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Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9:15 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:

Lord God of history, today as the Korean War Veterans Memorial is officially dedicated, we remember with profound gratitude the over 54,000 Americans who died, the more than 8,000 still listed as missing, and the over 100,000 who were wounded in the Korean war. May this day also be an opportunity to honor all those who served our country and the cause of freedom in this war. Never again may they feel they fought in what some have called the ''forgotten war.''

Lord, sharpen our memories so that we can realize again how crucial this war was for the liberation of the South Korean people from communism. Help us to remember that through this war there was an establishment of democracy and a dynamic industrial society. When we reflect on what might have happened to the destiny of South Korea had this battle for democracy not been fought, we enter into this day of memorial with a great sense of debt to those who paid the high price for the freedom of a people who at that time, could not defend themselves. May this day overcome the world's neglect of what these Americans endured, and at last, affirm what they achieved. Inscribe on our hearts what is inscribed on the 8-ton granite slab of this memorial in the Washington Mall:

Our Nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met.

Lord God of hosts, be with us yet, lest we forget—lest we forget. Amen.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDENT pro tempore. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms amendment No. 1854, to prohibit the use of amounts made available under this act for the promotion or encouragement of homosexuality or intravenous drug use.

Helms amendment No. 1855, to limit amounts appropriated for each of fiscal years 1996 through 2000 under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995.

Helms amendment No. 1856, to ensure that Federal employees will not be require to attend or participate in AIDS or HIV training programs.

Helms amendment No. 1857, to limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer.

Kassebaum amendment No. 1858, to prohibit the use of funds to fund AIDS programs designed to promote or encourage intravenous drug use or sexual activity.

The PRESIDENT pro tempore. Under the previous order, the able Senator from Nevada is recognized.

Mr. REID. Mr. President, under the order that has previously been entered, how much time does the Senator from Nevada have?

The PRESIDENT pro tempore. Fifteen minutes.

Mr. REID. Mr. President, my oldest child, my only daughter, married a young man from North Carolina, a fine young man, someone that our whole family has accepted. He has been great to my daughter and to the whole family. We are very proud of both of them.

We have learned that when your child marries, other people automatically come into the family. As a result of my son-in-law coming into our family, his parents came into our family as well, a wonderful couple, Melvin and Mattie.

Mr. President, we got to love and appreciate both of them, and all the time that we knew Mattie, my daughter's mother-in-law, she was very ill. She was dying of cancer, and had been suffering for a long period of time.

Finally, Mattie passed away. Melvin and Mattie had been married 40-plus years. Then, after a few years had passed, Melvin and a woman that he had known his entire life—she was a widow, he was a widower—married.

This relatively elderly couple on their honeymoon recognized that Beulah, the new wife, was ill. She did not know what was wrong, but she was very sick. And after having a significant number of medical tests, it was learned that his new wife had AIDS. It was determined she had contracted the disease from her former husband. He had had open-heart surgery and was given tainted blood. So this angelic man, Melvin, who had spent many, many years caring for his very sick wife dying of cancer, now faced another tragic situation—his new wife was dying of AIDS. You see, Mr. President, anyone that gets AIDS dies. It is a terminal disease. It is only a question of how long. Beulah suffered significantly, and recently passed away.

Mr. President, the reason I relate this story to my colleagues here in the Senate is that AIDS affects everyone. It does not affect a specific community. It does not affect a specific ethnic group. It does not affect just young men. It does not affect only young women. It has some effect on all of us. Really, Mr. President, that is what the Ryan White legislation is all about. It recognizes that AIDS is an epidemic that is sweeping the country. It recognizes that victims with AIDS need special help as a result of the disease.

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

Ryan White, the young man whose name is affixed to this legislation, had a disease called hemophilia. As we know, this is a disease where the human body is unable to stop bleeding. These young people who have this disease need large amounts of blood in the form of transfusions. Ryan White, as a boy, was given tainted blood and wound up with the AIDS virus and ultimately full-blown AIDS. He suffered tremendously, as anyone who has this disease does.

Mr. President, Ryan White lived to be 18 years of age. To add to this sad story, Ryan White also suffered significant, severe discrimination. Why? Because he had this disease—AIDS. He struggled merely to attend public schools. Eventually, he succeeded in getting a court order which allowed him into the school, but he was then ostracized by his peers. People lied about him. They claimed he spit on people and bit people. There were even accusations that he was a homosexual, with all of the connotations relating to that, and many other hateful and spiteful things that this young man had to endure.

His mother fought hard for her boy. She wanted him to have a normal childhood. Through her perseverance and her constant fighting to bring this disease to the forefront, we passed the Ryan White bill.

This CARE Act is a cornerstone of Federal funding for AIDS-specific care. There is bipartisan support, as there should be, for this reauthorization. We do not know exactly how many Americans are infected with the HIV virus. We do know it is over a million. There is not a place you can go in the United States that does not have a story to tell about AIDS.

A recent poll was taken that shows more than 70 percent of Americans believe that funding should either be increased or remain the same for AIDS-related causes. There has been some talk, Mr. President, on the Senate floor that too much money is being spent on people with AIDS. I have a number of answers to anyone who would make such a statement. First, any medical research that is done, whether it is for AIDS, cancer, diabetes, lupus, any disease you want to mention, helps us all, because it is through medical research that breakthroughs come that help us in understanding disease generally.

For example, Mr. President, the billions of dollars spent on star wars has not resulted in a defense to stop incoming missiles, however, significant scientific advancements were made as a result of doing work on that project. Laser technology has advanced a thousandfold as a result of that research. The same applies, in my estimation, to research on AIDS-related diseases. If we better understand the cause of AIDS, if we better understand and reach some conclusion as to better ways to treat AIDS, and perhaps someday cure AIDS, there would be all kinds of side effects, positive in nature, as a result of the research done on AIDS. I do not believe, Mr. President, that we are spending too much money on this disease.

The CARE Act is a model of local control, planning authority and funding decisions rest with State and local governments. The CARE Act programs provide health care and support services to more than 300,000 people with the HIV virus. The Ryan White CARE Act, enacted in 1990, has, in effect, disaster relief to help America's hardest hit cities with AIDS.

This act provides for Federal resources to States and localities to assess their needs and design effective strategies to meet them.

There are four titles to the CARE Act. Title I provides for primary care. Another title deals with a consortia of local providers, with prescription drugs, and insurance continuation. Title III provides for early intervention, and categorical grants to private and nonprofit entities already providing primary care. Title IV provides for coordinated comprehensive care for children, and families among other things.

This legislation, Mr. President, is an important step to relieve people and their immediate families and neighbors from the problems that relate to people who are suffering from HIV/AIDS. Having people with HIV involved with the CARE Act reduces further transmission of this disease.

Having said that, we save money as a result of people being treated properly that have AIDS. It also reduces inappropriate use of emergency rooms and inpatient hospitalization.

I believe that prevention is the best way to save money. With the Ryan White Act, we are spending money now in order to save money in the future. So we should not be shortsighted in our actions. The programs we have already established have reduced inpatient care costs, increased access to care for undeserved populations and improved quality of life for those infected by the epidemic.

The AIDS epidemic is getting worse. It was originally centered in large urban areas. Now it is truly national. It affects rural America.

Without funding through this act, the AIDS epidemic in some communities will simply become unmanageable.

Mr. President, Reno, NV, a relatively small community, has a real problem with treating people with this disease. Like all communities, we do not know exactly how many people have this disease, but at our early intervention clinic we have a caseload of about 275 people—again, Mr. President this is at an early intervention clinic.

The reason this clinic is important, Mr. President, and there are a number of reasons, but one reason is that it saves Nevada money. At this facility, people can come and receive advice, counsel, and treatment, therefore, avoiding unnecessary hospitalization. Through avoiding emergency visits alone, we save thousands and thousands of dollars.

The success of this early intervention clinic was so impressive that two Reno hospitals made grants of $50,000 each to the clinic in 1993 to support HIV and related direct patient care. It would save the hospital money in the long run to keep the clinics open.

Mr. President, Nevada has the 11th highest per capita reported HIV cases in the Nation. The overwhelming majority of HIV-infected Nevadans live in the Las Vegas area. Las Vegas is in region 9, which ranked fifth in the number of HIV cases. The majority of these infected individuals receive their medical care at the University Medical Center in Las Vegas. UMC spends millions of dollars each year of taxpayers' money on AIDS treatment.

The Ryan White legislation, Mr. President, will save the people of the State of Nevada money as a result of early intervention.

The Ryan White legislation, Mr. President, is something that we should all support. It is important legislation.

This disease affects almost every American. It has affected this Senator. It has affected many other people who work in these Chambers. I think it is important that we understand that when we help people who are sick, no matter what disease they have or why they have it, helping them is the right thing to do. It is the right thing from a moralistic standpoint, as well as the right thing to do from an economic standpoint. We save the taxpayers of this country money by providing appropriate and proper care. I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is my understanding under the unanimous-consent agreement, at this time I was allocated an hour to bring forth an amendment. I do not intend to bring that amendment forward.

I have been discussing this with the chairman of the subcommittee and ranking member of the committee and also with other cosponsors of this amendment, which deals with the export activity, drug, pharmaceutical, and device companies, and would address what I think is an absolutely essential need to reform our export activities so that our drug, our biological, and device companies are not put at the significant disadvantage relative to the international marketplace, and so they are not shipping abroad jobs, technology, and research which is what is occurring today.

This amendment, which would correct that problem and make our pharmaceutical, biologic, and device companies more competitive and give them the opportunity to produce goods here, sell them abroad in a reasonable manner, and to do their research here, rather than shipping them abroad, is a critical amendment.

I have received a commitment, and I am very appreciative of this from the chairman and ranking member of the committee, that this matter will be taken up at a markup in committee next Wednesday, as I understand it. That is very satisfactory to me.

I think that will give Members a chance to have a full airing at the committee level and, hopefully, bring legislation to the floor which will address this issue, which I do feel needs to be addressed in the short term rather than the long term.

With that background, I will not be offering my amendment. I yield back my time.

Mr. KENNEDY. Mr. President, I express appreciation to the Senator from New Hampshire for proceeding this way. It will permit the Human Resources Committee to have an opportunity to consider an extremely important and significant change in terms of our export policy, in terms of medical devices, and other pharmacological products.

It is a very, very important issue. At the present time, for example, we are able to export to the 21 countries that have the technological and scientific basis. If those countries have approved those particular products, we can export to those. But this would open up export to a wide range of different countries that do not have that kind of scientific basis.

We have to take note that we have Americans that will be living in those countries, that will be traveling in those countries, that will be perhaps consuming these various products. I think we want to make very, very sure that the type of product that will be exported from the United States is going to be safe and efficacious. We have seen too many instances in the past, even when products have been utilized in foreign countries and found to provide a very substantial and significant health hazard, they have still been exported to other countries and endangered the health and the well-being of children, expectant mothers, and others.

We want to be very, very sure that we are going to be part of a world system in terms of competitiveness, but also that if the products are going to be exported from the United States, that they are going to need, I think, some minimal standards either established here or established in other countries that have the scientific capability and capacity.

As I mentioned, 21 countries do have that. To even provide the degree of flexibility to the FDA, if they make a judgment that they believe other countries have that kind of expertise and they feel it is warranted and justified, to be able to export those, I think we ought to be able to consider that.

There are some very, very important public policy issues involving not only the economic issues in terms of export market, but also health issues in terms of products that are made here in the United States.

I am grateful to the Senator from New Hampshire. This will give Members an opportunity in the period of time in the next several days to see if we cannot find some common ground. There are some ideas and suggestions that we have that I think can move us very substantially toward the goal of the Senator from New Hampshire. It would do it in a somewhat different way.

I welcome the opportunities to explore those over the period of these next several days and see if we cannot have the discussion of those and consideration of those in the committee next week, and then move that whole process through in a timely way.

I appreciate the willingness to proceed in this way. I think we will get a better product and, hopefully, one that can have the broad support of the Members.

Mrs. KASSEBAUM. Mr. President, I, too, am appreciative of being able to work this out. We will put this legislation on the committee markup calendar for next week.

I am a cosponsor of the legislation that has been introduced by the Senator from New Hampshire. I know that Senator GREGG has some very strong and very constructive views on FDA reform, as many Members do. We are working toward a comprehensive approach including the specifics of the export policy. I think this is a very positive direction for Members to go.

I appreciate all parties concerned, including Senator KENNEDY and the other members of the Labor Committee, for being willing to put, this legislation on the markup calendar.

Mr. President, we are trying to confirm that all Members are notified that the vote schedule will probably be a bit earlier than we had anticipated, since the FDA amendment has been worked out. I think we are trying to arrange for 10 o'clock, but this has not yet been finalized.

Mrs. MURRAY. Mr. President, I rise today in strong support of S. 641, the Ryan White CARE Reauthorization Act of 1995. I am proud to join 63 of my colleagues from both sides of the aisle in cosponsoring this bill, and I thank our distinguished majority leader, Senator DOLE, for bringing the measure to the floor.

The AIDS epidemic is one of the most serious public health crises the world has ever faced. AIDS is now the leading cause of death of Americans between the ages of 25 to 44. Even more startling to me, AIDS is the second highest cause of death among women across our country. In addition, AIDS cases among people of color are on the rise and rural populations are witnessing sharp increases of reported AIDS cases.

We all know that AIDS has devastated the gay and hemophiliac communities. Yet, surveillance data from the Centers for Disease Control show the rates of increases in AIDS cases are highest among women, adolescents, and persons infected through heterosexual contact. In my home State of Washington, 37 of our 39 counties have reported cases of AIDS.

The National Center for Health Statistics projects that deaths due to AIDS will increase 100 percent over the next 5 years. Clearly, the epidemic is not abating.

Mr. President, I believe the Federal Government has an important role to play in combating the AIDS epidemic. But I also believe we—as parents, neighbors, and human beings—have an obligation to care for those living with HIV/AIDS. As more adolescents, our Nation's children, become infected with the AIDS virus, we must ensure they have access to adequate HIV-related treatment and services.

When I see that adolescents are one of the fastest growing populations of people with HIV/AIDS, I get particularly concerned. I am the mother of two teenagers. I know AIDS is an issue they are very worried about. I want to do all I can to assure them that as a nation we are facing up to this crisis, and that perhaps one day they can raise their kids in a world that is no longer threatened by AIDS.

One of the first trips I took as a U.S. Senator was to the pediatric AIDS ward at the National Institutes of Health. I was both heartened by the progress made by the researchers, and heartbroken by the unimaginable loss of life that is inevitable in the coming decade.

I still have vivid memories of that trip to NIH.

I remember the face of a young boy, barely in his teens, although physically he was the size of a 6-year old. His whole young life and that of his family's were consumed with trying to outwit this terrible disease. Tragically, he died a short time later, but I am determined to ensure that we do all we can and not turn our backs on our children. They are our future and they deserve better.

The Ryan White CARE Act is one of the best programs to care for people living with HIV-infection. Our constituents have told us how much they have come to rely on the services funded through the Ryan White CARE Act.

Maybe we need to reflect for a moment on what these services mean to a person living with AIDS. Because of the lifesaving resources the Ryan White Act provides, people living with HIV/AIDS have access to mental health counseling, transportation to medical appointments, companion care, and the delivery of a nutritional meal. In other words, the Ryan White CARE Act gives people with AIDS a most precious gift—a little peace of mind.

I am proud of the people who are fighting on the frontlines of this epidemic in my State. Without Ryan White funding, organizations like the Northwest AIDS Foundation and the Chicken Soup Brigade would not be able to continue their life-sustaining work.

Let me repeat that. Without funding from the Ryan White Act, people who

are too sick to leave their homes could not count on a home-delivered meal, nor would they have access to HIV-related counseling and treatment services. It seems to me that ensuring the value of dignity in someone's last days is not too much to ask for in this greatest of countries on Earth.

And, let us not forget, the Ryan White CARE Act saves us money. Ryan White-supported volunteer programs and case management programs are cost-effective alternatives to hospitalization and institutional care. Early intervention care services keep people living with HIV healthy and working far longer. And Ryan White services help prevent the spread of HIV by increasing people's awareness and understanding of the disease.

Sooner or later, every Member of this Chamber will be personally touched by the shadow of AIDS.

I already know what it feels like to have a good friend call and sadly confirm he has been diagnosed with HIV. My very good friend and former colleague in the Washington State Senate, Cal Anderson, has been living with AIDS for several months. I served with Cal before coming to this body, and I feel honored to be able to call him my friend. Cal is one of the most determined, respected, and strongest people I know. He has not let his health get in the way of his drive and commitment to serving the people of our State, and I want to let him know how much I admire his courage and his wisdom.

This is a disease that affects us all, Mr. President. Finger-pointing and moralizing have no place in this debate. The AIDS virus does not choose its victims, and it does not seek to punish them either. None of us shall tolerate the suggestion that people who get AIDS are disgusting and reprehensible. All I know is that people with AIDS are sick—and they need our help and our compassion.

Mr. President, the time to act is now. I urge all of my colleagues to support swift and final passage of the reauthorization of the Ryan White CARE Act.

Mr. KERRY. Mr. President, The Ryan White CARE Act is about people. It is about community and caring and, fundamentally, it is about our response to a public health crisis, and the fairness with which we deal with such crises. It is about community and what we stand for as a nation. It is about adequate education and the prevention of a deadly disease. It is about Government's rightful role in protecting the health of Americans. And it is about life and hope, health and caring.

It is the function of this body to debate issues on principle, and there will always be issues that will philosophically divide us, but illness and human suffering is not a wedge issue; and it should not be debated based on our fears and our anxieties. I sincerely hope that, in discussing AIDS education, prevention, and funding we do not engage in a debate about cultural differences or lifestyles, but about illness, disease, and the devastating impact of the HIV virus on our fellow citizens.

I would hope that the fight against AIDS, like the fight against cancer or heart disease would unite us, and strengthen our resolve as a community, because HIV knows no cultural bounds, and spares no gender, color, creed, or national origin. I wish that this Senate could unanimously support legislation—without divisive amendments—that addresses, a devastating disease with tragic consequences that has torn families and friends apart.

Mr. President, in this debate let us not drift too far afield from what this legislation would do. We are simply talking about outpatient medical care to those who suffer the HIV virus. We are talking about supporting services to families and individuals living with the HIV virus and AIDS. We are talking about education and prevention. We are talking about altering funding formulas to reflect the geographic and demographic reality of where the problem is and who needs the help.

We are simply talking about fairness, about doing all we can to help victims and families who have struggled with HIV. We should not divert our attention from intolerance of the suffering HIV causes to intolerance of those who suffer.

In conclusion, beyond the specifics of this important legislation, I see the Ryan White CARE Act as a test of our leadership in the U.S. Senate, and as a symbol of our commitment to the fundamental concept of community that holds us together as a diverse nation, strengthened by our differences.

I yield the floor.

Mr. DODD. Mr. President, I rise in strong support of the Ryan White Reauthorization Act of 1995. I would like to thank the chair of the Labor and Human Resources Committee, Senator KASSEBAUM, and the ranking member, Senator KENNEDY, for all the hard work that they have put into this bill.

