLAIN CORPS

To be lieutenant colonel

DONALD P. ROBERTS, 000-00-0000

BIO MEDICAL SCIENCE CORPS

To be lieutenant colonel

JOSEPH R. PANZA, 000-00-0000

MEDICAL CORPS

To be lieutenant colonel

BRUCE C. INMAN, 000-00-0000
JOHN F. NOAK, 000-00-0000

DENTAL CORPS

To be lieutenant colonel

JANICE L. ENGSTROM, 000-00-0000

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICER TRAINING CORPS AND ENLISTED COMMISSIONING PROGRAM GRADUATES TO BE APPOINTED PERMANENT EN-SIGN IN THE LINE AND STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

SCOTT A. AVERY, 000-00-0000
EDDIE L. BUTLER, 000-00-0000
BRIAN C. BLUE, 000-00-0000
JOHN M. GRAF, 000-00-0000
CHRISTOPHER S. HEWLETT, 000-00-0000
ERIC J. HOLSTI, 000-00-0000
CHARLES T. HUBBARD, 000-00-0000
ANTHONY S. KELLY, 000-00-0000
MARTIN J. SABEL, 000-00-0000
MARCO A. TURNER, 000-00-0000
AMY M. WITHEISER, 000-00-0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

To be second lieutenant

BRADLEY J. HARMS, 000-00-0000
KRISTA E. LEE, 000-00-0000
JEROME STEWART, 000-00-0000
ARNOLD D. WEST, 000-00-0000

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

To be second lieutenant

JAMES A. DISIMONE, 000-00-0000
ALFRED L. MILLER, 000-00-0000

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATE TO BE APPOINTED PERMANENT SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATE

To be second lieutenant

JOSEPH T. KRAUSE, 000-00-0000

THE FOLLOWING-NAMED LIEUTENANT COLONELS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF COLONEL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

CHARLES H. ALLEN, 000-00-0000
PAUL E. BECKHART, 000-00-0000
GERARD J. BOYLE, 000-00-0000
WILLIAM F. COLLOPY, 000-00-0000
JAMES A. COOK, 000-00-0000
VICTOR T. CRONAUER, 000-00-0000
JAMES E. DAVIS, 000-00-0000
STEVE A. EDDINGTON, 000-00-0000
STEVEN P. EVANKO, 000-00-0000
JAMES C. FORNEY, 000-00-0000
HILTON O. GARNES, JR., 000-00-0000
RICHARD W. GITTINGS, 000-00-0000
DAVID A. GROVES, 000-00-0000
CLINTON L. HUBBARD III, 000-00-0000
JAMES A. HUMENIK, 000-00-0000
JOSEPH T. KIRINCICH, 000-00-0000
JAMES M. LANAHAN, 000-00-0000
JAMES R. MCINTOSH, 000-00-0000
STEVEN E. MCKINLEY, 000-00-0000
PAUL MELSHEN, 000-00-0000
JIMMY L. MITCHELL, 000-00-0000
STEVEN M. MUTZIG, 000-00-0000
MICHAEL E. NUNNALLY, 000-00-0000
THOMAS Q. OHARA, 000-00-0000
RICHARD F. PIASECKI, 000-00-0000
ROBERT P. RACLAU, 000-00-0000
MARK S. RILEY, 000-00-0000
FRANCIS X. RYAN, 000-00-0000
LARRY V. SHEPHERD, 000-00-0000
DOUGLAS M. STONE, 000-00-0000
FRANK M. THOMPSON, VI, 000-00-0000
JEFFREY C. TUOMALA, 000-00-0000
LARRY O. WELLS, 000-00-0000
RONALD F. WNEK, 000-00-0000
ROBERT J. WOMACK, 000-00-0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS OF THE RESERVE FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 5912 OF TITLE 10, U.S.C.

MEDICAL CORPS

To be captain

GLENN M. AMUNDSON, 000-00-0000
THOMAS G. ANDERSON, JR., 000-00-0000

JOHN A. BALACKI, 000-00-0000
JUAN R. BARALT, 000-00-0000
TODD L. BEEL, 000-00-0000
GARY L. BIESECKER, 000-00-0000
MARILYN BOITANO, 000-00-0000
JOHN G. BRADY, 000-00-0000
WILLARDLEON CHAMBERLIN, 000-00-0000
JUDY L. CHAMPAIGN, 000-00-0000
HENRY CHANG, 000-00-0000
GARY J. CONNER, 000-00-0000
DAVID J. DAVIS, 000-00-0000
DEBORAH J. EVANS, 000-00-0000
GREGORY J. FIRMAN, 000-00-0000
THOMAS J. GELLER, 000-00-0000
TED D. GROSHONG, 000-00-0000
WILLIAM F. HANING III, 000-00-0000
LEE C. HARKER, 000-00-0000
ALFRED L. HARKLEY, 000-00-0000
ARTHUR C. HAYES, 000-00-0000
JOHN S. HUGHES, 000-00-0000
KATHRYN L. JOHNSON, 000-00-0000
ALLAN L.A. KAMINSKY, 000-00-0000
ARTHUR J. KELLEHER, 000-00-0000
JOAN C. KISHEL, 000-00-0000
GREGORY P. KNISS, 000-00-0000
PETER S. KONCHAK, 000-00-0000
DAVID L. LARSON, 000-00-0000
RANDOLPH C. LESTER, 000-00-0000
CAYETANO A. LOPEZCEPERO, 000-00-0000
GAMALIEL G. LOTUACO, 000-00-0000
DAVID L. LOUWSMA, 000-00-0000
GREGORY G. MARINO, 000-00-0000
JAMES P. MARRA, 000-00-0000
CLAUDE L. MCFARLANE, 000-00-0000
PETER T. MELLIS, 000-00-0000
STEPHEN A. MEYERS, 000-00-0000
STEPHEN A. MITCHELL, 000-00-0000
MIMS G. OCHSNER, JR., 000-00-0000
RALPH P. ORLANDO, 000-00-0000
HENRY A. OSTER, 000-00-0000
LEONARD A. PARKER, JR., 000-00-0000
ROBERT C. PARKER, 000-00-0000
JOSEPH D. PIORKOWSKI, 000-00-0000
JOE B. PUTNAM, JR., 000-00-0000
HAROLD B. REEDER, 000-00-0000
FRANK P. REYNOLDS, 000-00-0000
JEROME J. ROCHE, 000-00-0000
GREGORY J. RUMORE, 000-00-0000
THEODORE J. SANFORD, 000-00-0000
FREDERICK B. SHANNON, 000-00-0000
FRANCIS J. SINCOX, JR., 000-00-0000
JAROSLAW P. STULC, 000-00-0000
ANNE H. TROBAUGH, 000-00-0000
DAVID H. VANDYKE, 000-00-0000
WILLIAM G. WAGNON, 000-00-0000
RICK S. WEISSER, 000-00-0000
GERALD L. WILKS, 000-00-0000
FREELAND L. WILLIAMS, II, 000-00-0000
DONALD V. WILSON, 000-00-0000
ROBERT M. WIPRUD, 000-00-0000
VICKY L.T. YBANEZ, 000-00-0000