AIDS continues to be a serious public health problem in this country. It has become the leading killer of U.S. adults between the ages of 25 to 44. Since it was first identified in the early eighties, nearly 500,000 cases of AIDS have been reported. More than 40 percent have been diagnosed in the last 2 years. Clearly, the situation is getting worse, not better. And as much as we would all like to see this crisis just go away, it will not. AIDS is rippling through every one of our States—from rural hamlets to major cities. It is a national problem that requires a national response.

The disease strikes and kills Americans in the prime of life—the most productive members of our society. The median age at time of infection is 25 years of age.

The spread of HIV and AIDS among young adults is particularly alarming. According to the Centers for Disease Control, young adults from 20 to 29 years of age account for almost 20 percent of diagnosed AIDS cases. Given the typical lengthy period between HIV-infection and diagnosis with AIDS, it is likely that these young people became infected as adolescents. And in 1993, the largest increases in reported AIDS cases occurred among young people between the ages of 13 to 19 and 20 to 24. Additionally, the number of pregnant women and children born with the disease continues to grow with the epidemic.

My State of Connecticut is hard hit by the epidemic, where the problem continues to grow. More than one-sixth of our total AIDS cases were reported in 1994 alone.

The epidemic has hit my State's poorest cities the hardest. Ninety percent of the AIDS cases in Connecticut are concentrated in the New Haven and Bridgeport metropolitan areas and in Hartford County. In Hartford, AIDS is the leading cause of death among youth. Pediatric AIDS cases are twice the national average. Female AIDS cases are also twice the national average. Hartford will receive title I funds in the coming year to help it cope with this crisis.

In New Haven, 3,355 cases had been diagnosed through December 1994, and an estimated 8,039 were infected with HIV. In Bridgeport, there are between 3,400 and 4,000 cases of HIV infection, 16 percent in the age group 15 to 24.

The Ryan White CARE Act provides vital funds to help States, cities, individuals, and families cope with the epidemic's impact. Title I of the act provides dollars to metropolitan areas disproportionately affected by the epidemic. The funds go to health care and support services to prevent hospitalization and improve the lives of individuals living with HIV infection and AIDS. Title II provides funds to States for the delivery of health care and services, the development of community-based consortia, and services such as health insurance continuation and HIV medication reimbursements. Title III B supports early intervention services on an outpatient basis. Title IV provides grants for services for women and children.

The strength of the Ryan White Program is made clear by the broad bipartisan support for the bill. It was initially passed in 1990 with the sponsorship of Senators KENNEDY and HATCH and signed into law by President Bush. It now enjoys the support of more than 60 Members from both sides of the aisle.

The services paid for under this act are desperately needed by the health care providers and institutions that work on the frontlines of this illness and by the individuals and families that live with the disease. I urge my colleagues to support this reauthorization bill.

Mr. HARKIN. Mr. President, I rise to share my strong support for S. 641, the Ryan White CARE Reauthorization Act of 1995. The AIDS emergency is far from over. In fact, it is only getting

worse. Now more than ever, we need the Ryan White CARE Act.

The Ryan White Act is a vital source of health services for people with AIDS. Often, it is the only source of help available. AIDS victims commonly suffer from discrimination and social isolation, leaving them with no one to turn to when they get sick.

Also, they often lose their health care coverage, so they must rely on public assistance for care. That is where the Ryan White Act comes in. It is there to lend a hand in times of crisis when there is nowhere else to turn to.

For those who think that AIDS is no longer a major crisis in the United States, I have a wake-up call for you: the AIDS epidemic is at its height. According to the Centers for Disease Control and Prevention, AIDS has now grown to become the No. 1 killer among American males aged 25–44. In 1992, there were approximately 48,000 new AIDS cases in the United States. Last year, that number grew to more than 80,000. We should all be alarmed.

Some would like us to believe that AIDS is a disease that affects only homosexuals and drug-users. Some people still refer to AIDS as a ''gay disease.''

But, Mr. President, that invective which we hear is also a virus. It is the virus of ignorance, the virus of indifference, the virus of intolerance spreading a dangerous message. And we have to put a stop to that virus, too.

AIDS is not a ''them'' disease. It is an ''us'' disease. Every American—regardless of color, creed, gender, or sexual orientation—is at risk for AIDS.

Recently, in some parts of the country, the rate of AIDS incidence has shown signs of leveling off in the homosexual population. Unfortunately, at the same time, the heterosexual AIDS epidemic is rising at an alarming rate. Growing numbers of women are contracting AIDS. Also, teenagers in the United States now have one of the fastest growing rates of infection.

While AIDS continues to have a disproportionate impact on urban areas, it is cropping up in our suburban and rural areas as well. Iowa has reported over 650 cases since the epidemic began. You don't have to travel far to run up against this deadly disease—it's right in our own backyard.

In Iowa, we have four Ryan White CARE consortias in operation around the State. They receive no funding from the State, nor do they get city or county funds for program costs or direct services. Without the Ryan White Act, these organizations would be unable to function, and many Iowans with AIDS would be left out in the cold.

I recently received a letter from Kirk Bragg, director of the AIDS Project of central Iowa. In his letter, he gives an excellent example of the kind of care Ryan White provides in our State. Let me share it with you:

Five months ago we received a call for help. Bob R. has AIDS and HIV-related dementia. His parents attempted to care for him at home, but could not cope with the demands of his illness and his confused mental condition. In desperation, they drove to Des Moines and left Bob at the front entrance of Broadlawns Medical Center.

Bob's parents, we found, were not bad people—they simply had reached the end of their emotional and financial rope.

A social worker from Broadlawns called our agency, and we picked Bob up and took him to our office. In less than 24 hours, we found Bob a place to live, purchased vitally needed medications, connected him with volunteer support, and provided ongoing case management that continues to help Bob avoid harmful decisions.

Today, five months later, Bob's condition has stabilized.

He has re-established his relationship with his parents, and he has the medications, care, and counseling he requires. His life is not easy, and his disease is not cured, but one more human life was pulled from the abyss.

The Ryan White CARE Act made this all possible.

In closing, Kirk had one final note to share that I would like to pass on to my colleagues. He says:

Tell the Senators who oppose this legislation that we who are working in the fields have come to believe that AIDS poses a moral question that must be answered—how our society cares for the sick and despised is, in reality, a test of our national character and our national will. If Americans truly care for each other, we care for all our people.

Kirk is right—this legislation is a test of our national will and our national character. Unfortunately, time is running out. The longer we wait on this bill, the more dangerous the situation becomes.

On September 30, the Ryan White CARE Act will expire unless we move forward with reauthorization. Also, the appropriations process is well underway in both Houses, which means that we need move quickly to ensure that the new act is firmly in place so that it gets full and fair consideration for funding.

On behalf of the thousands of Americans who suffer from AIDS and their families, I strongly urge my colleagues to support passage of S. 641.

This act is a life-line for those with AIDS. Let us act now before it is too late.

DENTAL PROVISIONS OF THE RYAN WHITE CASE

Mr. HATCH. I am pleased to see the consolidation of most all of the Federal AIDS programs under the Ryan White AIDS CARE Act, as I believe that this will enhance the coordination of the services that we provide. I am concerned, however, that S. 641 fails to include a very important education and service program—the HIV/AIDS dental program.

Mrs. KASSEBAUM. The Senator is correct.

Mr. HATCH. As the Senator knows, dental care is consistently identified as one of the unmet needs of most AIDS patents. In fact, the need for dental care has been used to illustrate the importance of reauthorizing the Ryan White CARE Act.

Mrs. KASSEBAUM. That is correct. Health officials in Kansas tell me that the dental needs of persons with HIV disease differ from those of people without chronic diseases—while many Americans visit the dentist primarily for preventive care, I understand that some patients with AIDS experience mouth lesions and pain so devastating that they see their dentist more often than their physician.

Mr. HATCH. Receiving treatment for oral diseases is often difficult for HIV/AIDS patients because many are uninsured and, in addition, most dental services are not reimbursed under Medicare and are seldom covered by Medicaid. As a result, dental schools and hospitals provide a safety net for many of these uninsured patients, but risk serious financial problems in doing so.

In fiscal year 1995, over 73,000 patients nationwide were cared for through this program; over $14 million in unreimbursed dental care was provided, for which the Federal Government reimbursed approximately 49 percent.

It is my understanding that the House Commerce Committee included this program in its Ryan White reauthorization bill, and that the House Appropriations Committee has continued funding for the program in its fiscal year 1996 bill. I do not want to hold up the progress of this bill, so I am not offering an amendment today, but I hope that we can find a way to reauthorize the AIDS dental program in the Ryan White CARE Act as it moves forward in conference with the House.

Mrs. KASSEBAUM. I certainly appreciate the comments of the distinguished Senator.

As you know, in the health professions bill which cleared the Committee on Labor and Human Resources earlier this year, we consolidated this program with others. This would allow the Secretary to determine if AIDS dental training programs are really needed. I understand the Senator from Utah's concerns, but, this is an issue which I will reexamine in the context of the health professions bill.

Mr. HATCH. Mr. President, I rise to comment on an agreement reached earlier among my colleague from New Hampshire, Senator GREGG and the distinguished floor managers for this bill, Senator KASSEBAUM and Senator KENNEDY. Senator GREGG agreed to withdraw his amendment this morning and the measure will be considered at a markup at the Labor Committee next Wednesday. I am very pleased by this outcome and wish to express my appreciation to Senator GREGG for his leadership on this issue.

The Gregg amendment closely parallels S. 593—the FDA Export Reform and Enhancement Act of 1995. The amendment allows the free export of drugs and medical devices not approved by the FDA for use in the United States to member countries of the World Trade Organization, if certain safeguards are satisfied.

Before this markup takes place, I plan to work closely with Senator GREGG and other Members to make sure we have a bill which is acceptable to the committee.

This amendment builds upon the bipartisan 1986 legislation that I sponsored to allow export of pharmaceuticals to certain specified countries. It is clear to me that this list is too rigid and outdated.

The 1986 law identifies 21 countries, but some of the countries omitted from the list may surprise my colleagues. For example, absent from the list are Israel, Greece, Brazil, and Russia. It strikes me a little ironic that in the conduct of foreign affairs we are always cautioned about meddling in the internal affairs of other countries such as Israel and Russia, but the law, the relatively pedestrian Federal Food, Drug, and Cosmetic Act, in effect deems these nations as incapable of managing their own affairs.

As Dr. Michael King, vice president for science and technology at Merck, said at the recent Aging Subcommittee hearing on my bill:

* * * the drug export laws have tilted the playing field against locating manufacturing jobs in the Untied States.

At the July 13 hearing, medical device manufacturers took the same view. Mr. Arthur Collins, chief operating officer of Medtronic, the world's largest manufacturer of medical devices, headquartered in Minneapolis, said:

* * * every week that the current policy continues to be implemented, more American jobs are lost through the relocation of manufacturing overseas and the loss of market share to foreign competitors. The jobs being lost are technologically oriented, and in addition to being highly paid, they represent high levels of skills and education that will produce further innovation in the future. Action must be taken quickly to stem this decline.

I plan to continue to work hard on this legislation since it means jobs for Americans and can help us maintain our leadership in medical technology. This will result in improvement to the public health both here in America and abroad. This is good legislation and I believe that we can and should work together to address any legitimate concerns that are raised and adopt this measure.

On one final point, I knew that there are some in this body who have concerns about the possibility of this legislation resulting in dumping of unsafe products in the Third World and about the potential for less than scrupulous behavior under the bill.

I commend my colleagues' attention to the comments provided to the Labor and Human Resources Committee by the Massachusetts biotech company Genetics Institute, Inc., official, Dr. John Petricciani. I should note that before joining the private sector, Dr. Petricciani spent over 20 years as a commissioned officer in the United States Public Health Service. He was Director of the FDA Center for Biologics and also was head of the World Health Organization's biologicals unit for several years. He completed his career within the Public Health Service as the Deputy Director of the National AIDS Program Office.

Permit me to read a few excerpts from Dr. Petricciani's comments:

The real issue here is one of benefit and risk. Do the benefits to foreign countries in the current law outweigh the risks imposed on the U.S. in terms of draining jobs and capital investment in research, development, and manufacturing? As has been pointed out by others, one of the results of that drain is the earlier availability of products in Europe and elsewhere than in the U.S. If we were discussing electronics or automobiles, I would not be as concerned because the American people are not being placed at a meaningful disadvantage by such delays.

However, the issue here is medical products that can make a very big difference in the health of the American people. The current law is resulting in new products being introduced first in foreign countries, where U.S. firms are forced to manufacture them. I believe that we are paying far too high a price in terms of delayed availability of new products in the U.S. for the theoretical benefit being provided to developing countries.

I would also like to point out that if a U.S. company really wanted to export a product that would be unacceptable in the U.S., all they would have to do is manufacture it outside the U.S. and export it to a developing country.

I think that Dr. Petricciani says it very well. This legislation is sound trade policy and is consistent with the public health. So while I recognize the concerns of those who might criticize this legislation, I hope that they will consider this perspective before they decide their position on this bill.

Mr. D'AMATO. Mr. President, I rise to support the swift approval of S. 641, the Ryan White CARE Act reauthorization.

The Ryan White program is a key element of the safety net for persons with HIV-AIDS—funding critical medical care, support services, and prescription drug assistance to prolong and improve the lives of those living with this disease.

This program is particularly important to New York, which, unfortunately, continues to be the epicenter of this deadly epidemic. Of the 442,000 AIDS cases reported to the U.S. Centers for Disease Control as of December 1994, 83,000—or almost 19 percent—occurred in New York State, and 72,000—about 16 percent—occurred in the New York City metropolitan area. In New York City alone, an estimated 200,000 individuals are thought to be infected with HIV. Tragically, since 1988, AIDS has been and continues to be the leading cause of death for men and women aged 25–34.

Ryan White has provided critical support to help mitigate the horrible impact of this epidemic in my State. The following are just a few of the positive effects resulting from the first 3 years of Ryan White funding in New York State, according to an analysis by the New York State AIDS Institute:

First, the proportion of hospital admissions for patients in early stages of HIV disease were significantly reduced compared to control hospitals not receiving Ryan White funds. On average the proportion of early stage patients at Ryan White funded sites was 24 percent lower than at control sites at hospitals with primary care funded by Ryan White.

Second, as a result of reduced utilization of inpatient services at the 19 hospitals funded by Ryan White to provide primary care, estimated gross savings were achieved in excess of $25 million a year.

Finally, it has been estimated that without CARE Act-funded programs, HIV-related Medicaid expenditures in New York would have been 71 percent higher. This represents a cost-savings of over $300 million. According to New York's AIDS Institute, the CARE Act-funded reimbursement pools for primary care and home care saved approximately $3 for every $1 invested.

It is critical to remember that, by helping people with HIV to remain healthy and productive for as long as possible, the Ryan White CARE Act is helping us save both lives and money.

The Ryan White CARE Act has proven effective in meeting the needs of States and communities affected by the HIV epidemic, and it deserves to be reauthorized without delay.

Mr. HATFIELD. Mr. President, since its original passage in 1990, I have been a strong supporter of the Ryan White CARE Act. In the early 1980's as we saw the rapid spread of AIDS throughout our Nation, it became apparent that HIV and AIDS treatment and care services were lacking. This bill has made a significant difference in building an infrastructure of critical care services for those suffering from this horrible disease.

We all know the chilling facts—AIDS is now the leading cause of death of young Americans ages 25 to 44. The prevalence of the disease among women is rising dramatically. In my own State of Oregon, we have seen more than 2,900 AIDS cases since 1981. Nearly 1,000 of these cases were reported in 1993 and 1994. In addition, there are currently an estimated 6,000 to 10,000 Oregonians infected with HIV. We can now say that nearly every Oregon county is affected.

As chairman of the Appropriations Committee in the early 1980's, I was able to play a role in providing the first Federal AIDS funding. We were able to take these first steps in the absence of an AIDS authorization bill until the 100th Congress, when the first authorization bill was passed. Despite the dim fiscal realities we face this year in the Appropriations Committee, I remain committed to assuring that funding for health care programs and medical research, including the important HIV and AIDS programs authorized under this bill, are funded to the greatest extent possible.

Mrs. KASSEBAUM. 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.

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

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

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senator from Florida, Senator MACK, be added as an original cosponsor of amendment numbered 1859 to S. 641, and that he also be added as a cosponsor to S. 641, the Ryan White CARE Act.

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

Mrs. KASSEBAUM. 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. COATS. 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. COATS. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for 5 minutes.

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

The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of S. 1079 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COATS. I yield the floor.

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

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

Mr. JEFFORDS. Mr. President, I will be very brief because I know we are about ready to vote. I did not want to let this time go by without expressing my strong support for the Ryan White Act, and I am proud to be an original cosponsor.

As many of my colleagues have already pointed out, we need to pass this bill as written with an authorization for adequate funding. The statistics are clear. AIDS has become one of the most difficult and complicated public health threats in recent memory. The incidence of AIDS and the need for the Ryan White CARE, far from abating, are increasing. Some today have asked: Why AIDS? Why the Ryan White CARE Act? What is so important about this program?

Well, it has already been said but it bears repeating, that AIDS is now the leading killer of men and women ages 25 to 44. This virus is challenging our health care system in ways it has not been challenged before as it moves through the population with terrifying speed and deadliness.

It is estimated that over 1 million Americans are currently infected with HIV. A quarter of a million Americans have already died from this disease. Far from going away, this virus is spreading through geographic and demographic regions that we might previously have considered unaffected.

When the Ryan White CARE Act was first passed with wide bipartisan support 5 years ago, we clearly recognized the need for addressing this emerging epidemic through a national health program. This bill is not about homosexuality. This bill is not about abstinence. This bill is about judgment. This bill is about providing health care to people who are suffering from a disease.

We designed the CARE Act to do equally two important things: to provide help and health services to those already living with AIDS, as well as to take the pressure off our critical care units and emergency rooms by utilizing early intervention techniques with AIDS and HIV patients. It is cost effective. The Ryan White CARE Act funds community-based organizations to provide needed outpatient care at the local level in the most cost-effective and efficient ways possible for the populations that need help the most.

One study even indicated that a person receiving outpatient managed care spends 8 fewer days in a hospital than a person not receiving such care. This would indicate a cost savings of over $22,000 per person.

I think it is important to outline what these funds do and do not do. Dollars from the CARE Act go to increasing the availability of critical outpatient primary care services, providing support services and improving the quality of life of those living with HIV. In Vermont the CARE Act money is primarily used to provide pharmaceuticals to people with HIV and AIDS who need drugs but cannot afford them.

Successful outpatient care keeps people out of the hospital, improving their quality of life, while saving the system money. When early interventions and primary care are used successfully, the health care system saves untold dollars in unused emergency health care services. From a purely fiscal perspective, we cannot afford not to fund these programs.

The funding these community based organizations receive goes to care and services. It does not go to advertisements in the Washington Blade. It does not go to brochures about prevention. The dollars that we authorize in this bill help sick people, people from all walks of life, all demographic groups, to get the health care and other services that they need to live with this deadly disease.

During our committee consideration it became clear that the AIDS epidemic is spreading. It is no longer confined to certain populations or certain geographic locations, but is now clearly affecting rural as well as urban areas, women and children as well as men.

Any of us who previously felt confident and untouched by HIV because AIDS affected other people must now reexamine those assumptions. Soon we will all have friends whose lives have been touched by this disease. I had the honor of hosting one of my friends, David Curtis, at a Labor Committee hearing on this bill.

David Curtis and I have known each other for over 30 years. David is a lawyer, around my age, in fact we clerked together. He's from a similar background to my own, and I would venture to guess, similar to that of many of my colleagues. David Curtis has AIDS.

As a person living with AIDS he told our committee of the debilitation of this disease, how he can no longer drive over half an hour without stopping to rest, how he has been forced to sharply curtail his practice of law. As former chair of the largest AIDS service organization in Vermont he also told of the difficulties of providing services to people who live tens and sometimes hundreds of miles apart and how CARE Act funding helps make it possible for people to get access to health care, services, counseling, and pharmaceuticals that otherwise would not be available.

The Ryan White CARE Act helps people like David, people living with HIV and AIDS, not only in Vermont, but all over the country, to get the help they need. The face of AIDS is changing, it is affecting the people I know and the people we all know. We must all remember during this debate that the disease could easily affect us or someone we care about.

If we and our loved ones are affected, I know we will want adequate resources to be available to help with prescription drugs, health care, and support services. The Ryan White CARE Act is an assurance that help will be available. So for my friend, David Curtis and the millions of other Americans affected by HIV, I hope my colleagues will join me in supporting the Ryan White CARE Act as reported out of the Labor Committee.

Mr. President, I yield the floor.

Mrs. KASSEBAUM. Mr. President, I appreciate the statement and the cosponsorship of the Ryan White CARE Act. Senator JEFFORDS, a member of the Labor and Human Resources Committee, has been a thoughtful contributor to the Committe in crafting this legislation.

AMENDMENT NO. 1860

(Purpose: To limit amounts expended for AIDS or HIV activities from exceeding amounts expended for cancer)

Mrs. KASSEBAUM. Mr. President, I ask that amendment No. 1860 be called up, and I ask for the yeas and nays for that amendment as well as amendment No. 1858 in the proper ordering of the listing of amendments.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1860.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further 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 new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

Mrs. KASSEBAUM. I ask for the yeas and nays on both amendment No. 1860 and amendment No. 1858 when they fall in the proper order of our voting this morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. KASSEBAUM. Mr. President, it is my understanding that we are prepared to begin the voting on the amendments. And as was agreed to last night in the consent agreement, we will take them in the order as we listed them last night. The first will be an amendment of Senator HELMS, No. 1854. This amendment prohibits the use of funds under the act for the direct or indirect promotion of homosexuality or intravenous drug use. The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator is correct.

VOTE ON AMENDMENT NO. 1854

The PRESIDING OFFICER. The question is now on agreeing to the amendment No. 1854 to S. 641.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—54

Abraham	Dole	Hollings
Ashcroft	Domenici	Hutchison
Baucus	Dorgan	Inhofe
Bond	Exon	Johnston
Breaux	Faircloth	Kempthorne
Brown	Ford	Kyl
Bumpers	Frist	Lott
Burns	Glenn	Lugar
Byrd	Gramm	Mack
Coats	Grams	McCain
Cochran	Grassley	McConnell
Conrad	Gregg	Murkowski
Coverdell	Hatch	Nickles
Craig	Heflin	Pressler
DeWine	Helms	Pryor
Rockefeller	Shelby	Thompson
Roth	Smith	Thurmond
Santorum	Stevens	Warner

NAYS—45

Akaka	Graham	Moseley-Braun
Biden	Harkin	Moynihan
Bingaman	Hatfield	Murray
Boxer	Inouye	Nunn
Bradley	Jeffords	Packwood
Bryan	Kassebaum	Pell
Campbell	Kennedy	Reid
Chafee	Kerrey	Robb
Cohen	Kerry	Sarbanes
D'Amato	Kohl	Simon
Daschle	Lautenberg	Simpson
Dodd	Leahy	Snowe
Feingold	Levin	Specter
Feinstein	Lieberman	Thomas
Gorton	Mikulski	Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1854) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that all remaining votes in the voting sequence be limited to 10 minutes in length.

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

VOTE ON AMENDMENT NO. 1855

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1855. 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] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—32

Ashcroft	Grams	McConnell
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Shelby
Craig	Inhofe	Simpson
Dole	Kempthorne	Smith
Faircloth	Kyl	Thomas
Frist	Lott	Thompson
Gramm	McCain	

NAYS—67

Abraham	Dorgan	Leahy
Akaka	Exon	Levin
Baucus	Feingold	Lieberman
Biden	Feinstein	Lugar
Bingaman	Ford	Mack
Boxer	Glenn	Mikulski
Bradley	Gorton	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murkowski
Bumpers	Hatch	Murray
Byrd	Hatfield	Nunn
Campbell	Heflin	Packwood
Chafee	Inouye	Pell
Cohen	Jeffords	Pryor
Conrad	Johnston	Reid
Coverdell	Kassebaum	Robb
D'Amato	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
DeWine	Kerry	Simon
Dodd	Kohl	Snowe
Domenici	Lautenberg	Specter
Stevens	Thurmond	Warner

NOT VOTING—1

Bennett

So the amendment (No. 1855) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1856

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1856. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—99

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Chafee	Hutchison	Robb
Coats	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
D'Amato	Kennedy	Simpson
Daschle	Kerrey	Smith
DeWine	Kerry	Snowe
Dodd	Kohl	Specter
Dole	Kyl	Stevens
Domenici	Lautenberg	Thomas
Dorgan	Leahy	Thompson
Exon	Levin	Thurmond
Faircloth	Lieberman	Warner
Feingold	Lott	Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1856) was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The distinguished minority leader is recognized.

COMMENDING SENATOR ROBERT C. BYRD FOR CASTING 14,000 VOTES

Mr. DASCHLE. Mr. President, it is with great pleasure and respect that I announce that Senator ROBERT C. BYRD has now become the first U.S. Senator in history to cast 14,000 votes.

[Applause, Senators rising.]

Mr. DASCHLE. Mr. President, I know I speak for all Senators in congratulating him on this unprecedented accomplishment. I note that this is only his latest in a most distinguished career. Senator BYRD's remarkable voting

record began on January 8, 1959, when he cast his very first vote in the Senate. Fittingly, it was a vote on Senate procedure.

During his next 13,999 votes, he has served as the secretary of the Senate Democratic Conference, the Senate majority whip, the Senate majority leader, the Senate minority leader, and President pro tempore. This record of Senate service means that Senator BYRD has held more leadership positions in the Senate than any other Senator in history.

He has cast more votes than any other Senator. It was on April 27, 1990, that he cast his 12,134th Senate vote to surpass Senator William Proxmire. Recognizing that monumental vote, the current majority leader, Senator DOLE, remarked that:

When another person writes the history of the Senate, they will look back on this era and they will note the significance of this giant in the Senate, Robert C. Byrd.

Indeed, they will, Mr. President, because this Senate giant from West Virginia has been an active participant in so much of our Nation's history. He has served in the Senate under nine Presidents, through assassinations and resignations. He has been an integral part of the high drama and history of the second half of the 20th century, including the cold war, the civil rights movement, Vietnam, Watergate, Iran-contra, and the collapse of the Soviet Union.

Today, we pause to recognize this extraordinary leader for the milestones in his legislative career, and they are many.

They include being one of only three U.S. Senators in American history to be elected to seven 6-year terms; being the first sitting Member of either House of Congress to begin and complete the study of law and obtain a law degree while serving in Congress; being the first person to carry every county in the State of West Virginia, 55 of them, in a contested Statewide general election; being the only person in the history of West Virginia to serve in both chambers of the State legislature and both Houses of the U.S. Congress; obtaining the greatest number, the greatest percentage, and the greatest margin of votes cast in Statewide contested elections in his State; being the first U.S. Senator in West Virginia to win a Senate seat without opposition in a general election; and serving longer in the Senate than anyone else in West Virginia history.

He wrote his incomparable four-volume history of the Senate, an award-winning study that has brought our understanding of the history and workings of this subtle and complex institution to new heights.

This is quite a record for a poor boy from the hills of West Virginia, who was raised by foster parents in a coal company house and who had to walk 3 miles to catch a bus in order to attend school, who rose from collecting scraps for hogs to become a gas station attendant, a produce salesman, a meat cutter, a welder, and a grocery store owner.

Mr. President, Senator BYRD will cast more votes, we hope he will write more books, and we know he will help make more history, but to me his greatest feat will always be the dignity he has brought to this institution every day the Senate is in session and the way he has served and the way he shares his reverence for this institution with all of his colleagues. I am pleased and very proud to be one of them.

So today, Mr. President, we congratulate Senator BYRD not only for today's historic vote but for his remarkable career of which today's feat is symbolic.

I should also note that in a few months our esteemed colleague on the other side of the aisle, Senator STROM THURMOND, who is only a few votes behind Senator BYRD, will also reach this particular milestone, and I look forward to recognizing his achievement as well.

Today, however, is Senator BYRD's day and the Senate Democrats and Senate Republicans alike join together in honoring and celebrating Senator BYRD's historic feat, becoming the first U.S. Senator in history to cast 14,000 votes.

So I send a resolution to the desk on behalf of Senator DOLE, Senator ROCKEFELLER, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 157) commending Senator Robert Byrd for casting 14,000 votes:

Whereas the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

Mr. DOLE. Mr. President, I will not oppose the resolution.

I would like to say just a word because I think in addition to casting the most votes, 14,000, he remembers each vote. With his extraordinary memory, there is no doubt in my mind he can go back and tell you what the 30th vote was and the 3,000th vote and probably the day it happened and what we were doing at the time.

As has also been pointed out, during his 36 years in the Senate he has held more titles and more leadership positions than any other Senator in history. And also he has his role, as Senator DASCHLE alluded, of historian. And no one knows more. In fact, I tell stories as I go around that with what Senator BYRD knows about this place and all he knows about Roman history, I have tried to get C-SPAN to get me college credits if I carefully listened to him on Roman history. But that is the truth, and he has written the volumes of books, and he understands it.

His third role is as champion of the interests of the people of West Virginia. When there were rumors last year that our former colleague, George Mitchell, might become commissioner of baseball, I speculated that if Senator BYRD would become commissioner, all the teams would have been moved to West Virginia.

Now, that may or may not have happened, but behind that joke is the fact that Senator BYRD works 24 hours a day, 7 days a week, 365 days a year helping the people of West Virginia.

Finally, amidst all of his duties and responsibilities, Senator BYRD also fills the role of friend. And I have noticed my colleagues on both sides will go up and sit next to Senator BYRD during a vote or after a vote and talk to Senator BYRD about parliamentary procedure. Although we come from different parties and we have had different views on some issues from time to time, Senator BYRD has always remained my friend and I think of every Senator on each side of the aisle. I know we all feel the same way.

The final chapter on Senator BYRD will not be written for a long, long time. I have no doubt that as a leader, historian, a champion of his State and a friend, Senator BYRD has set standards that will always be remembered.

The PRESIDING OFFICER. The junior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, when I think of my senior colleague from West Virginia, there are really two qualities that come to mind. One is his constancy of purpose and secondly is his devotion to the people of West Virginia.

I have always felt that if a person in public life follows his moral compass, he or she will do what is, in fact, right. Senator BYRD knows instinctively what is right for the people of West Virginia as well as for the people of our country.

And for my colleagues who have not had the pleasure of being in West Virginia when Senator BYRD is there, either campaigning for office or just simply talking with his constituents, it is a truly remarkable experience to watch him communicate with them. It is a bond that I have never seen before between any person and a group of people. He reminisces, he talks about the future. Yes, he talks about Roman history. But what he does is he brings people to him and makes them important as if they count in a State where every day is a fight for survival and makes

them feel that in him they have a champion who will never let them down.

On that I will close, because he never will let them down. There is nothing that he will not do to help the people of West Virginia while staying constant to his responsibilities to the people of the United States of America. I am extremely proud to be his junior colleague.

It is interesting that he noted this one time, I think not to me but to a newspaper, that I have never referred to Senator BYRD as ''BOB'' or ''ROBERT.'' I have only referred to him in the 10 years we have served together, and before that when I was Governor, as ''Senator BYRD,'' or ''Senator.'' And quite often, ''sir.'' And I have found that that has served me well. But more importantly, I have found that that came very naturally. It is simply an intuitive feeling of respect on my part for what, as Senator DOLE said, a poor boy from West Virginia can do to help so many.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I know that my staff has been keeping up with my votes because I was surprised today when Senator DASCHLE and Senator BOXER and others came up and congratulated me. I wondered what for. For 11 years now I have not missed a vote. My voting record is 98.7 percent for the 36½ years I have been in the Senate. That does not count the votes I cast when I was in the House.

Senator DOLE made reference to my recollection of votes. I recall two votes that I would change if I could vote them over. One was the vote on the 1964 Civil Rights Act. I voted against that act. I felt at the time that it was unconstitutional. I stood in the Senate following my receipt of a law degree, cum laude, at American University, and based my opposition on the Constitution. And there were such men in the Senate as Sam Ervin, and Richard Russell, Lister Hill, Allen Ellender, John McClellan, Norris Cotton, George Aiken, Everett Dirksen. These were, in my judgment, giants. And they were constitutional scholars. But I since have regretted that vote.

I also have since regretted my vote to deregulate the airlines because of what has happened subsequently by way of airline service to West Virginia. It deteriorated. And it is very costly to travel back and forth to West Virginia by airline. I cannot now remember any other votes that I regret. But we all cast votes that we may regret sooner or later.

I am very grateful, Mr. President, for the comments that have been made here by our majority leader, by our minority leader, and by my colleague from West Virginia with whom I am proud to serve. He serves with grace. He always treats me with great courtesy and deference. I never called Richard Russell ''Richard.'' I never called him ''Dick.'' I always spoke to him—he was the only Senator I always spoke to him as ''Senator.''

I am not decrying the fact that most Senators call me ''ROBERT'' or ''BOB.'' But my West Virginia colleague's reference in regard to the way he addresses me recalls my feeling that way about Senator Russell. Senator Russell was a great Senator. He had only married once, and that was to the Senate. And he was a scholarly man. He had good judgment. At least I always thought so. He understood the rules and the precedents. And I admired him for that. And I learned in watching Senator Russell that if one knows the rules and the precedents, there are times when he can hold the Senate in his hand—in his hand.

Few Senators bother to study them. I will not speak further on that. But we ought to all know more about the rules and we ought all to defend the rules as we should defend the Constitution. I shall not belabor these remarks.

I am grateful to serve in the U.S. Senate. I think of Majorian, that prince who was made emperor of the west in 457 A.D. who said upon being made emperor, ''I still glory in the name of Senator.'' To me, the office of U.S. Senator is the highest office that the American people can give. Senators may convict a President or any officer or a Supreme Court Justice, if impeached by the House. The President cannot take away the seat of any Senator. Presidents come and go. We have had great ones and we have had some that were not so great. And the same can be said of Senators. But Senators stay if they give their best.

I have thought about Senator Russell's reference to Robert E. Lee when he quoted Lee as saying, ''Duty is the sublimest word in the English language.'' That has been my credo. I have never sought to be loved by my colleagues. I have only sought to do my duty and to do it as I see it. I know I am often wrong. I realize at times that I misspeak. I say things in reference to other Senators that I afterwards wish I had said differently.

I said something to Senator DOLE a while back I wish I had said a bit differently. But once the word is spoken, it cannot be retrieved.

Let me close by stating that I wish we had a greater demonstration of civility in the Senate. It has lost its old civility. I am sorry that it has become more politically partisan. We are all politically partisan. I am, but we have become too politically partisan in this Senate, and it grieves me to see this. It grieves me to see the growing disorder in this Senate, and I often say to other Senators, ''It wasn't that way when I came here.''

We ought to be a little more civil and remember that each has his own viewpoint and that there is something—actually there are many things—that are above political party. Political party is important to me. It has been now for 50 years next year, but it is not the most important thing. There are many things more important than political party, and Washington warned us against factions and parties. I do not ask anyone to pattern after me, but there are a good many things I place above party, and the United States Senate is one of them.

I close by thanking all of my colleagues and for asking them to overlook my idiosyncrasies and my sharp words at times when I use them. I often ask God to make me more considerate of others. There are times when I regret that I speak too hastily, but we are all human.

So let me just close by thanking my colleagues for their service every day to their people, for all Americans. We love our country. I love the Senate. I shall remember, in closing, what William Ewart Gladstone, who was Prime Minister of Great Britain four times, said about the United States Senate. He referred to the Senate as ''that remarkable body, the most remarkable of all the inventions of modern politics.''

I hope and pray that these few words today will cause me to look at myself a little closer and will cause every one of us to look at the Senate with greater pride. There have only been 1,826 Senators, and you are one of them, and you are one of them, and you are one of them, and you are one of them. What a chosen group! The American people, over these years since 1789, have chosen 1,826 men and women, or they have been appointed, and each of you is one of those 1,826. That ought to be a source of pride.

I am not running for justice of the peace. I am not running for sheriff. I am not running for Governor. I am not running for President. All of these are important offices. But as Majorian said, ''I still glory in the name of Senator.''

[Applause.]

Mr. WARNER. Mr. President, I wish to join other colleagues in the historic, well-deserved recognition of Senator BYRD of West Virginia. The leadership covered in precise detail his extraordinary record of achievements as a leader of the body.

I can add only one view which is widely shared. That is, Mr. BYRD is truly recognized as a gentleman in the finest Senate tradition.

Further, I shall always view him as a family man, everlastingly grateful to the support given through all these years by his wife, Irma. His career was a family partnership.

I look forward to many more years of service together.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

So the resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 157

Whereas the Honorable Robert C. Byrd has served with distinction and commitment as a

U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Senators are welcome to cosponsor the resolution throughout the day.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1854

Mr. LEVIN. Mr. President, I voted against the Helms amendment.

I am, of course, concerned about and opposed to use of funds authorized to be appropriated under this bill to promote any sexual activity, whether homosexual or heterosexual. I will support the proposal of the manager of the bill, the chairman of the Labor and Human Resources Committee, Senator NANCY KASSEBAUM which will have the effect of prohibiting the use of Federal funds for any such activity.

The amendment offered by Senator KASSEBAUM more accurately addresses the need to make clear the Senate's opposition to the use of Federal funds to promote sexual activity—heterosexual or homosexual—without endangering the purposes of the legislation.

The amendment I support and I expect will pass simply states:

None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

AMENDMENT NO. 1857

The PRESIDING OFFICER. Under the previous order, the Senate now resumes consideration of amendment No. 1857, offered by the Senator from North Carolina, on which there is 10 minutes designated for debate equally divided. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Parliamentary inquiry, we are on amendment No. 1857; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. KASSEBAUM. Mr. President, this is a funding equity measure. If I may comment for a moment as one who opposes this amendment. What it would do would be to prohibit discretionary spending for AIDS and HIV activities in excess of discretionary spending for cancer activities.

Mr. President, I yield to the Democratic leader.

Mr. DASCHLE. 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.