DENTAL CORPS

To be captain

RONNIE W. ARRINGTON, 000-00-0000
RICHARD M. DIBELLA, 000-00-0000
DAVID J. HIBL, 000-00-0000
KENNETH E. LANDRY, 000-00-0000
MICHAEL L. MIDDLEBROOKS, 000-00-0000
BRETT C. MILLER, 000-00-0000
THOMAS J. OLINGER, 000-00-0000
STEVEN J. SANTUCCI, 000-00-0000
WILLIAM W. SCHELL, III, 000-00-0000
WILLIAM M. STRUNK, II, 000-00-0000
RICHARD M. SUNSERI, 000-00-0000

MEDICAL SERVICE CORPS

To be captain

NANCY L. BOSSHARD, 000-00-0000
ROBIN B. BROWN, JR., 000-00-0000
THOMAS A. COLP, 000-00-0000
SCOTT GREGERSEN, 000-00-0000
GRETCHEN D. LAMBERTH, 000-00-0000
JAMES R. LOVERING, 000-00-0000
JOHN T. PIERCE, 000-00-0000
JERRY L. PRICE, 000-00-0000
DAVID A. ROSENBLUM, 000-00-0000
LEE E. SIMON, 000-00-0000
THOMAS A. STOECKEL, 000-00-0000
GARY L. STOKES, 000-00-0000
GEORGE E. STRUDGEON, JR., 000-00-0000
ROBERT E. TITCOMB, 000-00-0000
DANNY WEDDING, 000-00-0000

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

RICHARD C. ADAMSON, 000-00-0000
ROGER B. ATKINS, 000-00-0000
JOSEPH C. BILLINGS, 000-00-0000
LAWRENCE B. BRENNAN, 000-00-0000
PHILLIPS B. CARPENTER, 000-00-0000
CLARENCE W. COUNTS, JR., 000-00-0000
EARL F. DEWEY, II, 000-00-0000
EDWARD R. DYSON, 000-00-0000
ALLAN F. ELMORE, 000-00-0000
NORTON C. JOERG, 000-00-0000
STEVEN B. KANTROWITZ, 000-00-0000
LOUISE R. KENDLE, 000-00-0000
DAVID D. LENNON, 000-00-0000
LARRY D. MARTIN, 000-00-0000
JERRY D. MASSIE, 000-00-0000
CHARLES P. NICHOLS, JR., 000-00-0000
DAVID T. PATTERSON, 000-00-0000
RICKIE L. PEARSON, 000-00-0000

ROBERT C. SEIGER, JR., 000-00-0000
SAMUEL F. WRIGHT, 000-00-0000

NURSE CORPS

To be captain

SUSAN E. BROOKER, 000-00-0000
MARGARET J. BUTLER, 000-00-0000
ANNE M. CHONKA, 000-00-0000
REBECCA A. COX, 000-00-0000
DORLEE D. KINGEN, 000-00-0000
ANN C. McDERMOTT, 000-00-0000
CYNTHIA M. RUNNER, 000-00-0000

SUPPLY CORPS

To be captain

CRAIG M. BENSON, 000-00-0000
JOHN T. BENTE, 000-00-0000
PAUL H. BRENNER, 000-00-0000
WILLIAM L. CREEDON, 000-00-0000
CHRISTOPHER B. DALY, 000-00-0000
THOMAS J. DEBENEDETTO, 000-00-0000
CHARLES C. DRISCOLL, 000-00-0000
HUGH H. DUBOSE, JR., 000-00-0000
DAVID F. ENGLISH, 000-00-0000
DOUGLAS E. ETTUS, 000-00-0000
MICHAEL P. FITZGERALD, 000-00-0000
JULIUS GOSTEL, JR., 000-00-0000
ROBERT C. HAACK, 000-00-0000
ROBERT C. HENDRICKSON, III, 000-00-0000
TIMOTHY A. KENYON, 000-00-0000
PAUL V. KONKA, 000-00-0000
ENIOTH E. LETLOW, JR., 000-00-0000
PHILLIP H. MCGAVIN, 000-00-0000
RICHARD A. MORRISSETT, 000-00-0000
STEPHEN G. MORROW, 000-00-0000
PETER L. MULLEN, 000-00-0000
JAMES C. MURPHY, 000-00-0000
PATRICK M. ODAY, 000-00-0000
HENRY B. TOMLIN III, 000-00-0000
MICHAEL G. WILLIAMS, 000-00-0000
RICHARD B. WILSON, 000-00-0000