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

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

Mrs. KASSEBAUM. Mr. President, if I may just say this. I believe we have 10 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

The Senate will please come to order.

Mrs. KASSEBAUM. It is my understanding that there are 10 minutes, equally divided, under the agreement.

I suggest that amendment No. 1857 would prohibit discretionary spending for AIDS and HIV activities in excess of discretionary spending for cancer activities. No one would deny the importance of moneys for cancer activities. However, I will be offering an alternative amendment, No. 1860, in the sequence later.

I oppose amendment No. 1857 that is being offered, because it compares only discretionary spending amounts and does not take into account entitlement spending under programs, such as Medicare and Medicaid. The inclusion of entitlement spending dramatically shifts the equation. Relatively few AIDS and HIV activities are financed through entitlement programs, while substantial entitlement spending is directed toward cancer. I think this is an important difference and one that I would hope everyone will take into consideration.

I will yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I thought that we had an understanding that we would just go to a vote. How much time do I have?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes.

Mr. HELMS. Mr. President, I hope Senators will look at this amendment very carefully. The pending amendment would ensure that any and all Federal funds authorized and appropriated for HIV/AIDS would not exceed that which is appropriated for cancer. These are not my figures. These came from the Congressional Research Service report to the Congress dated March 9, 1995. Copies of this will be on the table for any Senator who wants to study it.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks eighth in the number of deaths caused. It is of interest, Mr. President, that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding for any other disease—heart disease or cancer.

Heart disease, which kills more than 720,000 Americans each year, receives $805 million in Federal funds. Cancer, which kills 515,000 Americans, receives $2.3 billion. Mr. President, more people are dying from heart disease, cancer, stroke, lung disease, accidents, pneumonia, and diabetes than die from AIDS. Yet, AIDS receives more of the taxpayers' money.

Something is amiss and needs to be corrected. This amendment will do it.

Today, on the average, the Federal Government spends about $91,000 per AIDS death, and only about $5,000 per cancer death. So, in a nutshell, the pending amendment will bring a measure of equity and fairness to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS receives more Federal funding, it is time that Congress establishes some new, equitable, and fair priorities.

That concludes my remarks. If I have any more time remaining, I yield it back.

Mrs. KASSEBAUM. Mr. President, I would just like to say that we must take into account both discretionary and mandatory spending. When you do that, HIV/AIDS receives $5.4 billion, cancer receives $15 billion, and heart disease receives $34 billion.

I believe it is very important for us to take into consideration both the discretionary and the mandatory spending. I think that when we assess total Federal spending, it gives a more accurate picture. The funds for support services, for patients with cancer and heart disease come largely through mandatory spending. This fact is not represented by the chart shown by the Senator from North Carolina.

I yield whatever time is left to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the membership will pay attention to what the Senator from Kansas has stated. Basically, when you compare apples and apples and oranges and oranges, you have that kind of result, where you have substantial additional spending in the areas of cancer and heart disease.

The Senator from North Carolina has taken a very selected area in terms of the spending and tried to use that as the comparison. I think that all of us understand that we should not be trying to rob one particular kind of research or treatment. All of us are interested in the treatment of cancer and HIV. The proposal we have before us, I believe, deals with that.

Mr. HELMS. Mr. President, I reclaim my time to defend my position.

The PRESIDING OFFICER. The Senator has that right.

Mr. HELMS. The Senator referred to apples and apples. But he is talking about apples and oranges. The administration's numbers prove the disparity. They knock down the argument that the distinguished Senator from Kansas offered and that the distinguished Senator from Massachusetts supports.

Even using their skewed approach which combines discretionary and mandatory spending, the numbers prove there is still a disparity. Heart disease receives $38 billion in Federal funds. The number of people suffering from heart ailments is 20 million. The funds per patient—Federal funds, mind you—are $1,900. That is per heart patient.

Cancer is $17.5 billion of Federal funds. The number of people who have cancer in America is 8 million. The funds per cancer patient is $2,187.

Look at HIV/AIDS, if you want to talk about fairness: $7 billion. The number of people who have it is 1.4 million. And the Federal funds per patient is $5,000. If you want fairness, the $5,000 is not it.

Mr. President, this amendment will insure any and all Federal funds authorized and appropriated for HIV/AIDS will not exceed Federal funds authorized and appropriated for cancer.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks ninth in the number of deaths caused. It is of interest, Mr. President, that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding with any other disease. Heart disease, which kills more than 720,000 Americans each year, receives $805 million in Federal funds. Cancer, which kills 515,000 Americans, receives $2.3 billion.

Mr. President, more people are dying from heart disease, cancer, stroke, lung disease, accidents, pneumonia, diabetes, and suicide than die from AIDS; yet AIDS receives more of the American taxpayers' money. Something is amiss and needs to be corrected.

Today, on average, the Federal Government spends about $91,000 on every person who dies of AIDS, and only about $5,000 on every person who dies of cancer. I suggest most Americans agree that this discrepancy is simply neither fair nor equitable.

Mr. President, in a nutshell, the pending amendment will being a measure of equity to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS receives more Federal funding, it is time that Congress established some new equitable priorities.

Mr. President, I ask unanimous consent that a letter to me by the President of the Family Research Council be printed in the RECORD.

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

FAMILY RESEARCH COUNCIL,
Washington, DC, July 27, 1995.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: On behalf of the 250,000 families which are presented by the Family Research Council, I commend your efforts to reform the Ryan White Care Act [S. 641].

I am proud to endorse your amendments and encourage the rest of the Senate to join you in redirecting federal AIDS spending toward more effective approaches.

One of the biggest problems with the Ryan White Act is its lack of accountability. Under the Health Resources Administration, 146 large grants are disbursed to state and local programs and further divided up into countless subgrants. Unlike most federal funds which are accounted for, these subgrants use the money without reporting where or to whom the money has been allocated.

In addition to a lack of financial accountability, millions of dollars for AIDS victims is being spent to normalize and promote the homosexual lifestyle. Many of these efforts are being directed toward school children. The Gay Men's Health Crisis, a recipient of Ryan White funds, produced graphically illustrated brochures which were given to students in New York City. The brochures are replete with shocking vulgarity and urge kids to wear condoms and latex gloves while engaging in perverse sexual activity. They recommend singular and group masturbation.

Congress should reconsider AIDS education which now emphasizes condoms and has been shown in countless studies to be ineffective. Programs seeking funding renewal should be required to show evidence that they have reduced HIV transmission. Current formulas for funding should be reexamined. For example, money ought to go where it is needed most, which is, increasingly, to under-served minority communities.

Congress should take advantage of this opportunity to examine the allocations of federal AIDS dollars. Instead of bowing to the demands of homosexual activists, Congress should reexamine the use of Ryan White funds and take steps to overhaul AIDS spending.

AIDS is a tragedy that has been politicized for too long. The American people, as well as the victims of this terrible disease, deserve better.

Thank you for your hard work and your commitment to making individual responsibility the touchstone of public policy.

Sincerely,

GARY L. BAUER,
President.

Mr. HELMS. I reserve the balance of my time in case there is more argument, because I can go on and on about this.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. I yield back any remaining time I may have.

Mr. HELMS. Mr. President, I wish to reiterate that in case any Senator wants to examine the arithmetic, here it is. I will say again that the administration's figures prove the disparity that I have been talking about.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment, No. 1857, offered by the Senator from North Carolina.

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] is necessarily absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—15

Bond	Hollings	Nickles
Cochran	Inhofe	Shelby
Faircloth	Kyl	Smith
Grams	Lott	Thomas
Helms	McConnell	Thurmond

NAYS—84

Abraham	Exon	Lieberman
Akaka	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Ford	McCain
Biden	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Bradley	Graham	Murkowski
Breaux	Gramm	Murray
Brown	Grassley	Nunn
Bryan	Gregg	Packwood
Bumpers	Harkin	Pell
Burns	Hatch	Pressler
Byrd	Hatfield	Pryor
Campbell	Heflin	Reid
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cohen	Jeffords	Roth
Conrad	Johnston	Santorum
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Simon
D'Amato	Kennedy	Simpson
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Lautenberg	Thompson
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1857) was rejected.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I suggest there are three more votes that we will have. There will be two amendments that I will offer and then final passage. I will speak briefly on the two amendments that I have offered. I do not know if the Senator from North Carolina would like to respond.

AMENDMENTS NOS. 1858 AND 1860

The PRESIDING OFFICER. The question occurs on amendment 1858.

Mr. KENNEDY. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mrs. KASSEBAUM. My amendment, No. 1858, is an alternative to the one that was put forward earlier by the Senator from North Carolina and approved by the Senate. My amendment prohibits funds under the act from being used to directly promote or encourage intravenous drug use or sexual activity, both homosexual or heterosexual. It assures that funds are used

for treatment and support services only, not for prevention activities.

This amendment is targeted to making sure that CARE Act funds are used for what they were designed for. Specifically that is for the treatment and support services for patients and families afflicted with AIDS.

I would like to also address my second amendment, No. 1860, which addresses the issues of funding equity. My amendment is an alternative to one that was put forth by the Senator from North Carolina, that was just rejected. This amendment provides that Federal spending for AIDS and HIV activities may not exceed spending for cancer activities, taking into account both discretionary and entitlement spending.

These are the two amendments that we will be considering; first 1858 and then 1860.

I will be happy to reserve the remainder of my time but I am prepared to yield it back.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, Senators at least should be aware of which amendment we are voting on now.

Will the Chair state that, and will Senator KASSEBAUM describe that amendment? Because she talked about two amendments and I do not want Senators to be confused.

Mrs. KASSEBAUM. The first amendment is 1858, which would prohibit funds from being used to promote or encourage intravenous drug use or sexual activity, both homosexual or heterosexual.

Mr. HELMS. Right.

I thank the Senator and I thank the Chair.

Mr. President, the Kassebaum amendment that will be voted on next will gut, and is intended to gut, the Helms amendment that just passed the Senate by 54 to 45. The intent of the Kassebaum amendment is to take any teeth out of the amendment that the Senate has already approved.

With all due respect to Senator KASSEBAUM, and I do respect her, her amendment is vague. It deletes the definition of activities that promote homosexuality. That is exactly what the homosexual activists want to happen to this amendment.

I say no, and I hope the Senate will say no to this gutting amendment by the distinguished Senator from Kansas.

Mr. President, the promotion, the advocacy of homosexuality does nothing to help the innocent victims of AIDS, like Ryan White, whose name is being exploited in this legislation.

Every Senator who voted for the Helms amendment No. 1854, should vote against the Kassebaum amendment which is next to be voted on.

I reserve the remainder of my time. I will be glad to yield it back.

Mrs. KASSEBAUM. Mr. President, I yield back any remaining time, and I ask unanimous consent that the votes be 10-minute votes.

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

Is all time yielded back?

Mr. HELMS. I yield back the remainder of my time.

VOTE ON AMENDMENT NO. 1858

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—76

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Frist	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Bradley	Gregg	Nunn
Breaux	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pryor
Burns	Hutchison	Reid
Byrd	Inouye	Robb
Campbell	Jeffords	Rockefeller
Chafee	Johnston	Roth
Cohen	Kassebaum	Santorum
Conrad	Kempthorne	Sarbanes
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Lautenberg	Thomas
Dole	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	
Exon	Lugar	

NAYS—23

Ashcroft	Grassley	Nickles
Brown	Heflin	Pressler
Coats	Helms	Shelby
Cochran	Hollings	Smith
Coverdell	Inhofe	Stevens
Faircloth	Kyl	Thompson
Gramm	Lott	Thurmond
Grams	McConnell	

NOT VOTING—1

Bennett

So the amendment (No. 1858) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, in light of the preceding vote on the funding equity issue, I am very appreciative of the Senator from North Carolina who said he would not object to our voice voting No. 1860, which is an amendment of mine which provides that Federal spending for AIDS and HIV activities may not exceed spending for cancer activities, taking into account both discretionary and entitlement spending, and I ask for the approval of that amendment.

Mr. KENNEDY. I ask unanimous consent that the order for the rollcall be vitiated, Mr. President.

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

VOTE ON AMENDMENT NO. 1860

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1860 offered by the Senator from Kansas.

The amendment (No. 1860) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, before the Senate passes the Ryan White CARE Act reauthorization bill, my colleague Senator BRADLEY and I would like to engage in a colloquy with the ranking member of the Labor and Human Resources Committee.

Mr. BRADLEY. The bill before us, S. 641, contains a new formula for distributing title I and title II funds. As a result of this formula change, New Jersey's title I cities will receive over $50,000 less next year than they would have under the original formula. In the year 2000, New Jersey's title I cities will receive almost half a million dollars less than they would have under the original formula. At the same time, the revised formula results in several other States receiving significant increases in the total amount of Ryan White funding they receive. For example, Minnesota will more than double its title I and title II funding under the revised formula, Nevada's funding will increase by 116 percent, and Vermont's will increase by 141 percent.

Mr. LAUTENBERG. Mr. President, I recognize that States such as Minnesota and Nevada have more residents with AIDS now than they did when this bill was originally passed. But at the same time that the AIDS epidemic has been spreading across the country, it has continued to worsen in New Jersey. Between 1993 and 1994, the total number of AIDS cases reported in New Jersey increased by 53 percent. New Jersey currently has the fifth-highest number of AIDS cases in the United States, and the third-highest number of pediatric AIDS cases. Cutting New Jersey's funding so deeply at a time when the epidemic is growing so rapidly in the State is not fair to the thousand of New Jersey residents who are HIV–positive.

Mr. BRADLEY. Therefore, Senator LAUTENBERG and I would like to ask our two colleagues if they would work hard in conference to obtain a formula which would decrease the reductions in funding to New Jersey.

Mr. KENNEDY. I will do everything I can to urge the conferees to revise the formula to reduce the reductions in funding to New Jersey.

Mr. LAUTENBERG. Senator BRADLEY and I would like to thank the chairperson and ranking member. Since we have received assurances that

they will strive to decrease the amount of funding reductions which New Jersey will receive as a result of the formula revisions, I ask unanimous consent that I be added as a cosponsor of S. 641.

Mr. BRADLEY. I appreciate my colleagues' assurances. Even with these assurances, I still expect that this bill will hurt the State of New Jersey. However, I recognize that at some point compromises must be made or else the future of the entire Ryan White Program may be at risk. Therefore, having received these assurances, I plan to support this bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Let me indicate to my colleagues that after this vote, we will have a period for the transaction of morning business to extend about 45 minutes. At the expiration of morning business, we hope to have—maybe not—an agreement, but we will go to the gift ban proposal at about, hopefully, 1:30.

Mr. CHAFEE. Mr. President, I would like to ask the leader one quick question. They are going to dedicate the war memorial at 3 o'clock. What is the leader's plans for that?

Mr. DOLE. We will not recess but we will protect Senators. I know there are about 11 Senators who wish to attend that ceremony, and we will not have votes during that time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas, Mr. BUMPERS, is recognized.

CHANGE OF VOTE

Mr. BUMPERS. On rollcall No. 334, I mistakenly voted ''yes'' on what I believed was a motion to table. I ask unanimous consent that I be recorded as ''no.'' It will not change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—97

Abraham	Breaux	Cohen
Akaka	Brown	Conrad
Ashcroft	Bryan	Coverdell
Baucus	Bumpers	Craig
Bennett	Burns	D'Amato
Biden	Byrd	Daschle
Bingaman	Campbell	DeWine
Bond	Chafee	Dodd
Boxer	Coats	Dole
Bradley	Cochran	Domenici
Dorgan	Johnston	Packwood
Exon	Kassebaum	Pell
Faircloth	Kempthorne	Pressler
Feingold	Kennedy	Pryor
Feinstein	Kerrey	Reid
Ford	Kerry	Robb
Frist	Kohl	Rockefeller
Glenn	Lautenberg	Roth
Gorton	Leahy	Santorum
Graham	Levin	Sarbanes
Gramm	Lieberman	Shelby
Grams	Lott	Simon
Grassley	Lugar	Simpson
Gregg	Mack	Snowe
Harkin	McCain	Specter
Hatch	McConnell	Stevens
Hatfield	Mikulski	Thomas
Heflin	Moseley-Braun	Thompson
Hollings	Moynihan	Thurmond
Hutchison	Murkowski	Warner
Inhofe	Murray	Wellstone
Inouye	Nickles	
Jeffords	Nunn	

NAYS—3

Helms	Kyl	Smith

So the bill (S. 641), as amended, was passed, as follows:

S. 641

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 ''Ryan White CARE Reauthorization Act of 1995''.

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Section 2601 (42 U.S.C. 300ff–11) is amended—

(1) in subsection (a)—

(A) by striking ''March 31 of the most recent fiscal year'' and inserting ''March 31, 1995, and December 31 of the most recent calendar year thereafter''; and

(B) by striking ''fiscal year—'' and all that follows through the period and inserting ''fiscal year, there has been reported to and confirmed by, for the 5-year period prior to the fiscal year for which the grant is being made, the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome.''; and

(2) by adding at the end thereof the following new subsections:

''(c) POPULATION OF ELIGIBLE AREAS.—The Secretary may not make a grant to an eligible area under subsection (a) after the date of enactment of this subsection unless the area has a population of at least 500,000 individuals, except that this subsection shall not apply to areas that are eligible as of March 31, 1994. For purposes of eligibility under this title, the boundaries of each metropolitan area shall be those in effect in fiscal year 1994.

''(d) CONTINUED FUNDING.—A metropolitan area that has received a grant under this section for the fiscal year in which this subsection is enacted, shall be eligible to receive such a grant in subsequent fiscal years.''.

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff–12(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''include'' and all that follows through the end thereof, and inserting ''reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.''; and

(ii) by adding at the end thereof the following new sentences: ''Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard for each nominee.'';

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

''(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''area;'' and inserting ''area based on the—

''(i) documented needs of the HIV-infected population;

''(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

''(iii) priorities of the HIV-infected communities for whom the services are intended; and

''(iv) availability of other governmental and nongovernmental resources;'';

(ii) by striking ''and'' at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting '', and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs; ''; and

(iv) by adding at the end thereof the following new subparagraphs:

''(D) participate in the development of the Statewide coordinated statement of need initiated by the State health department;

''(E) establish operating procedures which include specific policies for resolving disputes, responding to grievances, and minimizing and managing conflict-of-interests; and

''(F) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.'';

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(E) by inserting after paragraph (1), the following new paragraph:

''(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

''(A) health care providers, including federally qualified health centers;

''(B) community-based organizations serving affected populations and AIDS service organizations;

''(C) social service providers;

''(D) mental health and substance abuse providers;

''(E) local public health agencies;

''(F) hospital planning agencies or health care planning agencies;

''(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

''(H) nonelected community leaders;

''(I) State government (including the State medicaid agency and the agency administering the program under part B);

''(J) grantees under subpart II of part C;

''(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

''(L) grantees under other Federal HIV programs.''.

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended—

(A) in subsection (a)(2), by striking ''Not later than—'' and all that follows through

''the Secretary shall'' and inserting the following: ''Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall''; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking ''and'' at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

''(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

''(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need.''; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

''(2) PRIORITY.—

''(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall give priority consideration in awarding grants under this section to any qualified applicant that demonstrates an ability to spend funds efficiently and demonstrates a more severe need based on prevalence of—

''(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other diseases determined relevant by the Secretary, which significantly affect the impact of HIV disease in affected individuals and communities;

''(ii) AIDS in individuals, and subpopulations, previously unknown in the eligible metropolitan area; or

''(iii) homelessness.

''(B) PREVALENCE.—In determining prevalence of diseases under subparagraph (A), the Secretary shall use data on the prevalence of the illnesses described in such subparagraph in HIV-infected individuals unless such data is not available nationally. Where such data is not nationally available, the Secretary may use the prevalence (with respect to such illnesses) in the general population.''.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting '', in accordance with paragraph (3)'' before the period; and

(ii) by adding at the end thereof the following new sentence: ''The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).''.

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff–13(a)) is amended by adding at the end thereof the following new paragraph:

''(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

''(A) with respect to fiscal year 1996, 98 percent;

''(B) with respect to fiscal year 1997, 97 percent;

''(C) with respect to fiscal year 1998, 95.5 percent;

''(D) with respect to fiscal year 1999, 94 percent; and

''(E) with respect to fiscal year 2000, 92.5 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.''.

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting '', substance abuse treatment and mental health treatment,'' after ''case management''; and

(ii) by inserting ''which shall include treatment education and prophylactic treatment for opportunistic infections,'' after ''treatment services,'';

(B) in subsection (b)(2)(A)—

(i) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities,''; and

(ii) by striking ''and homeless health centers'' and inserting ''homeless health centers, substance abuse treatment programs, and mental health programs''; and

(C) in subsection (e)—

(i) in the subsection heading, by striking ''AND PLANNING;

(ii) by striking ''The chief'' and inserting: ''(1) IN GENERAL.—The chief'';

(iii) by striking ''accounting, reporting, and program oversight functions'';

(iv) by adding at the end thereof the following new sentence: ''An entity (including subcontractors) receiving an allocation from the grant awarded to the chief executive officer under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.''; and

(v) by adding at the end thereof the following new paragraphs:

''(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

''(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

''(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.''.

''(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

''(A) usual and recognized overhead, including established indirect rates for agencies;

''(B) management oversight of specific programs funded under this title; and

''(C) other types of program support such as quality assurance, quality control, and related activities.''.

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff–15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting '', in accordance with subsection (c) regarding a single application and grant award,'' after ''application'';

(ii) in paragraph (1)(B), by striking ''1-year period'' and all that follows through ''eligible area'' and inserting ''preceding fiscal year'';

(iii) in paragraph (4), by striking ''and'' at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting ''; and''; and

(v) by adding at the end thereof the following new paragraph:

''(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.'';

(B) in subsection (b)—

(i) in the subsection heading, by striking ''ADDITIONAL'';

(ii) in the matter preceding paragraph (1), by striking ''additional application'' and inserting ''application, in accordance with subsection (c) regarding a single application and grant award,'';

(iii) in paragraph (3), by striking ''and'' at the end thereof; and

(iv) in paragraph (4), by striking the period and inserting ''; and'';

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

''(c) SINGLE APPLICATION AND GRANT AWARD.—

''(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

''(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.''.

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff–16) is amended—

(A) by striking ''may'' and inserting ''shall'';

(B) by inserting after ''technical assistance'' the following: '', including peer based assistance to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,''; and

(C) by adding at the end thereof the following new sentences: ''The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed $75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.''.

(b) CARE GRANT PROGRAM.—

(1) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff–23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)'' after ''nonprofit private,''; and

(ii) in paragraph (2)(A)—

(I) by inserting ''substance abuse treatment, mental health treatment,'' after ''nursing,''; and

(II) by inserting ''prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery,'' after ''monitoring,'';

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before ''care'' ''and youth centered''; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking ''served; and'' and inserting ''served;'';

(II) in subparagraph (B), by striking the period at the end; and

(III) by adding after subparagraph (B), the following new subparagraphs:

''(C) grantees under section 2671 and representatives of organizations with a history

of serving children, youth, women, and families with HIV and operating in the community to be served; and

''(D) representatives of community-based providers that are necessary to provide the full continuum of HIV-related health care services, which are available within the geographic area to be served.''; and

(C) in subsection (d), to read as follows:

''(d) DEFINITION.—As used in this part, the terms 'family centered care' and 'youth centered care' mean the system of services described in this section that is targeted specifically to the special needs of infants, children (including those orphaned by the AIDS epidemic), youth, women, and families. Family centered and youth centered care shall be based on a partnership among parents, extended family members, children and youth, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care.''.

(2) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff–26) is amended by striking subsection (c) and inserting the following new subsections:

''(c) STANDARDS FOR TREATMENT PROGRAMS.—In carrying out this section, the Secretary shall—

''(1) review the current status of State drug reimbursement programs and assess barriers to the expended availability of prophylactic treatments for opportunistic infections (including active tuberculosis); and

''(2) establish, in consultation with States, providers, and affected communities, a recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

In carrying out paragraph (2), the Secretary shall identify those treatments in the recommended minimum formulary that are for the prevention of opportunistic infections (including the prevention of active tuberculosis).

''(d) STATE DUTIES.—

''(1) IN GENERAL.—In implementing subsection (a), States shall document the progress made in making treatments described in subsection (c)(2) available to individuals eligible for assistance under this section, and to develop plans to implement fully the recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

''(2) OTHER MECHANISMS FOR PROVIDING TREATMENTS.—In meeting the standards of the recommended minimum formulary developed under subsection (c), a State may identify other mechanisms such as consortia and public programs for providing such treatments to individuals with HIV.''.

(3) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

''(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title;'';

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

''(3) the public health agency administering the grant for the State shall convene a meeting at least annually of individuals with HIV who utilize services under this part (including those individuals from traditionally underserved populations and subpopulations) and representatives of grantees funded under this title (including HIV health services planning councils, early intervention programs, children, youth and family service projects, special projects of national significance, and HIV care consortia) and other providers (including federally qualified health centers) and public agency representatives within the State currently delivering HIV services to affected communities for the purpose of developing a Statewide coordinated statement of need; and''; and

(D) by adding at the end thereof the following flush sentence:

''The State shall not be required to finance attendance at the meetings described in paragraph (3). A State may pay the travel-related expenses of individuals attending such meetings where appropriate and necessary to ensure adequate participation.''.

(4) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff–28(c)) is amended—

(A) in paragraphs (3) and (4), to read as follows:

''(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. An entity (including subcontractors) receiving an allocation from the grant awarded to the State under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.

''(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

''(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

''(i) usual and recognized overhead, including established indirect rates for agencies;

''(ii) management oversight of specific programs funded under this title; and

''(iii) other types of program support such as quality assurance, quality control, and related activities.'';

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4), the following new paragraphs:

''(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

''(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.''.

(5) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff–29) is amended—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting before the period the following: '', including technical assistance for the development and implementation of Statewide coordinated statements of need''.

(6) GRIEVANCE PROCEDURES AND COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff–21) is amended by adding at the end thereof the following new sections:

''SEC. 2621. GRIEVANCE PROCEDURES.

''Not later than 90 days after the date of enactment of this section, the Administration, in consultation with affected parties, shall establish grievance procedures, specific to each part of this title, to address allegations of egregious violations of each such part. Such procedures shall include an appropriate enforcement mechanism.

''SEC. 2622. COORDINATION.

''The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. The Secretary shall periodically prepare and submit to the relevant committees of Congress a report concerning such coordination efforts at the Federal, State, and local levels as well as the existence of Federal barriers to HIV program integration.''.

(c) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff–51(b)) is amended—

(A) in paragraph (1), by striking ''grant agrees to'' and all that follows through the period and inserting: ''grant agrees to—

''(A) expend the grant for the purposes of providing, on an out-patient basis, each of the early intervention services specified in paragraph (2) with respect to HIV disease; and

''(B) expend not less than 50 percent of the amount received under the grant to provide a continuum of primary care services, including, as appropriate, dental care services, to individuals confirmed to be living with HIV.''; and

(B) in paragraph (4)—

(i) by striking ''The Secretary'' and inserting ''(A) IN GENERAL.—The Secretary'';

(ii) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities'';

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

''(B) OTHER REQUIREMENTS.—Grantees described in—

''(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

''(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.''.

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff–52(b)(1)(B)) is amended by inserting '', or a private for-profit entity if such entity is the only available provider of quality HIV care in the area,'' after ''nonprofit private entity'';

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff–54) is amended by adding at the end thereof the following new subsection:

''(c) PLANNING AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to

exceed $50,000 for each such grant, to public and nonprofit private entities that are not direct providers of primary care services for the purpose of enabling such providers to provide HIV primary care services.

''(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

''(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that would provide HIV primary care services in rural or underserved communities.

''(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''$75,000,000'' and all that follows through the end of the section, and inserting ''such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.''.

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(A) in paragraph (2), by striking ''and'' at the end thereof;

(B) in paragraph (3)—

(i) by striking ''5 percent'' and inserting ''10 percent including planning, evaluation and technical assistance''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end thereof the following new paragraph:

''(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.''.

(d) GRANTS.—

(1) IN GENERAL.—Section 2671 (42 U.S.C. 300ff–71) is amended to read as follows:

''SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Director of the National Institutes of Health, shall award grants to appropriate public or nonprofit private entities that, directly or through contractual arrangements, provide primary care to the public for the purpose of—

''(1) providing out-patient health care and support services (which may include family-centered and youth-centered care, as defined in this title, family and youth support services, and services for orphans) to children, youth, women with HIV disease, and the families of such individuals, and supporting the provision of such care with programs of HIV prevention and HIV research; and

''(2) facilitating the voluntary participation of children, youth, and women with HIV disease in qualified research protocols at the facilities of such entities or by direct referral.

''(b) ELIGIBLE ENTITIES.—The Secretary may not make a grant to an entity under subsection (a) unless the entity involved provides assurances that—

''(1) the grant will be used primarily to serve children, youth, and women with HIV disease;

''(2) the entity will enter into arrangements with one or more qualified research entities to collaborate in the conduct or facilitation of voluntary patient participation in qualified research protocols;

''(3) the entity will coordinate activities under the grant with other providers of health care services under this title, and under title V of the Social Security Act;

''(4) the entity will participate in the Statewide coordinated statement of need under section 2619 and in the revision of such statement; and

''(5) the entity will offer appropriate research opportunities to each patient, with informed consent.

''(c) APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(d) PATIENT PARTICIPATION IN RESEARCH PROTOCOLS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Director of the Office of AIDS Research, shall establish procedures to ensure that accepted standards of protection of human subjects (including the provision of written informed consent) are implemented in projects supported under this section. Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

''(2) RESEARCH PROTOCOLS.—

''(A) IN GENERAL.—The Secretary shall establish mechanisms to ensure that research protocols proposed to be carried out to meet the requirements of this section, are of potential clinical benefit to the study participants, and meet accepted standards of research design.

''(B) REVIEW PANEL.—Mechanisms established under subparagraph (A) shall include an independent research review panel that shall review all protocols proposed to be carried out to meet the requirements of this section to ensure that such protocols meet the requirements of this section. Such panel shall make recommendations to the Secretary as to the protocols that should be approved. The panel shall include representatives of public and private researchers, providers of services, and recipients of services.

''(e) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may use not to exceed five percent of the amounts appropriated under subsection (h) in each fiscal year to conduct training and technical assistance (including peer-based models of technical assistance) to assist applicants and grantees under this section in complying with the requirements of this section.

''(f) EVALUATIONS AND DATA COLLECTION.—

''(1) EVALUATIONS.—The Secretary shall provide for the review of programs carried out under this section at the end of each grant year. Such evaluations may include recommendations as to the improvement of access to and participation in services and access to and participation in qualified research protocols supported under this section.

''(2) REPORTING REQUIREMENTS.—The Secretary may establish data reporting requirements and schedules as necessary to administer the program established under this section and conduct evaluations, measure outcomes, and document the clients served, services provided, and participation in qualified research protocols.

''(3) WAIVERS.—Notwithstanding the requirements of subsection (b), the Secretary may award new grants under this section to an entity if the entity provide assurances, satisfactory to the Secretary, that the entity will implement the assurances required under paragraph (2), (3), (4), or (5) of subsection (b) by the end of the second grant year. If the Secretary determines through the evaluation process that a recipient of funds under this section is in material noncompliance with the assurances provided under paragraph (2), (3), (4), or (5) of subsection (b), the Secretary may provide for continued funding of up to one year if the recipient provides assurances, satisfactory to the Secretary, that such noncompliance will be remedied within such period.

''(g) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED RESEARCH ENTITY.—The term 'qualified research entity' means a public or private entity with expertise in the conduct of research that has demonstrated clinical benefit to patients.

''(2) QUALIFIED RESEARCH PROTOCOL.—The term 'qualified research protocol' means a research study design of a public or private clinical program that meets the requirements of subsection (d).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

(2) CONFORMING AMENDMENT.—The heading for part D of title XXVI of the Public Health Service Act is amended to read as follows:

''PART D—GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES''.

(e) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

''PART F—DEMONSTRATION AND TRAINING

''Subpart I—Special Projects of National Significance

''SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of $20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

''(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

''(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

''(2) the innovative nature of the proposed activity; and

''(3) the potential replicability of the proposed activity in other similar localities or nationally.

''(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

''(1) address the needs of special populations;

''(2) assist in the development of essential community-based service delivery infrastructure; and

''(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

''(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

''(1) individuals and families with HIV disease living in rural communities;

''(2) adolescents with HIV disease;

''(3) Indian individuals and families with HIV disease;

''(4) homeless individuals and families with HIV disease;

''(5) hemophiliacs with HIV disease; and

''(6) incarcerated individuals with HIV disease.

''(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

''(1) programs that support family-based care networks critical to the delivery of care in minority communities;

''(2) programs that build organizational capacity in disenfranchised communities;

''(3) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

''(4) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

''(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the Statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

''(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.''.

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff–28(a)) is repealed.

(f) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

''Subpart II—AIDS Education and Training Centers

''SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.''.

(2) AMENDMENTS.—Section 776(a)(1) (42 U.S.C. 294n(a)) is amended—

(A) by striking subparagraphs (B) and (C);

(B) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease;''; and

(D) in subparagraph (B) (as so redesignated) by adding ''and'' after the semicolon.

(3) TRANSFER.—Subsection (a) of section 776 (42 U.S.C. 294n(a)) (as amended by paragraph (2)) is amended by transferring such subsection to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff–13(a)(3)) is amended to read as follows:

''(3) AMOUNT OF GRANT.—

''(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

''(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

''(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

''(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

''(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to—

''(I) the first year during such period, .06;

''(II) the second year during such period, .06;

''(III) the third year during such period, .08;

''(IV) the fourth year during such period, .10;

''(V) the fifth year during such period, .16;

''(VI) the sixth year during such period, .16;

''(VII) the seventh year during such period, .24;

''(VIII) the eighth year during such period, .40;

''(IX) the ninth year during such period, .57; and

''(X) the tenth year during such period, .88.

''(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for an eligible area within Puerto Rico, the Virgin Islands, or Guam shall be 1.0.''.

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff–28(b)(1) and (2)) are amended to read as follows:

''(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

''(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

''(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $100,000; or

''(i)(I) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $250,000;

''(ii) an amount determined under paragraph (2); and

''(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

''(2) DETERMINATION.—

''(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

''(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B; and

''(ii) the percentage constituted by the sum of—

''(I) the product of .50 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

''(II) the product of .50 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

''(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term 'State distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

''(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term 'non-ema distribution factor' means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

''(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

''(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.''.

''(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(G) LIMITATION.—

''(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

''(I) with respect to fiscal year 1996, 98 percent;

''(II) with respect to fiscal year 1997, 97 percent;

''(III) with respect to fiscal year 1998, 95.5 percent;

''(IV) with respect to fiscal year 1999, 94 percent; and

''(V) with respect to fiscal year 2000, 92.5 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will

receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

''(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.''.

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff–71) is amended by adding at the end thereof the following new section:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000. Of the amount appropriated under this section for fiscal year 1996, the Secretary shall make available 64 percent of such amount to carry out part A and 36 percent of such amount to carry out part B.

''(b) DEVELOPMENT OF METHODOLOGY.—

''(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages referred to in subsection (a) to account for grants to new eligible areas under part A and other relevant factors. Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

''(2) FAILURE TO IMPLEMENT.—If the Secretary fails to implement a methodology under paragraph (1) by October 1, 1996, there are authorized to be appropriated—

''(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

''(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.''.

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff–18 and 300ff–30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff–13)—

(A) in subsection (a)(2), by striking ''2608'' and inserting ''2677''; and

(B) in subsection (b)(1), by striking ''2608'' and inserting ''2677'';

(2) in section 2605(c)(1) (42 U.S.C. 300ff–15(c)(1)) is amended by striking ''2608'' and inserting ''2677''; and

(3) in section 2618 (42 U.S.C. 300ff–28)—

(A) in subsection (a)(1), is amended by striking ''2620'' and inserting ''2677''; and

(B) in subsection (b)(1), is amended by striking ''2620'' and inserting ''2677''.

SEC. 7. CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

SEC. 8. SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term ''AIDS-infected patient'' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term ''State'' means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term ''spouse'' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

SEC. 9. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the ''Secretary'') shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

SEC. 10. PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term ''to promote or encourage, directly or indirectly, homosexuality'' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related ''at-risk'' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

SEC. 11. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term ''Federal employee'' has the same meaning given the term ''employee'' in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 12. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

''SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

SEC. 13. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1995.

(b) ELIGIBLE AREAS.—

(1) IN GENERAL.—The amendments made by subsections (a)(1)(A), (a)(2), and (b)(4)(A) of section 3 shall become effective on the date of enactment of this Act.

(2) REPORTED CASES.—The amendment made by subsection (a)(1)(B) of section 3 shall become effective on October 1, 1997.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my appreciation to the chairman of our committee, Senator KASSEBAUM, for her leadership on this extremely important piece of legislation. It is one of the first major reauthorizations of a program that offers such hope for so many of our fellow citizens.

This is an important day for the Senate and I think for our country. It is an indication of strong bipartisan support, overwhelming support in the Senate, for a program that will provide a degree of hope for hundreds of thousands of our fellow citizens who are afflicted by this epidemic.

This program has been successful in the past. Its need has been documented. It is an expression of compassion for those who are ill to try to make sure that their suffering will be relieved in a significant and important way.

I think it is an extremely important piece of legislation. All of us are grateful to our leaders for scheduling this—Senator DOLE, Senator DASCHLE. I am particularly appreciative on our side of Senator DASCHLE for his strong support and for his continued efforts to make sure that we were going to get an early consideration of the legislation.

I would like to take a moment of the Senate's time to express a strong appreciation for personnel support. I think I speak for the Senate in thanking the members of our staffs who have toiled long and hard and have worked diligently and with very considerable knowledge about this subject matter:

Michael Iskowitz and Seth Kelbourne in my own office. Mike Iskowitz was here with the passing of the first Ryan White legislation and has followed it extremely closely and is very much involved in the strengthening and improvements to this legislation. I am grateful to both of them.