SUPPLY CORPS (TAR)

To be captain

EDWARD J. HORRES, 000-00-0000
JOSEPH S. THORNBURY, 000-00-0000

CHAPLAIN CORPS

To be captain

RONALD K. AUSTIN, 000-00-0000
RONNIE C. BROOKS, 000-00-0000
JOHN S. CREWS, 000-00-0000
GEORGE C. GOODMAN, 000-00-0000
JAMES C. MOULKETTIS, 000-00-0000
JOHN J. ONEILL, 000-00-0000

CIVIL ENGINEER CORPS

To be captain

RAYMOND K. ALEXANDER, 000-00-0000
DOUGLAS K. AULT, 000-00-0000
BERNARD C. BAILEY, 000-00-0000
LAWRENCE A. CURTIS, 000-00-0000
LARRY R. GIVENS, 000-00-0000
RICHARD D. KINARD, 000-00-0000
CHARLES A. KLIMMEK, 000-00-0000
CARL E. MILLER, JR., 000-00-0000
JOHN F. NESBITT, 000-00-0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS OF THE RESERVE
FOR PROMOTION TO THE GRADE INDICATED IN THE U.S.
NAVY IN ACCORDANCE WITH SECTION 5912 OF TITLE 10,
U.S.C.

MEDICAL CORPS

To be commander

RICHARD J. ALIOTO, 000-00-0000
STEPHEN C. ALLIN, 000-00-0000
SANDRA A. ALMEIDA, 000-00-0000
PETER E. AMATO, 000-00-0000
DERYK L. ANDERSON, 000-00-0000
STEPHEN BACKMAN, 000-00-0000
STEVE D. BARNES, 000-00-0000
BRUCE A. BARRON, 000-00-0000
MARK R. BATEMAN, 000-00-0000
MARTIN F. BELL, 000-00-0000
BLAIR A. BERGEN, 000-00-0000
BRAD A. BERNSTEIN, 000-00-0000
JAMES L. BLAIR, 000-00-0000
RICHARD J. BOEHME, 000-00-0000
EDWARD BOLGIANO, 000-00-0000
BRUCE B. BOSWELL, 000-00-0000
DONALD P. BRANNAN, 000-00-0000
JOHN D. BRINKMAN, 000-00-0000
FRANK B. CALHOUN, 000-00-0000
SALVATORE R. CAMPO, JR., 000-00-0000
JOHN M. CASTELLANO, 000-00-0000
GEORGE W. CHRISTY, 000-00-0000
MARK M. CHUNG, 000-00-0000
CHARLES A. CICCONE, 000-00-0000
ROBERT R. COLEMAN, 000-00-0000
MARK A. COLQUITT, 000-00-0000
JOHN V. CONTE, JR., 000-00-0000
MICHAEL C. CRISMAIL, 000-00-0000
GREGORY G. DEGNAN, 000-00-0000
FRANCIS X. DELVECCHIO, 000-00-0000
DONALD W. EDGERLY, 000-00-0000
KENNETH K. ENG, 000-00-0000
GERRY D. EZELL, 000-00-0000
JEROME P. FAIRCHILD, 000-00-0000