Marty Ross and Jim Wade worked very closely with us, and I am grateful for the common spirit that was so evident by the staff, not only our own staff but the work that was done by many of our other colleagues who participated and involved themselves as well.

I am grateful as well for the various AIDS organizations that came together to run this program effectively. I am mindful that Jeanne White, Ryan's mother, when we first passed this legislation a number of years ago, was in the gallery for that occasion. All of us who continue to work on this program are mindful that it is named after Ryan, her son. Ryan's mother is a strong supporter of this legislation. I think all of us thank her for her continued interest.

There have been many people, not only in the Senate, but also in the House, where this is moving along with bipartisan support, and across the country who have urged the passage of this. I think the overwhelming support from all different political viewpoints that came together in support is really a reflection of the genuine sense of compassion and sense of decency and caring that is really the Senate and our colleagues at their best.

So I thank all those who participated, and I am grateful for their support. We will do everything we can to carry forward in the conference and bring strong legislation back to the Senate.

Mr. President, I am extremely pleased with the action taken by the U.S. Senate. By voting 96 to 3 in favor of the Ryan White CARE Act reauthorization of 1995—the Senate has sent a strong message of hope to hundreds of thousands of Americans living with AIDS.

In communities across this country, the Ryan White CARE Act programs represent America at its best. The Senate demonstrated the capacity to put people before politics and act in the public interest. Today's action will make a world of difference for individuals and families in need.

For 15 years, America has been struggling with the devastating effects of AIDS. More than a million citizens are infected with the virus. AIDS itself has now become the leading killer of all young Americans ages 25 to 44. Its is killing brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives.

Nearly 500,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

The epidemic is a decade and a half old—but almost 40 percent of the AIDS cases in the country have been diagnosed in the last 2 years. One more American gets the bad news every 6 minutes. And since we began the debate last Friday—we have lost another 500 of our fellow citizens to AIDS.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem. In a very real way, we are all living with AIDS.

The epidemic has cost this Nation immeasurable talent and energy in young and promising lives struck down long before their time. And in the pages of history our response to this plague—and the challenges it presents—will surely document what we stood for as a society.

America can take satisfaction that in these difficult times we have the ability to do things right. In the case of the CARE Act—we have.

The act contains a series of carefully crafted components that together have reduced in-patient hospitalization and emergency room visits. It has allowed more than 350,000 Americans with HIV disease this year to live longer, healthier, and more productive lives. In a very real way, the CARE Act has saved money and saved lives.

While much has changed since 1990, the brutality of the epidemic remains severe. When the act first took effect, only 16 cities qualified for emergency relief. In the past 5 years, that number has more than tripled—and by next year it will have quadrupled.

This crisis is not limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts and in America's heartland. From Weymouth to Wichita, no community has avoided the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow

citizens. These realities challenge us to move forward together in the best interest of all people living with HIV and all Americans. And that is what Senator KASSEBAUM and I have attempted to do.

The compromise in this legislation acknowledges that the HIV epidemic has expanded its reach. But we have not forgotten its roots. While new faces and new places are affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance, it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation.

We have sought common ground. We have listened to those on the frontlines. And we have attempted to support their efforts, not tie their hands. The Senate put aside political, geographic, and institutional differences to face this important challenge squarely and successfully.

Although the resources fall short of meeting the growing need, the act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS.

The act is about more than Federal funds and health care services. It is also about the caring American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what is taking place in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS.

Since the beginning, the CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that tradition continues and 64 Senators joined Chairman KASSEBAUM and me in presenting this bill to the Senate—and 96 Senators supported its passage. It does not get much clearer than that.

This is an important day for people living with HIV and AIDS and all Americans. We must do more to provide care and support for those trapped in the epidemic's path. And with this legislation, we will.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I will just add in support of what the ranking member of the Labor and Human Resources Committee, Senator KENNEDY, has said in acknowledging the support of the leaders, both the majority leader and the minority leader in the Senate, who have been instrumental in helping us move forward with this legislation and final passage.

Mr. President, I am pleased that the Senate has just concluded its action on the Ryan White CARE Reauthorization Act of 1995. As a result of this act, many individuals and families in this country who suffer from the HIV virus will continue to receive compassionate treatment and support services.

As you know, I have not been alone in my support for this legislation. I wish to thank my 65 Senate colleagues who are cosponsors of this legislation. In particular, the ranking member on the Committee on Labor and Human Resources, Senator KENNEDY, has been instrumental in the development and eventual passage of the reauthorization bill.

The development of this legislation has been difficult at times, requiring the personal commitment of many individuals from various organizations. Without mentioning each, I wish to acknowledge their efforts.

Finally, I thank Labor Committee staff who developed and helped orchestrate the passage of this act. In particular, I wish to acknowledge the dedication of Michael Iskowitz and Seth Kelbourne on Senator KENNEDY's staff and Doctors Marty Ross and James Wade on my own staff.

MORNING BUSINESS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that there now be a period for morning business, not to exceed 45 minutes, with Senators permitted to speak for up to 5 minutes each.

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

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

SHOULD THERE BE FEDERAL FARM PROGRAMS

Mr. LEAHY. Mr. President, for the past decade most of the debate on farm programs has centered around the question of ''how much should we spend on farm programs?'' Now the debate has shifted to whether there should be any programs that provide benefits to farmers. I take the floor today to address this issue.

Let me begin my statement by asking three questions, giving three quick answers, and then explaining why I have come to these conclusions.

Question: Do the historic justifications for farm programs make sense today?

Answer: No.

Question: Should there be any Federal program in which tax dollars are transferred to farmers?

Answer: Yes.

Question: Should farm programs be phased out or continued?

Answer: The next month will decide.

Let us start with the third question—to which I answered, ''the next month will decide.'' It is the heart of this question that the Senate must face this year.

There are two tests that farm programs must meet to merit continued funding.

First, will continued farm program funding mean more food for the hungry; and second, will continued farm program funding mean better management of our natural resources.

Unfortunately the jury is still out on whether the 1995 farm bill will meet these two tests.

Why? First, because some farm groups have proposed taking food from the needy to subsidize wealthy farmers. Second, because some farm groups are trying to repeal a decade of legislation that has brought harmony between agricultural and environmental policies.

Let me make my position clear—very clear. If farm programs become the enemy of the hungry and the environment, I will not support them. Indeed, I will join those on the floor who want to dismantle them.

Now a few words of background.

TIMES CHANGE

A long time could be spent explaining why farm programs need to be changed. It comes down to this. When the Agricultural Act of 1949 was written, 42 percent of rural Americans were farmers and farmers were 15 percent of the U.S. population. Rural Americans were generally poorer than most Americans. An income support program that helped farmers, helped rural America. Today farmers are only 2 percent of the American population and the average farmer is wealthier than the average American.

At one time regulations that required farmers to idle land also helped stabilize some food prices. By and large, there is now very little consumer benefit from the land idling aspects of farm programs. Today land retirement programs function only to control the budgetary costs of the program.

Farm programs are no longer an effective means to promote economic growth in rural America. Farm programs no longer stabilize consumer prices.

NEEDY REQUIRE ALLIES

The other primary justification for the farm programs, has been that they were part of the political arrangement that provided political support for feeding programs. Urban Congressmen supported farm programs in return for rural support of nutrition programs. While every program should stand on its own merits, in a democracy, the needy require allies more than anyone else. Even an unholy alliance makes sense if it helps us to meet our moral obligation to end hunger in America.

Unfortunately earlier this year, during the Senate Budget Committee's consideration of the budget resolution, the farm groups united in an effort to cut nutrition programs in order to increase farm program payments. If this

effort produces a major shift from nutrition to farm programs, I will not be able to support farm programs.

UNIQUE NATURAL RESOURCE CHALLENGES

So, should there be any Federal program in which tax dollars are transferred to farmers?

The answer is yes—for two reasons.

First, because farmers face unique problems with natural disasters.

Second, because farmers have a unique role in meeting widely held national natural resource objectives.

First, farmers face unique problems with natural disasters. Droughts, floods, and disease cause catastrophic losses that can bankrupt even the most efficient farmer. Without Government assistance, the private sector cannot provide adequate and affordable insurance to help farmers manage production risk. Thus, a subsidized crop insurance program makes sense.

Second, farmers play a unique role in managing our natural resources. Farms and grazing lands make up 50 percent of the continental United States. It is impossible to successfully regulate such a vast area, even if one wanted to—which I do not. To successfully address natural resource management on private lands, farmers must be part of the solution. The taxpayers are willing to pay farmers to protect drinking water, preserve lakes and rivers, and to be stewards of the soil.

In the 1985 and 1990 farm bills, farm programs were harmonized with environmental objectives. For example, no longer were farmers paid to destroy wetlands. Instead, farm programs began to protect wetlands.

Today some farm groups favor destroying this harmony. They even go so far as to say that farm conservation should only be funded if there is money left after farm subsidies and exports subsides are paid for.

This may make sense to a farmer or a grain exporter. It does not make sense to the public. There is no reason a farmer should be richer than a machine shop owner. There is no reason that the taxpayer should help huge grain exporters control market shares.

So this is the time for testing.

Will farm programs become just another special interest trying to take the last few dollars from the Federal Government before the bank goes broke?

Will farmers accept the challenge of living up to their historic responsibility of feeding the poor and gradually transform farm programs into natural resource management programs?

Wallace Stevens once wrote:

After the final ''no'' there comes a ''yes,''
And on that ''yes'' the future of the world depends. . . .

The next month will decide whether the final answer will be a ''yes'' on which the farmer and the taxpayer can depend.

I am somewhat dismayed to see the pattern that has grown up over the past decade so suddenly become shattered. This pattern farmers, consumers, and environmentalists working together on the farm bill. Each realized that they would not get every single thing they wanted, but working together, they would better represent the interest of farmers, ranchers, environmentalists, consumers, the hungry, and those who could afford to buy food in this country.

You will find some who want to shatter that kind of coalition, who want to grab their own special interests immediately, almost on ''The devil take the hind most.'' Well, that is not going to happen because some are going to stand up and speak for the ''high'' most.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

WELFARE REFORM

Mr. THOMAS. Mr. President, we had arranged, prior to this morning, for the freshman focus to have some time during morning business. Now we have that opportunity. I would like to take that time that was allocated.

As you know, there are some unique insights that are brought to this body by people who are elected, those who have just come through an election who, I think, are perhaps more attuned and more aware of what the electorate, at least in our view, was talking about.

So the purpose of our freshman focus has been to bring that sort of insight to this body. And, frankly, I think we are a little more impatient. We would like to see things move a little faster than the ''blinding speed'' we have encountered over the past 6 months. We want to talk a little about fundamental change.

The issue that will come before us soon, hopefully, will be that of welfare reform—one of the fundamental changes that obviously needs to be made. I think it is fair to say that, for whatever reason, over the last 25 to 30 years, there has not been a willingness on the part of the Congress to really take a look at fundamental change, to take a look at programs to see, in fact, if they are effective in terms of carrying out the purpose of the statutes; whether or not they are efficient in terms of providing results for the dollars that have been spent; or whether the delivery system has worked well; whether or not there is an opportunity to bring programs, Government, and decisions closer to people by involving the States. Rather, we have had this growth of Federal Government without much consideration of alternatives.

We will soon be entering into the year 2000, a new century. We need to ask ourselves what kind of a government do we want to pass on to our kids and grandkids with respect to spending and with respect to the budget? We will be considering, in the next 2 months, an increase in the debt of $5 trillion. We will be asking ourselves what are the priorities? What should the Federal Government be doing with what is inevitably a finite amount of money? We will have entitlements to the extent that, in 5 years, we will have nothing to spend except in the entitlement programs. I do not think we want to find ourselves there.

So we have an opportunity now to look at some fundamental change. We have done that, I think. I must say that my observation is generally that the folks on the other side of the aisle have resisted almost everything that has come up here. Always there is this idea that, yes, we are for it, whether it be unfunded mandates, line-item veto, or balanced budget. But when we get into it, we find that there is an effort to maintain the status quo. That is frustrating. I think it is frustrating for us, and I clearly believe it is frustrating for the voters in this last election.

It seems to me that one of the measurements of good Government is whether there is a response—if there is a response to public outcry for change. And I think there has been. So we find ourselves now, I think, with the opportunity to take a look at welfare, to look at a program that everyone agrees is useful, and that we should help people who need help to get back into work and back into the private sector.

But let me share just one frustration. We seem to be engaged in a little bit of a game here of perception. Each time we talk about how do we do something better, the argument goes on back to whether you are going to do it or not. You know, we talk about Medicare. There is not a soul that I know of in here who does not want to continue and strengthen Medicare. The choice is not doing away with Medicare or not funding Medicare. The choice is how do you do it? The same is true with welfare. Nobody wants to do away with the opportunity to help people who need it, but we need to find a way to do it in such a way that there are incentives to move off of the program and get back into the private sector, where there are restrictions and limits to the cost, and to develop programs that have some flexibility.

Certainly, our needs in Wyoming are different from those of my friend from Pennsylvania. That is what we are seeking to do.

So, Mr. President, we have strong feelings about it—I suppose no stronger than anyone else—simply because we are freshmen. But maybe we do feel a little of the frustration a little more easily. Maybe we grow impatient a little more easily, and sort of suffer from the movement here. In any event, I think we have great opportunities.

One of the Senators who has done more work in this, I think, than most anyone I know and is very knowledgeable, is the Senator from Pennsylvania. I am glad to see him here on the floor.

WELFARE REFORM

Mr. SANTORUM. I thank the Senator from Wyoming for his comments and again for his leadership in bringing the freshmen to the floor on a regular basis

to talk about the issues that are important to us. I rise to talk a little bit about welfare reform.

I want to start by congratulating the senior Senator from West Virginia for his tremendous service in the U.S. Senate. I was in the chair at the time and did not have an opportunity to congratulate him personally, but I listened very carefully to the words that he spoke in receiving the congratulations from the Senate. His talk about the civility of the Senate struck me as a pertinent comment as to what goes on here.

I share those concerns, that the body should be a civil body, and that we should be able to have a civil discourse as to the issues of the day. I also understand that there are certain periods in history where there occurs a fundamental realignment of thinking, where ideas of great magnitude clash that causes, at times, an uncivil reaction to those who are engaged in this ideological struggle.

I think we are at the beginning of one of those times here in America and here in the U.S. Senate. Time will tell whether the election of last year, when we were all elected freshmen, and the changes that were brought here in the U.S. Senate, will be the beginning of a realignment politically in this country and ideologically in this country—a new way of governing in the United States.

We do not know that. I suspect, and in fact, I hope, that is the case. We do not know that. I think there are many here who believe that is what is going on. Not really that different than what happened in the 1960's or what happened in the 1930's during the New Deal where we had a fundamental shift of the role of Government, and people here came with very different views of the way Government should operate.

At times, because of the passion which we feel for our positions, and the distance between one side and the other, things can get a little hot and heated. I hope that we pay attention to what the Senator from West Virginia has said, and try to keep our civility, our level of civility, and our respect for our colleagues and their thoughts—although we may disagree—keep that in mind.

I do not think there is any issue that shows the fundamental difference that is going on in this country, as far as the direction of Government in our lives, than the issue of welfare.

I have been working on that issue, as the Senator from Wyoming knows, for the past 3 or 4 years. I worked on it in the House of Representatives, the chairman of the task force that wrote the House Republican bill last year that by and large passed the House of Representatives this year.

To look at what happened in the debate on welfare in the past 2 or 3 years is an enormous change. Even the bills now being put forward by the leadership on the other side have dramatically moved from the status quo positions that were being offered just a year or two ago by the President.

I am encouraged by that. I think it does show a difference between how we believe on this side—or many believe, not all—to solve problems; how we have been doing it over the long period of years; and how we have been doing it, really, since the 1960's.

We have been doing it with Government perhaps out of Washington, DC, where we attempt to provide for people who are less fortunate, with some Federal direct grant, cash, food stamps, housing, or whatever; but it is run out of Washington. It is administered out of here.

Sure, there are local agencies that actually pass the money through, but all the decisions are made here, and then implemented down at the lower level where the individual just sort of receives the end product, which is usually a check, a stamp, or something tangible—usually not an exchange, other than qualifying because you are low income. There is no work required, no sense of duty or obligation to the people who have provided to give back. In fact, there is discouragement in many cases.

Many believe that is fundamentally flawed. That a system that provides or seeks to provide for the poor, that does not expect anything in return, is a system that is doomed to failure. I think we have seen that it not only results in the failure of that individual in their ability to turn their lives around and come back, but it causes the destruction of the community, the family and the like when you say to someone that, because of their poverty, they are unable to provide for themselves or give or contribute back to society.

That is what, unintentionally, indirectly, has occurred in our welfare system. That is the debate that will occur here in the U.S. Senate, I hope, in the next couple of weeks. We will have a bill on the floor, I am hoping the last week we are in session.

We have been working, and I give a lot of credit to Senator PACKWOOD who has done an absolutely outstanding job in working and trying to pull together the Republicans, with a bill we can come together and move forward with, that is dramatic and in sync with the principles I outlined.

I want to commend Senator DOLE who has been fostering that dialog; Senator GRAMM for staking out a responsible position on the issue and trying to form the debate.

We have a lot of good debate going on over here on this side of the aisle right now but the debate is not about dollars and cents. It is not about how much money we can save on welfare. It is not about how we can punish anybody. It is about one thing. That is, how do we give people who have less opportunity today, more opportunity, so they can live the American dream. That is what it is all about. That is what this welfare reform will be about. That is what our plan is going to be about.

I am encouraged by that. I look forward to the debate. I think it will be a great one here on the floor of the Senate. I want to thank, again, the Senator from Wyoming for reserving this time. I yield the floor.

GUATEMALA

Mr. KERREY. Mr. President, I thank the Chair.

The newspapers today are reporting conflicting information about the CIA inspector general's initial investigation into CIA involvement in murder and human rights abuses in Guatemala. This is an important topic, Mr. President. Following our hearing on this topic in the Intelligence Committee yesterday, I feel obligated to tell the Senate about this investigation and my concerns with it.

This is an important topic because it centers on trust, the trust related to secrecy.

We the effected policymakers—The President and Congress—ask the CIA to collect information covertly. Sometimes we also ask the CIA to undertake covert action in support of U.S. policy, covert action which is supposed to be deniable. To accomplish these tasks, we permit them to operate in an environment of secrecy.

However, with secrecy comes trust. We trust they will not abuse secrecy by using it to cover mistakes or actions which contradict the U.S. law or American values. To be sure they will not, Congress set up the oversight committees to check what CIA is doing, in particular, in secret.

We check by looking and asking. When we ask, we trust the answer we are getting is true. The law says it must be true, and that the two oversight committees must be kept fully and currently informed.

Were we so informed about the CIA's human rights record in Guatemala? Clearly, the answer is no. That being the case, the question then occurs, did CIA employees intentionally withhold information from Congress with the intent to deceive or mislead Congress? That is the core remaining issue in my mind.

Let me review where the investigation process stands right now, so colleagues, perhaps, have a better understanding, if asked, about the reports in the paper yesterday and today.