NASSER A. FARR, 000-00-0000
LINDA P. FLORES, 000-00-0000
ALAN I. FRANKFURT, 000-00-0000
PAUL R. GARVER, 000-00-0000
DAVID T. GREENFIELD, 000-00-0000
DALE W. GREENWOOD, 000-00-0000
GLENN I. HANANOUCHE, 000-00-0000
GERALD B. HAYES, 000-00-0000
JOHN W. HILL, 000-00-0000
CHARLES L. HORNBAKER, 000-00-0000
DANIEL D. HOUSIERE, 000-00-0000
BRUCE A. HOUTCHENS, 000-00-0000
STEVEN HUGHES, 000-00-0000
JAMES M. JAEGER, 000-00-0000
JAMES M. JOCHUM, 000-00-0000
ROBERT H. KENNEDY, 000-00-0000
ROBERT B. KERR, 000-00-0000
ROBERT K. KIEHN, 000-00-0000
NIR KOSSOVSKY, 000-00-0000
THOMAS M. KUNCIK, 000-00-0000
HAROLD I. LAROCHE, 000-00-0000
JOHN J. LEE, 000-00-0000
MICHAEL K. LEONI, 000-00-0000
PETER V. LEONI, 000-00-0000
REENA A. LEWIS, 000-00-0000
VAUGHN G. MARSHALL, 000-00-0000
MARTIN L. MATHIESEN, 000-00-0000
WILLIAM MC ALLISTER, 000-00-0000
HARRY C. McDONALD, 000-00-0000
KATHLEEN A. MCGOWAN, 000-00-0000
ALEXANDER MOLDANADO, 000-00-0000
MARTIN MORSE, 000-00-0000
JAMES P. MURPHY, 000-00-0000
LYLE C. MYERS, 000-00-0000
CHIEH NGUYEN, 000-00-0000
JOHN H. NORDEEN, 000-00-0000
DAVID W. NUTTER, 000-00-0000
KAYE K. OWEN, 000-00-0000
BRIAN L. PARTRIDGE, 000-00-0000
DENNIS J. PATIN, 000-00-0000
EUGENE P. PODRAZIK, 000-00-0000
YVONNE F. POSEY, 000-00-0000
IGNACIO PRATS, 000-00-0000
EFREN E. RECTO, 000-00-0000
JAMES H. REES, 000-00-0000
PERRY K. RICHARDSON, 000-00-0000
LINDA M. RIDDICK, 000-00-0000
NICANOR F. RODRIGUEZ, 000-00-0000
JULIAN F. ROSE, 000-00-0000
RICHARD L. ROSSEAU, 000-00-0000
RICHARD ROTHFLEISCH, 000-00-0000
CARLOS E. RUBIO, 000-00-0000
NORMAN R. SANDERS, 000-00-0000
ALAN L. SCHILLER, 000-00-0000
DEAN T. SCOW, 000-00-0000
STEPHEN L. SELDON, 000-00-0000
JOHN T. SENKO, 000-00-0000
CHARLES F. SHAEFER, 000-00-0000
TIMOTHY M. SHERRY, 000-00-0000
WILLIAM J. SKELLY, 000-00-0000
WILLIAM F. SPILLANE, 000-00-0000
SCOTT L. STAFFORD, 000-00-0000
KEITH R. STEPHENSON, 000-00-0000
WENDELL STREET, 000-00-0000
EDWARD W. STVILLE, 000-00-0000
EMILIO SUAREZ, 000-00-0000
BRIAN C. SVAZAS, 000-00-0000
FRANKLIN T. THOM, 000-00-0000
CHARLES A. THOMPSON, 000-00-0000
WILLIAM G. THOMPSON, 000-00-0000
JAMES E. TURK, 000-00-0000
GEORGE R. VOUGARAKIS, 000-00-0000
JON C. WALSH, 000-00-0000
MARK S. WALTON, 000-00-0000
JAMES B. WATERS, 000-00-0000
CHRISTOPHER J. WENDELL, 000-00-0000
HARRY T. WHELAN, 000-00-0000
VALERIE J. WHITE, 000-00-0000
JOSEPH A. WIECK, 000-00-0000
MICHAEL WIESE, 000-00-0000
GEORGE A. WILLIAMS, 000-00-0000
JOHN M. WILLIAMS, 000-00-0000
SONESEERE A. WILSON, 000-00-0000
FRANK E. WITTER, 000-00-0000
TERRENCE C. WONG, 000-00-0000

DENTAL CORPS

To be commander

JOHN A. BATTLE, III, 000-00-0000
THOMAS D. BRANT, 000-00-0000
PAUL R. BROSY, 000-00-0000
ROBERT J. CARTER, 000-00-0000
PRISCILLA B. COE, 000-00-0000
DAVID W. CROUTHAMEL, 000-00-0000
TERESA L. DOYLE, 000-00-0000
CARL F. ERCK, 000-00-0000
JOHN C. ERLANDSON, 000-00-0000
WILLIAM F. FISCHER, 000-00-0000
JAMES H. GHERARDINI, JR., 000-00-0000
RICHARD M. GRASSMYER, 000-00-0000
RICHARD L. HAMILTON, 000-00-0000
JAMES A. HAYDU, 000-00-0000
PHILIP L. HOOTON, 000-00-0000
JAMES G. HUPP, 000-00-0000
JOHN K. JONES, 000-00-0000
JAMES E. KELLEY, 000-00-0000
TONY LEBAR, 000-00-0000
RICHARD L. MATTEOLI, 000-00-0000
TERENCE E. MCHUGH, 000-00-0000
CRAIG L. MEADOWS, 000-00-0000
STEPHEN P. MURRELL, 000-00-0000
WANG S. OHM, 000-00-0000
THOMAS C. PATTON, 000-00-0000
THOMAS E. PORCH, 000-00-0000
JOHN R. SCHUSTER, 000-00-0000
EUGENE M. SIDICK, 000-00-0000

FENN H. WELCH, 000-00-0000

MEDICAL SERVICE CORPS

To be commander

ALBERT L. ASPER, 000-00-0000
LEO C. BAKALARSKI, 000-00-0000
MICHAEL R.S. BALL, 000-00-0000
RANDY S. BRINKMANN, 000-00-0000
MARK J. BROSTOFF, 000-00-0000
JERROLD T. BUSHBERG, 000-00-0000
EDWARD C. CALIX, 000-00-0000
GWENDOLYN L. CARR, 000-00-0000
DOUGLAS C. DELLINGER, 000-00-0000
ELIZABETH J. EMISON, 000-00-0000
TRACY A.D. FOX, 000-00-0000
GARY L. FRECH, 000-00-0000
GREGORY L. KEARNS, 000-00-0000
DENNIS A. KELLY, 000-00-0000
HUGH S. KROELL, JR., 000-00-0000
MARK A. D. LONG, 000-00-0000
THOMAS J. MAYE, 000-00-0000
ERIC G. MCQUEEN, 000-00-0000
MARY N. MOON, 000-00-0000
ELLEN J. ONEILL, 000-00-0000
TIMOTHY J. PARDUE, 000-00-0000
ROGER J. RATH, 000-00-0000
JOHN K. REZEN, 000-00-0000
ROBERT A. SHARP, 000-00-0000
ROBERT L. VERNON, 000-00-0000
HARRY WATERS, JR., 000-00-0000
BRENDA L. WILLIAMS, 000-00-0000
KEITH N. WOLFE, 000-00-0000

JUDGE ADVOCATE GENERAL'S CORPS

To be commander

JAMES A. BACKSTROM, JR., 000-00-0000
STEPHEN A. BEVERLY, 000-00-0000
ROBERT C. BLAKE, 000-00-0000
BRUCE H. BOKONY, 000-00-0000
WILLIAM L. BOULDEN, 000-00-0000
MICHAEL J. CATANESE, 000-00-0000
JOHN R. CHEMA, 000-00-0000
GERALD J. COYNE, 000-00-0000
IVAN DOMINGUEZ, 000-00-0000
JAMES C. FUNK, 000-00-0000
PAUL M. GAMBLE, 000-00-0000
GEORGE N. HARDESTY, JR., 000-00-0000
WAYNE L. JOHNSON, 000-00-0000
JOHN D. LAUTERMILCH, 000-00-0000
PATRICIA A. LEONARD, 000-00-0000
PAMELA L. MCLUNE, 000-00-0000
BARBARA S. ODEGAARD, 000-00-0000
FRANK W. OSTRANDER, 000-00-0000
DONALD W. PEARCY, 000-00-0000
PRESCOTT L. PRINCE, 000-00-0000
DALE A. RAYMOND, 000-00-0000
RONALD G. RESS, 000-00-0000
DAVID A. SAMUELS, 000-00-0000
RICHARD J. SCAPPINI, 000-00-0000
JARED H. SILBERMAN, 000-00-0000
CHARLES C. SMITH, 000-00-0000
FRANKLIN S. SPEARS, JR., 000-00-0000
BRIAN T. WALSH, 000-00-0000
JAMES G. WEINMEYER, 000-00-0000
MARIAN C. WELLS, 000-00-0000
ARTHUR E. WHITE, JR., 000-00-0000
STEPHEN B. WHITE, 000-00-0000
BRIAN G. YONISH, 000-00-0000

NURSE CORPS

To be commander

MARK M. ABRAMS, 000-00-0000
ANNE M. ADAMOWICZ, 000-00-0000
MARTINEZ M.F. ALLAN, 000-00-0000
LINDA A. ANDERSON, 000-00-0000
DONNA C. ARCADIPANE, 000-00-0000
MARJORIE L. BAUMRUCKER, 000-00-0000
SUSAN R. BAZEMORE, 000-00-0000
LAURIE A. BERGERON, 000-00-0000
MARIANNE BETTAG, 000-00-0000
MARY S. BLOSE, 000-00-0000
DORIS J. BRAUNBECK, 000-00-0000
SEBASTIAN M. BROWN, 000-00-0000
MARIA D. BURKE, 000-00-0000
VICTORIA A. CALLIHAN, 000-00-0000
SUSAN J. CAMUS, 000-00-0000
PEGGY J. CASTOR, 000-00-0000
KERRY H. CHEEVER, 000-00-0000
KATHERINE B. CHRISTIE, 000-00-0000
DONNA M. CIGGA, 000-00-0000
WARREN G. CLARK, 000-00-0000
LYDIA COMPANION, 000-00-0000
LINDA M. DETRING, 000-00-0000
BETH A. DICKINSON, 000-00-0000
CYNTHIA A. DIOLOA, 000-00-0000
JAN B. DILLER, 000-00-0000
JODY W. DONEHOO, 000-00-0000
CAROL M. DRISCOLL, 000-00-0000
TERESA A. ENGLUND, 000-00-0000
ANNETTE L. FARAONE, 000-00-0000
JOANN K. FETGATTER, 000-00-0000
KATHARINE B. FOSS, 000-00-0000
PAMELA J. FREEMAN, 000-00-0000
TIMOTHY B. FULGHUM, 000-00-0000
ADELINA GAGEKILLY, 000-00-0000
SARAH L. GRAHAM, 000-00-0000
CATHERINE R. HANSEN, 000-00-0000
MAUREEN A. HARDENLOZIER, 000-00-0000
JUDY L. HARRIS, 000-00-0000
LISA A. HARRIS, 000-00-0000
KATHLEEN A. HASS, 000-00-0000
CATHERINE L. HAWLEY, 000-00-0000
LAURA M. HEINZMAN, 000-00-0000
DONNA M. HENDEL, 000-00-0000

NANCY A. HOFFMAN, 000-00-0000
 SHARON P. IGNAT, 000-00-0000
 ANITA L. JACKSON, 000-00-0000
 MICHAEL C. JACKSON, 000-00-0000
 SUSANA P. JUAREZLEAL, 000-00-0000
 MAUREEN W. JUDGE, 000-00-0000
 DONNA L. KAHN, 000-00-0000
 REBECCA D. KILLOREN, 000-00-0000
 VICTORIA M. KOZUB, 000-00-0000
 SHEILA F. C. LANG, 000-00-0000
 PAMELA N. LANPHERE, 000-00-0000
 SHIRLEY A. W. LAWSON, 000-00-0000
 KATHLEEN C. LEOPFLER, 000-00-0000
 DEBRA L. LUEGENBIEHL, 000-00-0000
 DENNIS J. MANCINELLI, 000-00-0000
 MARTHA H. MCCARTHY, 000-00-0000
 JOANNA MCCUNE, 000-00-0000
 VIRGINIA S. MCGINN, 000-00-0000
 ROBERT MCMAHON, 000-00-0000
 MARY M. MORINLEIDIG, 000-00-0000
 ROSANNE MURPHY, 000-00-0000
 KIM M. O'DONNELL, 000-00-0000
 BETTY L. OROURKE, 000-00-0000
 ANGELA S. PALOMO, 000-00-0000
 SUSAN M. PANKO, 000-00-0000
 JULIE A. PEARSON, 000-00-0000
 ETHEL E. PRUDEN, 000-00-0000
 VAUNE F. RASKOPF, 000-00-0000
 PAUL F. RAUSCHER, 000-00-0000
 JENNINE T. RYBARCZYK, 000-00-0000
 PAUL B. SCHAEFFER, 000-00-0000
 MARY A. SCHETTER, 000-00-0000
 MICHAEL F. SHANNON, 000-00-0000
 LYNNE A. SHIRA, 000-00-0000
 RENEE LYNETTE SIMMONSBEVER, 000-00-0000
 ELIZABETH A. SLEAR, 000-00-0000
 PAULA L. SLETTEN, 000-00-0000
 GAIL A. SMITH, 000-00-0000
 ELIZABETH J. SOMERS, 000-00-0000
 CHARLES E. STEWART, JR., 000-00-0000
 KIMBERLY E. W. SWANEY, 000-00-0000
 KAREN A. SWANSON, 000-00-0000
 SHARON D. THOMPSON, 000-00-0000
 KATHLEEN G. THORP, 000-00-0000
 JUDITH D. VALENTINE, 000-00-0000
 KIM L. O VOTH, 000-00-0000
 MARTHA J. WARD, 000-00-0000
 LORI WILSON HOPKINS, 000-00-0000
 ELISABETH S. WOLFE, 000-00-0000
 DAVID P. YOUNG, 000-00-0000