The report presented yesterday to the Intelligence Committee, the report of CIA IG Fred Hitz, is the first of six reports ordered by President Clinton on the Guatemala-United States human rights relationship.

A second CIA IG report on the cases other than the murders of Michael Devine and Efrain Bamaca will be completed by the end of August.

A Defense Department report on defense relationships in Guatemala will be ready at about the same time.

A State Department report on these cases will be ready in mid-August.

A Justice Department report is in final draft and could be out this week.

All these reports will be reviewed by the President's Intelligence Oversight Advisory Board, which is committed to reporting the results of its own investigation to the President by October 1.

So there is more information coming. The reports in the press are not the final chapter. We, the Congress, are the jury, and the jury is still out.

Let me review what we do know:

First, we know the CIA IG is doing its investigative job well. Fred Hitz' investigators have uncovered new data and organized it with great coherence. It is only because of their complete presentation of the cases that we, Senators, are able to isolate and ask the hard questions.

Second, we know the oversight task of Congress is made more difficult by attitudes of resistance at CIA.

Third, we know the trust which we grant with the right to secrecy is at risk.

Last, we know the CIA effort in Guatemala probably was not worth the loss to the Agency and the United States of being associated with these cases.

But there are some key facts we do not yet know. We do not know yet whether or not the withholding of information was a violation of law.

There is no question information was withheld from Congress. Was the withholding done with the intent to mislead Congress?

There is a question of what happened to the victims? Who killed Michael Devine and the other American victims? Who killed Efrain Bamaca?

Indeed, I think it is important that colleagues understand the investigation ordered by the President is not directed to answer those particular questions but directed, instead, to discover whether our agencies had any involvement with it.

The last question is whether or not the U.S. Government agencies contributed to or abetted any of these crimes, even indirectly. All this is done with the purpose of trying to discover what we can do to prevent events like this in the future. It is not just a simple exercise. It is an exercise that must go forward successfully if the people are to trust that the right of secrecy, the granting of secrecy is deserving of that trust.

In his initial report, Inspector General Hitz has recommended structural changes and cultural changes in the Agency, and Director Deutch has responded forcefully. The changes will come: the structural soon, the cultural over time, because Director Deutch's concept of management accountability will permit no less and because Fred Hitz's display of the facts is so clear and complete.

But the questions of why these events occurred, and what CIA officials at the time intended as they wrote reports to Congress and responded to congressional inquiries—these questions are unanswered. It falls to us, Congress, to apply our judgment and experience to answer them. No one at CIA or elsewhere in the administration can do it for us.

This investigation is about trust in the way we collect intelligence. Sometimes we concentrate so exclusively on the problems in the intelligence community that we forget why we are doing this.

Very simply, there is valuable information out there in the world that is someone's secret. This information is not publicly available. The intelligence community collects that information and combines it with other, perhaps publicly available information, to turn it into understanding.

That way, they can do what they get paid for: getting the right information to the right person at the right time so as to improve that person's chances of success.

Worth asking is who is that person, the recipient of the right information?

First, we have the national policy customer, seeking success in a policy decision. It is the President, the National Security Council, the Secretaries of State, Defense, Treasury. And it is the Congress, too, as we ponder policy decisions, the latest of which for all of us, has been the situation in Bosnia.

It is the military, seeking success in battle, or in protecting our forces, or in preparing a operations plan, or making a weapons acquisition decision. It is the Chairman of the Joint Chiefs, it is a pilot or squad leader in a dangerous overseas deployment, and all the military in between. The intelligence support to these customers cannot be too good, and I know that is Director Deutch's commitment, too.

Next, it is law enforcement, seeking success in arresting a terrorist who has killed Americans or in preventing drugs from coming to this country.

Next, we have economic customers like the Secretary of Commerce and Secretary of Agriculture as they seek success in insuring fair trade practices around the world toward American products and services.

Intelligence ought to be an essential contributor to success in all these areas—we certainly pay enough for it.

We should task intelligence, resource intelligence, and grade intelligence on the basis of threats, and we should rank order the threats:

First, we should task intelligence to know most about the threats that could take away America's freedom and independence.

Second, we should task intelligence against the threats to American lives, with higher priority to the threats that can kill many Americans, such as the nuclear weapons still in Russia, and lower priority to the threats that can kill fewer of us.

These are difficult things to do, to establish these kinds of priorities. But it does fall to us to establish these threats, otherwise it will be difficult for us to make assignments to the intelligence community as to what we, indeed, need in order to make good decisions.

Third, we should task intelligence against the threats that can take away American livelihoods, the threats to our jobs and our way of life.

The new threat environment is a challenge for all of us who came up in the world of one large superpower threat.

Information technology poses another challenge: the sheer amount of information has increased geometrically, but our human capacity to know has expanded more modestly. Through the noise of information overload, the intelligence community must deliver that key secret fact, and make it useful to the customer. So effective dissemination is a challenge.

The technology of collection poses yet another challenge.

It is expensive, the lead times are long, and the targets may change before we are done.

Most important, with satellites we very often have significant uncertainties about whether or not a launch will be successful, or the lifespan of the satellites themselves. We need significant amounts of efforts in research and development to explore new technologies, but we also need to pay our employees and run our current operations, and money, we all know, is tight.

We need to explore dual use of intelligence technologies because if the private sector buys some of these things for their own different purposes, the unit cost to the intelligence agency will decrease. But we have to ensure we don't lose sensitive sources and methods in the process.

Secrecy poses yet another challenge. With the passage of the Soviet threat, a threat that could extinguish our national life, secrecy is less acceptable and should be fundamentally challenged.

We still need some secrecy. We could not otherwise collect and safeguard other people's secrets.

But we should challenge blanket secrecy wherever we find it, and we should support Director Deutch's declassification efforts.

Secrecy connotes trust, Mr. President, as I said at the beginning. We trust people, when we grant that trust, to do the right thing in secret. To me, that is the core issue in the Guatemala case and I hope my colleagues will avail themselves of the opportunity to look at the inspector general's report. The facts are quite disturbing and, I believe, precipitate the conclusion that, though we may not have been intentionally misled, the agency is going to have to change its behavior in order for us to be able to continue to trust that they are following our laws.

Mr. President, I thank the Chair and I yield the floor.

Mr. FRIST. Mr. President, I ask unanimous consent that I be permitted 10 minutes to speak in morning business.

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

WELFARE REFORM

Mr. FRIST. Mr. President, I rise to continue the discussion that was begun several minutes ago by my freshman colleagues on the status of welfare in this country today.

Mr. President, since the Government launched the war on poverty in 1963, more than $5 trillion have been invested in the fight. Yet, clearly, poverty is still winning.

Individual dependence upon the State has increased with every Government intervention. Not only are there more people living in poverty today than ever before but, thanks to welfare, whole generations of Americans have lived and died without ever owning a home, holding down a steady job, or knowing the love and support of both a mother and a father.

In the world of welfare, benefits replace work, checks replace fathers, and the Government is the family of first resort.

Illegitimacy has been subsidized on a grand scale, and like other federally subsidized program, it has grown beyond our wildest imaginings, with the number of children now born out of wedlock now topping 30 percent.

Mr. President, the only thing great about the Great Society is its great size, its great cost, and the great power it holds over the lives of people, who are not only bound to poverty but left without hope.

In my home State of Tennessee, I can testify to the fact that the current welfare system has failed Tennesseans.

In Shelby County where Memphis is located, one out of every four families receives a monthly check from the Federal Government. With taxpayer-subsidized teen pregnancy, and deadbeat dads refusing to accept responsibility for their children, most of those newly entrapped children will have little chance of escaping a lifetime of poverty.

Yet, we continue to measure the depth of our compassion by the number of people who are dependent upon a Government Check.

Mr. President, it is time we started measuring compassion by the number of people who are independent, who have hope, and who experience the dignity of work.

It is time we stopped subsidizing illegitimacy and the kind of self-destructive behavior it spawns, and instead encourage responsibility.

It is time we faced up to the fact that the so-called war on poverty is in fact a war on people.

Mr. President, as a physician, I know how crucial it is to match the treatment to the sickness. The wrong medicine can kill, even when prescribed with good intentions.

By continuing to subsidize a system that penalizes people for working, for being responsible for their families, we only ensure that the war on people will continue.

The time has come to look to individuals and to State and local governments, who work closely with ailing communities and who know better than we, what medicine to prescribe, and how to begin the true healing of the conditions of poverty.

Mr. President, I recently met with a group of law enforcement professionals, from throughout the State of Tennessee, who came to advise me on practical, concrete ways to turn communities around.

These men and women, whose cumulative experience in law enforcement exceeds 500 years, are frustrated by Federal programs that provide welfare benefits to convicted felons. They are frustrated by Federal rule of evidence that hamstring their efforts to stop the flow of drugs and the violence that results.

They believe parents should be held accountable for the actions of their children, and they want the authority and the resources to take back our public spaces and make them safe for all Americans.

Mr. President, I call upon the American people to listen to their hearts and to hold fast to their vision. Despite the din of rhetoric in support of the status quo, the American people know that they elected us to do the very thing we are now trying to do.

They asked us to return control of their lives and their Government to local communities.

They asked us to spend their money wisely. They asked us to change incentives, and create a welfare system that promotes work, that strengthens families and that provides an opportunity for all Americans to succeed.

They asked us to do these things because they are compassionate, and we know they are holding us, and our proposals, to a high standard of compassion.

But compassion means that we create a genuine safety net for those who, because of circumstances beyond their control, are truly in need.

Mr. President, the original intent and design of the welfare system was to provide a temporary means of support for those struggling between jobs, or facing insurmountable difficulties. Yet, today's welfare families remain on the rolls for an average of 13 years, counting repeat spells.

Obviously, somewhere along the way, we have lost sight of the purpose of welfare.

For the sake of the children, we must restructure the system. And the first step is to require that those who can, go to work and become self reliant.

Mr. President, in my practice as a transplant surgeon in Tennessee, I witnessed the effects of our misguided welfare system every day.

One out of every three of my transplant patients was below the poverty level. Some tried—and they tried hard—but could not get a job. Some did not want to work. But almost all felt trapped by the current welfare system which pulls families apart.

Caring for these individuals, I heard the same stories, again and again. Young teenage single mothers would explain that the Government would pay them $50 more a month if they moved out of their parents' home, away from their family—and away from the only support system they had to pull themselves out of the welfare trap.

Mr. President, the current welfare system slams shut the window of opportunity. Children trapped in the vicious welfare cycle need answers, and they need them now.

By consolidating programs, we can reduce the costs of bureaucracy and get the money to our children. By giving States the flexibility they need to address their unique problems, we empower them to address the specific needs of our children. By empowering people and communities, we strike a blow at the root of violence and crime and give the streets back to our children. Finally, by creating incentives that promote responsible parenting and individual achievement, we give children hope.

Mr. President, there is a bright side to our current fiscal situation. We have been forced to reevaluate a faulty system.

We have been given the opportunity to regroup, to restructure, and to find new ways of helping those in need.

Those of us who are committed to change have behind us the full force of the American people. Those who argue against these changes have nothing on their side but the dismal history of the past 30 years.

Mr. President, I thank the Chair, and yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

FAMILY PLANNING

Mr. SPECTER. Mr. President, I have sought recognition to call attention to the numerous legislative efforts which are now pending which challenge the constitutional right of a woman to choose. And I have decided to do so in light of the action by the House Appropriations Committee last week in eliminating funding for family planning. It had always been my view that whatever political persuasion or position of political spectrum, that the issue of family planning was one where most Americans, if not virtually all Americans, could agree.

When we talk about welfare reform—and there is no doubt about the necessity for welfare reform in America—we are dealing with many children who come into this world where the parents, many married couples, are not equipped to handle them at that stage of their lives both financially and emotionally. And the welfare payments are enormous when we talk about teenage pregnancy, which may be the greatest domestic social problem America faces today, or certainly one of the biggest. Society spends an estimated $34 billion on behalf of families in which the first

birth occurred when the mother was a teenager.

When we look at the problem of low-birthweight babies, which constitutes a human tragedy when children are born the size of my hand, weighing as little as 12 ounces, they are human tragedies because they carry scars for a lifetime. Frequently those lifetimes are not very long, but are very expensive to society, costing in the range of $200,000 a child and thousands more each year. It cost society multiple billions of dollars, whereas family planning saves additional costs in medical care. I think this should be agreed upon by everyone.

A few weeks ago, we had a contentious debate in this Chamber about Dr. Henry Foster, and although some may disagree, my view was that Dr. Foster was rejected because he had performed abortions, a medical procedure permitted under the Constitution of the United States.

We now find the legislation offered by the House moving along the track which would deny Federal funding for a woman in a Federal prison who is a victim of rape. What is that woman to do if the Federal Government, which has her incarcerated and is in charge of her sustenance, prohibits funding for a child which is born to her while she is in prison?

What I decided to do, Mr. President, in order to dramatize this situation, which I think is fairly characterized as a wholesale assault on a woman's right to choose—it is not what I decided to do, as the distinguished Presiding Officer knows, but what my staff decided to do. They brought me the idea.

The line which I have submitted here on the situation where there is the dismantling of a woman's right to choose from A to Z is that there is a nationwide campaign under way to dismantle a woman's right to choose. Antichoice forces, frustrated by their failed attempts to achieve a constitutional amendment to ban choice, are urging Congress to impose burdensome obstacles to reproductive health services for women. These changes are far-reaching and will have a devastating impact on women's health.

To show the scope of this effort, my staff and I have compiled the list of actions from A to Z by antichoice forces. This I suggest is a prescription for gridlock.

There is nothing in the Contract With America on abortion. The results of the 1994 election, I submit, were to deal with the key Republican core values of reducing the size of Government, of limiting expenses, of reducing taxes, and not to be engaged in divisive social issues.

In these charts, in a dramatic way, we have listed these issues from A to Z starting with:

A. Amend the Constitution to abolish a woman's right to choose.

B. Banning Federal funding for abortions for women in Federal prisons.

C. Cutting off title X family planning funds to organizations providing abortions with non-Federal dollars.

D. To deny Federal funding for United States representatives to attend the U.N. Fourth World Conference on Women.

E. Eliminate United States funding for international family planning assistance provided by the United Nations Population Fund.

F. Forbid the Legal Services Corporation from handling abortion-related legislation.

G. Gag medical providers at title X family planning clinics to prevent them from discussing abortions as a legal medical option for women facing an unintended pregnancy.

H. Hand over to the States the decision as to whether low-income rape or incest victims are eligible for Medicaid-funded abortions.

I. Impose restrictions on human embryo research.

J. Jeopardize the protections afforded by the Freedom of Access to Clinic Entrance (FACE) Act.

K. Kill nominations of pro-choice Government officials, like Dr. Foster.

L. Limiting the sale and production of RU–486.

M. Mandate that Federal employees insurance exclude abortion coverage, even where the employees pay for it for themselves.

N. Notify parents if minors seek ''sensitive'' health services such as contraception at title X family planning clinics.

O. Overrule the decision of a graduate medical education accrediting organization to require most OB/GYN residents to be trained in abortion procedures.

P. Promote the appointment of Federal judges opposed to choice.

On that, Mr. President, I have long opposed a litmus test and have supported Justice Scalia, Chief Justice Rehnquist, and Justice O'Connor where their views differ from mine.

Q. Quash the ability of the District of Columbia to use its own revenue to fund abortions for poor women—a right of every other jurisdiction in the United States.

R. Restrict fetal tissue research, an issue which passed overwhelmingly in the Senate when some 80 Senators joined together where it was shown at the hearings that the research was very important for many very serious illnesses.

S. Slashing the funding for domestic and international family planning programs.

T. Terminating funding for family planning programs that either provide abortions with non-U.S. funds or advocate a position on abortion.

U. Undermining the ability of military women stationed overseas to access abortion services by prohibiting military hospitals from performing the procedure, even if paid for with private funds.

V. Violating the right of a doctor and patient to determine whether a certain late-term abortion procedure is appropriate and necessary.

W. Whitewash the true political agenda—eliminating access to abortion for all American women.

X. X-out title X, the cornerstone of Federal family planning programs.

Y. Yielding to the antichoice agenda that rolls back the reproductive rights of American women under the Constitution.

Z. Zeroing out the tax deduction for expenses incurred for pregnancy termination.

Mr. President, I have sought to dramatize the many measures which are underway at the present time. I personally am very much opposed to abortion, but I do not think it is a matter for the Federal Government to regulate. I have supported abstinence programs, especially for teenagers, that emphasize avoiding premarital sex and have supported tax breaks for adoption because I think that is the proper course. But I do not think it is the business of the Government to regulate abortions. I think that our colleague, Senator Barry Goldwater, articulated it correctly when he said we ought to keep the Government off our backs—less regulation—out of our pocketbooks—lower taxes—and out of our bedrooms—the constitutional right of the woman to choose.

The conservative point of view is that the least government is the best government, and I would say that the constitutional protection of a woman on her right to choose ought to be maintained.

Mr. President, I ask unanimous consent that a card listing from A to Z these restrictions be included in the CONGRESSIONAL RECORD.

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

DISMANTLING A WOMAN'S RIGHT TO CHOOSE . . . FROM A TO Z

Amend the Constitution to abolish a woman's right to choose.

Ban federal funding for abortions for women in federal prisons.

Cut off Title X family planning funds to organizations providing abortions with non-federal dollars.

Deny federal funding for United States representatives to attend the United Nations Fourth World Conference on Women.

Eliminate United States funding for international family planning assistance provided by the United Nations Population Fund.

Forbid the Legal Services Corporation from handling abortion-related litigation.

Gag medical providers at Title X family planning clinics to prevent them from discussing abortion as a legal medical option for a woman facing an unintended pregnancy.

Hand over to the states the decision as to whether low-income rape or incest victims are eligible for Medicaid-funded abortions.

Impose restrictions on human embryo research.

Jeopardize the protections afforded by the Freedom of Access to Clinic Entrances Act.

Kill nominations of pro-choice government officials.

Limit the sale and production of mifepristone (RU–486).

Mandate that federal employees' insurance exclude abortion coverage.

Notify parents if minors seek ''sensitive'' health services such as contraception at Title X family planning clinics.

Overrule the decision of a graduate medical education accrediting organization to require most ob/gyn residents to be trained in abortion procedures.

Promote the appointment of federal judges opposed to choice.

Quash the ability of the District of Columbia to use its own revenue to fund abortions for poor women—a right of every other jurisdiction in the United States.

Restrict fetal tissue research.

Slash funding for domestic and international family planning programs.

Terminate funding for international family planning programs that either provide abortions with non-U.S. funds or advocate a position on abortion.

Undermine the ability of military women stationed overseas to access abortion services by prohibiting military hospitals from performing the procedure, even if paid for with private funds.

Violate the right of a doctor and patient to determine whether a certain late-term abortion procedure is appropriate and necessary.

Whitewash the true political agenda—eliminating access to abortion for all American women.

X-out Title X, the cornerstone of Federal family planning programs.

Yield to the anti-choice agenda that rolls back the hard-won reproductive rights of American women.

Zero out the tax deduction for expenses incurred for pregnancy termination.