SUPPLY CORPS

To be commander

SARAH R. ALEXANDER, 000-00-0000
 MONICA L. ALLEN COTTRELL, 000-00-0000
 JOHN R. BADECKER, 000-00-0000
 WILLIAM F. BAXTER, 000-00-0000
 JOHN S. BETHEL, 000-00-0000
 MARK V. BRADY, 000-00-0000
 SCOTT W. BRAINERD, 000-00-0000
 JODY R. BRINK, 000-00-0000
 WILLIAM M. BUNKER, JR., 000-00-0000
 KEITH T. BUTTON, 000-00-0000
 ROBERT P. CARROZA, 000-00-0000
 DAVID M. CODERRE, 000-00-0000
 WILLIAM J. CURRAN, III, 000-00-0000
 DANIEL E. DARLING, 000-00-0000
 DWAYNE C. DENNIS, 000-00-0000
 DAVID E. DOUGLAS, 000-00-0000
 CRAIG C. DREW, 000-00-0000
 JERRY L. EDWARDS, 000-00-0000
 JOHN M. EICHNER, 000-00-0000
 STEVEN G. FREEBURN, 000-00-0000
 CHARLES N. GALLAGHER, 000-00-0000
 GARY V. GEORGESEN, 000-00-0000
 ROY A. GILBREATH, 000-00-0000
 GARRETT S. GOUGH, 000-00-0000
 JACQUELINE S. GRIFFITH, 000-00-0000
 MATTHEW J. HARPEST, 000-00-0000
 MARIA E. HECKELMAN, 000-00-0000
 CHARLES A. HENKEL, 000-00-0000
 KATHLEEN G. HENNELLY, 000-00-0000
 CARL J. HICKS, 000-00-0000
 RANDALL K. HOWTON, 000-00-0000
 THOMAS E. JOAQUIN, 000-00-0000
 WALTER J. KALITA, II, 000-00-0000
 MARK E. KAUFMANN, 000-00-0000
 TIMOTHY B. LAMB, 000-00-0000
 MELVIN K. LENTZ, 000-00-0000
 CHRISTOPHER E. LOHMAN, 000-00-0000
 BRUCE B. MACK, 000-00-0000
 DANIEL R. MAHAN, 000-00-0000
 DONALD P. MARIK, 000-00-0000
 JOHN M. MARMOLEJO, 000-00-0000
 REY Z. MENDOZA, 000-00-0000
 PAUL M. NEMECHEK, 000-00-0000
 STEVEN M. OHNMEISS, 000-00-0000
 GREGORY A. PLANK, 000-00-0000
 SCOTT M. POTTINGER, 000-00-0000
 JOSEPH C. PURCELL, 000-00-0000
 MICHAEL A. REDJIN, 000-00-0000
 NESTOR M. REYES, 000-00-0000
 SUSAN B. ROBERTS, 000-00-0000
 SAMUEL A. ROBERTSON, 000-00-0000
 JAMES M. RUSSELL, 000-00-0000
 GWENDOLYN A. SAWYER, 000-00-0000
 STEPHEN H. SCHEFFER, 000-00-0000
 PETER P. SCHLENK, JR., 000-00-0000
 LORENA A. SMITH, 000-00-0000
 BILLIE J. STEWART, 000-00-0000
 THOMAS B. STROHL, 000-00-0000
 RAYMOND P. SULLIVAN, 000-00-0000
 JAMES A. TERRELL, 000-00-0000
 PHILLIP M. TRUJILLO, 000-00-0000
 JAMES A. TURNER, 000-00-0000
 WILLIAM M. TURNER, 000-00-0000

MARK L. WHITFIELD, 000-00-0000
 STEPHEN J. WHITTINGTON, 000-00-0000
 MARK C. WOOLERY, 000-00-0000
 PATRICK A. ZURICK, 000-00-0000

SUPPLY CORPS (TAR)

To be commander

ROBERT F. BECK, JR., 000-00-0000
 MICHAEL A. COLESAR, 000-00-0000
 JEFFREY M. NEVELS, 000-00-0000
 MICHAEL R. SCHESSER, 000-00-0000

CHAPLAIN CORPS

To be commander

CATHERINE BEAUMONT, 000-00-0000
 DAVID J. BERGNER, 000-00-0000
 JONATHAN S. CARLETON, 000-00-0000
 MICHAEL D. GROSS, 000-00-0000
 DANIEL C. HAUSCHILD, 000-00-0000
 DAVID J. HURTT, 000-00-0000
 SAMUEL D. KIRK, 000-00-0000
 RONALD M. KLOSE, 000-00-0000
 CHARLES F. LANG, 000-00-0000
 PAUL M. OVERVOLD, 000-00-0000
 BRUCE A. RUMSCH, 000-00-0000
 LANDA H. SIMMONS, 000-00-0000

CIVIL ENGINEER CORPS

To be commander

DOUGLAS M. BARNARD, 000-00-0000
 MARTIN J. BARRY, 000-00-0000
 JOSEPH C. BRITAIN, 000-00-0000
 JAMES T. COUCH, 000-00-0000
 DALMUS L. DAVIDSON, 000-00-0000
 SCOTT W. ECK, 000-00-0000
 DAVID M. EMANUEL, 000-00-0000
 DOUGLAS FIORINO, 000-00-0000
 RICHARD D. FRITZLEY, 000-00-0000
 THOMAS C. GUERCI, 000-00-0000
 JAMES L. HONEY, 000-00-0000
 ROBERT V. HUFFMAN, 000-00-0000
 KEITH L. KUENZI, 000-00-0000
 DAVID R. LAIB, 000-00-0000
 WILLIAM O. MACE, JR., 000-00-0000
 RICHARD E. MCLAY, 000-00-0000
 SCOTT M. MERRILL, 000-00-0000
 DAVID A. MICHELETTI, 000-00-0000
 JOHN H. MILLER, II, 000-00-0000
 ROBERT S. NEWMAN, 000-00-0000
 PAUL B. PARKER, 000-00-0000
 DENNIS V. PATTON, JR., 000-00-0000
 JOEL E. SINN, 000-00-0000
 BARBARA A. SISSON, 000-00-0000
 MARTIN E. SMITH, 000-00-0000

LIMITED DUTY (STAFF)

To be commander

FRANK J. GIORDANO, 000-00-0000

THE FOLLOWING-NAMED MAJORS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF LIEUTENANT COLONEL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

DOUGLAS E. AKERS, 000-00-0000
 CYNTHIA A. ANDERSON, 000-00-0000
 ROBERT H. ANDERSON, 000-00-0000
 GREGORY E. ANDREWS, 000-00-0000
 ARTHUR J. ATHENS, 000-00-0000
 NICHOLAS E. AUGUSTINE, 000-00-0000
 CHRISTOPHER B. BAKER, 000-00-0000
 VINCENT D. BARRERA, 000-00-0000
 GREGORY L. BAUR, 000-00-0000
 CAREY L. BEARD, 000-00-0000
 JACK E. BIEDERMAN, 000-00-0000
 SCOTT D. BLAIR, 000-00-0000
 ELLIOT F. BOLLES, 000-00-0000
 JAMES E. BROTHWELL, 000-00-0000
 DANNY R. BUBF, 000-00-0000
 RAYMOND L. BURKART, 000-00-0000
 MICHAEL L. BURKE, 000-00-0000
 DONALD P. BURNHAM, 000-00-0000
 DONALD W. BUSSELL, 000-00-0000
 JOHN J. BUTTL, 000-00-0000
 KEITH E. CAPERTON, 000-00-0000
 JOHN J. CAREY, 000-00-0000
 KEVIN O. CARMODY, 000-00-0000
 DENIS G. CARRUTH, 000-00-0000
 PAUL T. CASEY, 000-00-0000
 THOMAS E. CAVANAUGH, 000-00-0000
 MICHAEL G. CHESTON, 000-00-0000
 KEVIN M. CLIFFORD, 000-00-0000
 JAMES J. COHLAN, 000-00-0000
 JOSEPH F. COLLINS, 000-00-0000
 JOHN P. COMPTON, 000-00-0000
 GERALD S. CORY, 000-00-0000
 TERENCE M. COUGHLIN, 000-00-0000
 WILLARD D. CRAIG, 000-00-0000
 RICK D. CRAIG, 000-00-0000
 JOHN M. CROLEY, 000-00-0000
 JOHN M. DEOTTE, 000-00-0000
 JAMES E. DOTZGER, 000-00-0000
 DARRYL A. DONEGAN, 000-00-0000
 CHRISTOPHER E. DOUGHERTY, 000-00-0000
 JEFFREY J. DOUGLASS, 000-00-0000
 RICHARD T. DUMONT, 000-00-0000
 CHRISTIAN J. ECK, III, 000-00-0000
 HAROLD B. EMMONS, JR., 000-00-0000
 CRAIG S. EVANS, 000-00-0000
 STEPHEN S. EVANS, 000-00-0000
 WENDELL S. FINCH, 000-00-0000
 WILLIAM M. FORCE, JR., 000-00-0000
 MARY L. FORDE, 000-00-0000
 DAVID M. FRAKES, 000-00-0000
 DONALD T. FRANK, 000-00-0000
 CHARLES A. FREUND, 000-00-0000
 JOSEPH A. GALDIS, 000-00-0000
 ROBERT P. GARGONI, JR., 000-00-0000
 JOHN M. GAYLORD, 000-00-0000
 REGINALD J. GHIDEN, 000-00-0000
 MILTON C. GODWIN, JR., 000-00-0000
 LOWELL D. GRUBBS, 000-00-0000
 RICHARD A. GUIDO, 000-00-0000
 JOEL R. HAGENBROCK, 000-00-0000
 GEORGE W. HALISCAK, 000-00-0000
 JOHN K. HARRIS, 000-00-0000
 RICHARD B. HARRIS, 000-00-0000
 RONALD L. HARRIS, 000-00-0000
 JOHN S. HARROD, 000-00-0000
 JOHN J. HARVEY, 000-00-0000
 RAYMOND L. HARVIN, 000-00-0000
 JANA S. HAYES, 000-00-0000
 FRANCIS G. HOFFMAN, 000-00-0000
 LAWRENCE E. HOLST, 000-00-0000
 DALE A. HOMIRE, 000-00-0000
 MICHAEL C. HOWARD, 000-00-0000
 MARK B. HOWELL, 000-00-0000
 GEORGIA J. JOBUSCH, 000-00-0000
 KEVIN E. JOHNS, 000-00-0000
 JEFFREY P. JOHNSON, 000-00-0000
 CHARLES A. JONES, 000-00-0000
 KENNETH L. JORGENSEN, 000-00-0000
 RAYMOND S. KEITH, 000-00-0000
 JOSEPH R. KENNEDY, 000-00-0000
 JAMES T. KILLEEN, 000-00-0000
 MITCHELL L. KLEIN, 000-00-0000
 JEFFREY W. KOENIG, 000-00-0000
 JEFFREY S. KRONGAARD, 000-00-0000
 BRADLEY C. LAPISKA, 000-00-0000
 DAVID M. LARSEN, 000-00-0000
 DENVER L. LATIMORE, 000-00-0000
 THOMAS C. LATSKO, 000-00-0000
 KENNETH J. LEE, 000-00-0000
 JOHN C. LEEVEY, 000-00-0000
 GARY R. LOPEZ, 000-00-0000
 RALPH E. LOWELL, 000-00-0000
 TIMOTHY S. LUCAS, 000-00-0000
 JOSEPH W. LYDON, III, 000-00-0000
 STEPHEN A. MALONEY, 000-00-0000
 THOMAS E. MANTON, 000-00-0000
 JERRY D. MARR, 000-00-0000
 DAN R. MATER, 000-00-0000
 STANLEY A. MATTOSS, 000-00-0000
 TERRY L. MCCOY, 000-00-0000
 KEVIN F. MCGRATH, 000-00-0000
 TERRANCE B. MCGUIRE, 000-00-0000
 THOMAS D. MCNAMARA, 000-00-0000
 SAMUEL D. MCVEY, 000-00-0000
 MARK E. MEDVETZ, 000-00-0000
 DAVID B. MEEKS, 000-00-0000
 WILLIAM L. MEEKS, 000-00-0000
 MICHAEL A. MERRILL, 000-00-0000
 RANDALL B. MERTA, 000-00-0000
 ROBERT L. MILLER, 000-00-0000
 JANICE A. MITCHELL, 000-00-0000
 MICHAEL A. MITCHELL, 000-00-0000
 TRACY L. MOK, 000-00-0000
 ALVIN S. MOSHER, 000-00-0000
 DALE D. MOSSBARGER, II, 000-00-0000
 DAVID W. MOYE, 000-00-0000
 DAVID L. MULLINS, 000-00-0000
 KEVIN C. MUNLEY, 000-00-0000
 GREGORY P. OLMSTEAD, 000-00-0000
 SCOTT S. OLSEN, 000-00-0000
 CHARLES H. PANGBURN, III, 000-00-0000
 KEITH J. PAVASCHEK, 000-00-0000
 ROY A. PEARSON, 000-00-0000
 STANLEY J. PENCE, JR., 000-00-0000
 STEVEN T. PERKINS, 000-00-0000
 TIMOTHY T. PIOTTT, 000-00-0000
 KENNETH S. PLATO, 000-00-0000
 FRANCIS C. PROCTOR, JR., 000-00-0000
 MICHAEL PRZYBYL, 000-00-0000
 JOHN A. RANDALL, III, 000-00-0000
 RODNEY J. REYNOLDS, 000-00-0000
 ROBERT C. RUBINSON, 000-00-0000
 STEVEN M. RUBIN, 000-00-0000
 JOHN F. RUFO, 000-00-0000
 GEORGE F. SANCHEZ, 000-00-0000
 JOHN J. SAYEN, JR., 000-00-0000
 ELARIO SEVERO, 000-00-0000
 SOAMER L. SHIFFLETT, 000-00-0000
 MICHAEL A. SEIBE, 000-00-0000
 RANDOLPH P. SINNOTT, 000-00-0000
 JOHN L. SKELLEY, 000-00-0000
 MICHAEL T. SPENCER, 000-00-0000
 GEORGE M. STARK, 000-00-0000
 BENSON M. STEIN, 000-00-0000
 KURT E. STEIN, 000-00-0000
 JOHN W. STELLY, JR., 000-00-0000
 SCOTT B. STOKES, 000-00-0000
 GERALD L. STUEVEN, 000-00-0000
 LAWRENCE J. SWEENEY, 000-00-0000
 PAUL T. THLHOFFER, 000-00-0000
 SCOTT R. THOMAS, 000-00-0000
 MARK E. TOTMAN, 000-00-0000
 RODNEY F. TYLER, 000-00-0000
 FIETTER M. VELZBOER, 000-00-0000
 CRAIG L. WALKER, 000-00-0000
 CRAIG L. WALLEN, 000-00-0000
 JOHN P. WALSH, 000-00-0000
 MARY E. WALTERS, 000-00-0000
 GARY W. WATSON, 000-00-0000
 DAVID C. WILK, 000-00-0000
 DAVID T. WILKS, 000-00-0000
 WILLIAM F. WILLIAMS, III, 000-00-0000
 JOHN K. WINZELER, 000-00-0000
 ROBERT H. WITHERS, 000-00-0000
 GUY L. WOMACK, 000-00-0000
 MARC A. WORKMAN, 000-00-0000