Mr. SPECTER. I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

The period for morning business is extended for leader time.

Mr. DOLE. Leader time was reserved, right?

The PRESIDING OFFICER. The Senator is correct.

KOREAN WAR MEMORIAL

Mr. DOLE. Mr. President, in June 1950 the Communist North Korean Army invaded the Republic of Korea in an all-out effort to extinguish the light of freedom.

Although America was weary of war, we came to Korea's defense and joined with many other nations to repel this unprovoked assault.

From the start of the war until the Korean armistice was signed in July 1953, almost 1½ million Americans stood shoulder to shoulder in the fight for freedom.

Inchon, the Chosin Reservoir, Old Baldy, Pork Chop Hill—all were the locations of famous battles, and all bore witness to American courage and sacrifice in the face of unspeakable hardship.

And at the war's end, over 54,000 Americans had made the ultimate sacrifice. More than 100,000 were wounded. And over 8,000 were missing in action.

One of those who made the ultimate sacrifice was Ens. Jesse Brown, America's first black naval aviator. And his story bears repeating.

In December 1950, Ensign Brown was a member of Fighting Squadron 32, aboard an aircraft carrier somewhere off Korea. He flew 20 close air-support missions, providing cover for our outnumbered marines at the Chosin Reservoir. The battle was fierce; our men on the ground were in a desperate situation.

On December 4, 1950, Ensign Brown's aircraft was hit while making a strafing run against the enemy. With tremendous skill, he managed to crash land on a rough, boulder-strewn slope. He survived the crash, waving to his friends as they circled overhead.

They knew he was in trouble, however, when he remained in the cockpit when smoke began to billow from the wreckage. Finally, a fellow member of the squadron could stand it no longer. As the others attacked and held off advancing enemy troops, Lt. Thomas Hudner ignored the dangers of the mountain terrain and enemy troops, and made a deliberate wheels-up landing.

He ran to Ensign Brown's plane, now erupting in flames, and found his friend alive, badly injured, and trapped in the cockpit.

Lieutenant Hudner shoveled snow with his hands to keep Jesse from the flames, burning his own hand badly in the process.

Finally, a Marine helicopter arrived. Lieutenant Hudner, joined by a crewman from the helicopter, struggled desperately to get Jesse out.

Unfortunately, Ens. Jesse Brown died on that slope in Korea.

As President Eisenhower said, Jesse Brown and all those who fought in Korea proved ''once again that only courage and sacrifice can keep freedom alive upon the Earth.''

Unfortunately, as time passed by, the courage of our soldiers and the rightness of our cause seemed to be forgotten, as the Korean war was buried in the back pages of our history books.

This week, however, with the dedication of the Korean War Memorial here in Washington, DC—in fact, at about 3 o'clock today—Americans join together to pay a long-overdue tribute to the men and women who sacrificed in this so-called forgotten war.

As inscribed at the site, the Korean War Memorial honors the ''sons and daughters who answered the call to defend a country they never knew and a people they never met.''

The haunting images of 2,400 soldiers and the rugged figures of a combat patrol remind us of the Americans and of their allies from 21 other nations who responded when freedom was threatened.

The lessons of the Korean war are clear: There are no quick and easy fixes to preserve freedom. And there is no substitute for American leadership.

Mr. President, it is with great pride that we honor the sacrifice and the legacy of our Korean war veterans. Let us proudly remember their sacrifice and build on the legacy they earned.

EXTENSION OF MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that morning business be extended until 2:15 p.m., with Senators permitted to speak for not more than 5 minutes each, unless they get consent, of course.

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

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are still waiting. We have people negotiating on the so-called gift ban. We hope to have some report by then. We would like to complete action on that today. I hope we can complete action on that today.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

KOREAN WAR MEMORIAL

Mr. KYL. Mr. President, since I will be taking the chair in 5 minutes, I will confine my remarks. Let me begin by complimenting the majority leader with his very fine remarks just delivered with respect to the Korean War Memorial. He spoke eloquently, and I think his remarks really typify what all of us remember and feel now about that war and the people who represented our country in that conflict. I want to compliment the majority leader on what he has just said.

GIFT BAN

Mr. KYL. Mr. President, I would like to make a few remarks about the gift ban, which we will be going to shortly, because there will not be adequate time to describe our feelings with respect to this and, therefore, I thought I would take a moment right now.

It seems to me we need to act, we need to act fairly quickly in order to improve the law that deals with the kind of gifts that Members of the Senate can receive.

There are three particular reasons why we need to do this. In the first place, undue influence is a factor. While I cannot think of a situation in which a Senator's vote has been bought by a lobbyist, the fact of the matter is that taking gifts creates undue influence. It needs to stop. I think reforms in this area will stop it.

Second, there is a perception in the public that the Senate takes a lot of gifts. While it is not necessarily true, the fact any gifts are received helps to contribute to that perception. We need to deal with that perception problem and not taking gifts, or at least any kind of significant gifts, will help deal with that.

And third, taking things because of our position becomes a way of life for some Members. In some cases, there is absolutely nothing wrong with it. A very elderly Indian woman who had been standing at a meeting for over 1 hour out in very cold temperatures in northern Arizona one day when I was finished, and when I began to walk away, slipped a ring, a turquoise ring into my hand and then quickly melted away into the crowd. I understood the significance of that, and I will never forget that as an expression on her part of appreciation of what I was attempting to do and nothing more than that.

So some gifts can be very touching, and they are as important to the giver as they are to the receiver.

By the same token, some gifts become a way of life. I am going to step on some of my colleagues' toes when I say this, but, frankly, there are things permitted by the rules today that we simply ought not to permit. The legislation that is being crafted now, I hope, will prevent this kind of activity from occurring and, as a result, will deal both with the problem of undue influence and the problem of public perception.

I speak of one example, and that is attendance at charity events. Mr. President, you know charities love to have us in attendance. They love to put our names on the invitation list, on the honorary committee. It lends credence and credibility. We all support charities in that way. We will attend the dinner to lend our support and attend the charitable event.

Obviously, the group will many times ask us to come as a guest of theirs. We do that and we do it willingly and, obviously, that does not buy anything in terms of votes. That would continue to be permitted.

But the other kind of participation in charitable events is not so benign. That is the charitable golf tournament or other things as well, but I will use the golf tournaments.

As I say, I will step on some people's toes. The fact of the matter is, when someone flies us a couple of thousand miles away to a resort community to play golf because our presence there somehow makes it a more attractive event for the people who are paying money to attend but we get the free evening and the meal and the drinks and all the rest of it and the free golf game and, frequently, a free putter, whatever, that goes beyond simply lending our name and presence to an event that has a charitable purpose.

I think it is wrong and, therefore, I support the kind of reform which would preclude us from accepting recreational benefits in conjunction with our participation in these kinds of charitable events.

Again, Mr. President, I am just singling out this one example to illustrate the difference between the kind of things that have historically been felt to be OK and we do not think anyone would criticize us for doing, supporting a charity, and, on the other hand, those kinds of things which have crept into the Senate business over time to give us benefits that the general public does not have.

Most people do not get invited to charitable events and given a free putter and a free trip and free meals and, most important, the free golf game. The tee costs of this are significant.

So the rule I support says if you want to participate in a charitable event, be our guest, but you have to get there on your own and you have to pay your own costs for participating; they cannot give that to you. If they want you to attend the dinner with them, fine, but you cannot go there for the purpose of getting some benefit that ordinarily people do not get, such as a free golf game and a free trip to a resort community.

That is the kind of thing which, frankly, gives us a bad name, and it may or may not, in some cases, lead to the argument that there has been undue influence created as a result of the people who are actually paying for the event.

So, Mr. President, I think my time has expired. I simply want to begin this debate by saying we will have some tough choices, but we have to enact reforms. It is the only way that we will prevent undue influence, on the one hand, and, second, end some of the perception problems that the Senate has, and at the end of the day our Government can exist and function only so long as the people have confidence in it, and that means confidence in the people who represent them. Thank you, Mr. President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

CONGRATULATIONS TO SENATOR BYRD

Mr. DORGAN. Mr. President, I want to add my congratulations to those of my colleagues for Senator BYRD today. He was celebrated for casting his 14,000th vote in the U.S. Senate. I know this is a time when it is popular sport to denigrate both the body politic and politicians. But we ought to understand that our country for nearly 200 years has been served by a wonderful array of statesmen and women who have often provided decades of service to preserve and strengthen our democracy.

When I hear these days of the slick ideas that some people put forward in order to solve the political dilemmas in our country, whether it is term limits or some other quick fix, I am reminded of the history of our country. I am reminded of the history of service by Clay, Calhoun, Webster, Goldwater, Humphrey, Taft, yes, BYRD, and DOLE, and so many others, who come and serve, often with great distinction, and contribute a great deal to our country.

It is not purely an accident that our country has become a world power, a country that tackles problems most other countries will not even admit exist, a country that is incredibly self-critical from time to time, but nonetheless a country that has progressed in many areas beyond most countries in the world. It is not an accident.

It results, I think, partly from the genius, inventiveness, and risk-taking ability of those in the private sector in a capitalistic system, who advance this country's interests. But it also results from the judgment and compassion and wisdom of the line of leaders that stretches back 200 years, leaders who were willing to serve in the public sector and help create a democratic form of Government that works—and works better than any in the previous history of the world.

So I wanted, today, to stand and commend and pay tribute to Senator BYRD. I did not know much about him. I did not know what to think about him, frankly, before I came to the Senate. I obviously knew about him, read a lot about him, and watched him work. But I have had an opportunity now to study more closely his contributions to this Senate, and he, in my judgment, has created a lasting legacy of great significance to this body. He, of course, has many years yet to serve. But let me join Republicans and Democrats today in saying congratulations to someone who has devoted so much time to performing his duty for our country.

LIFTING THE ARMS EMBARGO IN BOSNIA

Mr. DORGAN. Mr. President, I want, for a brief moment, to comment about the vote yesterday on lifting the arms embargo on Bosnia. I did not speak at great length on the issue, but I was enormously troubled by it. We have voted on this a number of times in the past, and I have always resisted lifting the arms embargo, not because I did not want it to be lifted; I did, but I felt it inappropriate for us to do so unilaterally.

Yesterday, finally, I decided to vote to lift the embargo. As I said, I was enormously troubled by that vote. It was a difficult decision to make. But I felt it was a necessary decision to make. We cannot, it seems to me, sit by week after week and month after month and watch what is happening in Bosnia to innocent victims of that war. This is a war in which one side is heavily armed and the other side is prevented from getting sufficient arms to defend themselves. And I believe that we are doing something that represents the right course in that region of the world.

It is true, I think, that lifting the arms embargo will mean more arms in the region and perhaps an acceleration of the war. That may be true. But it is also true today that the Serbian army is marching in Bosnia, and it is moving into safe havens where the Bosnian Moslems have turned in their heavy weapons. When somebody says, ''Why did the people not defend themselves?'' it is because they could not get weapons with which to do so.

It is clear that the United Nations and UNPROFOR could not keep the peace. It is hard to keep peace where peace does not exist. You presumably can keep the peace if you have peace. But there is no peace in Bosnia.

The question, it seems to me, posed to us yesterday, finally, was, if our allies and the United States cannot and will not be able to provide protection for these Bosnian Moslems, should we not finally decide to give them the weapons with which to protect themselves? To say ''yes'' to that and do something unilaterally, we may very well anger our allies. That is not a wise course. Our allies are important to us. After all, the United States does not have troops on the ground in Bosnia. We have chosen not to want to do that. I support that decision. I think we should not move American troops to Bosnia.

But other countries have. Young men and women from around the world, especially young men from Great Britain, young men from the Ukraine, young men from France, young men from the Netherlands have been on the ground in Bosnia risking their lives. And it is difficult for us to say to our allies, because they have put their troops in harm's way, to say to them, ''Your opinion does not matter to us; you are wrong.'' That is a difficult thing for us to do.

Lifting the embargo may, it seems to me, provide the kind of impetus that could fracture very important relationships that we have. Yet this is not just a geopolitical discussion. This is not some political intrigue or dialog between us and the rest of NATO. This is about whether families in Bosnia has the right to defend themselves against aggressors who are heavily armed.

I told my colleagues once previously that some months ago I was watching on television a story of a young Bosnian woman who had been critically injured with some 21 shrapnel wounds and lay in the hospital in critical condition for some long while. The attack that gave her these critical wounds killed both her parents, spared her brother, but critically wounded her. The story I saw about this young woman moved me so much that I sought to find a way to bring this young woman to America. I am pleased to say she is now in our country. She was granted humanitarian relief. She has been allowed to join her brother in this country.

The day that I met her airplane at Dulles Airport, I will never forget what she said about our country. This young woman, living by herself in a single room, reading by candlelight at night, having lost both of her parents killed in a mortar attack, and her brother having been able to flee, had not herself been given the opportunity to leave as well and come to our country.

With tears in her eyes, she described the horror that was visited upon so many families in her country. She talked of the hope with which she viewed our country, the feelings that she had about being able to live where there was not daily shelling and was not the risk of death and mayhem all around her.

It is probably difficult for any of us in our country to understand the daily life of those whose lives are at risk in Bosnia. Nobody in this country can, it seems to me, look at the carnage that exists and the horror visited upon these people and say, with good conscience, that it does not matter. It matters to the world. It must matter to us. We must find ways, all of us, in the world to care when these things occur and to find ways to try to dampen the fires of war and to try to snuff out the horrors visited upon innocent people all around the world.

I have voted from time to time to send American troops into various parts of the world. I have voted to help fund exercises to respond to various troubles in the world. You cannot take a look at a famine in parts of Africa, where 2 million people risk death, and say it does not matter. You cannot hear somebody who comes back from Africa and says, ''I watched 40-year-old women routinely climb trees to try to pick leaves off trees because it was the only thing to eat,'' and say, ''That just does not matter. That is halfway around the world, and I do not care.''

We must, as a country, care about these things. We must care about the starvation that exists in parts of Africa. We must care about the killing and carnage that exists in Bosnia. That does not mean that we are the world's policeman and must send troops everywhere, but it does mean that we have a responsibility, with others around the world, to try to respond to the winds of hunger that kill 45,000 people a day in this world.

And so we must respond to the ravages of war that threaten so many men, women, and children in Bosnia. I must say the vote yesterday was a very troubling vote for me because I have previously voted not to lift the arms embargo. But there comes a time when there is no choice. We must, it seems to me, in good conscience, give the Bosnian Moslems the opportunity and means with which to defend themselves against the terror of this war.

Mr. President, I yield the floor.

BRIG. GEN. MICHAEL R. LEE

Mr. KOHL. Mr. President, I rise today to honor the remarkable record of public service of Brig. Gen. Michael R. Lee, the commander of the 440th Airlift Wing based on General Mitchell International Airport Air Reserve Station, Milwaukee, WI. General Lee is also responsible for the wing's subordinate groups, the 910th Airlift Group in Youngstown, OH, and the 928th Airlift Group in Chicago.

He began his military career in the Reserve Officer Training Program at Oregon State University. There in 1963 he earned an undergraduate degree in business administration. After receiving his commission he went to James T. Connally Air Force Base in Texas where he completed his navigator training and went on to B–52 crew training at Castle Air Force Base in California. He then served until 1969 as a B–52 navigator at Fairchild Air Force Base in Washington.

While General Lee left active duty in 1969, he continued to serve his country as a pilot in the Air Force Reserve. At Hill Air Force Base in Utah he flew C–124 transports while working as a stock broker. General Lee began to move up through the chain of command taking on more responsibility and demonstrating his strong leadership skills. During his distinguished career he has served as chief of operations plans for the 940th Air Refueling Group in 1977, in 1981 he was transferred to Headquarters 4th Air Force at McClellan Air Force Base, CA, as the director of tactical aircraft.

In 1986 General Lee received his first command as commander of the 914th Tactical Airlift Group in Niagara Falls. He returned to McClellan Air Force Base in 1988 becoming the deputy chief of staff for operations at Headquarters 4th Air Force. He took command of the 445th Military Airlift Wing (Associate), at Norton Air Force Base in California and assumed his current position as commander of the 440th in Milwaukee in April of 1991. Recognizing his leadership skills and ability to earn the respect and best efforts of the men and women who serve under him, Mike Lee was promoted to the rank of brigadier general on August 12, 1992.

General Lee is a highly decorated officer with more than 5,500 flying hours. His tireless service has earned him the Legion of Merit, Meritorious Service Medal with two oak leaf clusters, Air Medal with four oak leaf clusters, and an Air Force Commendation Medal. These honors are well deserved as the 440th, under General Lee's leadership, earned an unprecedented five awards, including Best Air Mobility Wing in 1993 at the Air Mobility Command's Worldwide Airlift Rodeo, and received his second Air Force Outstanding Unit Award in its history.

Perhaps his greatest achievement while he served at the 440th was saving the Air Reserve Station at General Mitchell International Airport, from being closed. Joining forces with the local community and political leaders, the men and women of the 440th succeeded in convincing the Base Closure and Realignment Committee that their base was too valuable to be closed. I had the pleasure of working with him in this effort and was impressed with his hard work, professionalism and his ability to build such a broad coalition of support from across the State on short notice.

Unfortunately for the 440th he will be leaving us to become the commander of the Air Force Reserve 22d Air Force at Dobbins Air Force Base in Georgia. There he will lead more than 20,000 Reservists in 14 States, control over 70 aircraft, 9 reserve wings, and 19 flying squadrons. He will be sorely missed in Wisconsin but he leaves behind one of the most capable and combat ready

forces in the Air Force Reserve. General Lee is moving on to new challenges and opportunities and I wish him, along with his new wife, all the luck in the world, and success in all his future endeavors.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about ''another go,'' as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to make a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business yesterday, Wednesday, July 26, the total Federal debt—down to the penny—stood at $4,941,608,987,271.97, of which, on a per capita basis, every man, woman, and child in America owes $18,758.43.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

RECESS

Mr. HELMS. Mr. President, I believe there is no Senator seeking recognition. On behalf of the majority leader, I ask unanimous consent the Senate stand in recess until the hour of 3 p.m. today.

There being no objection, at 2:09 p.m., the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

The PRESIDING OFFICER. The Presiding Officer in his capacity as a Senator from the State of Washington notes the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Mr. President, I ask that I be allowed to speak as in morning business.

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

THE 30TH BIRTHDAY OF MEDICARE

Mr. ROCKEFELLER. Mr. President, I wish I could rise only to spend these few moments celebrating a very important birthday of Medicare. It is the way 37 million Americans get their basic health protection. Medicare is turning 30 years old this Sunday. For three decades, Americans have been able to rely on health care benefits in their later years thanks to something called Medicare.

Medicare was not born overnight. It had a long gestation period, ever since President Roosevelt shared his vision in the 1930's of a nation which guaranteed both financial security to its citizens and also health care security.

As we all know, changing anything to do with health care does not happen overnight. It certainly did not happen over the last 2 years of nights or days. And it is hard to do. From the 1930's to 1965, which is a long period in this Nation's history, when President Johnson in fact signed the Medicare bill into law, special interests, parts of the medical community—sadly, large parts of the medical community—and plenty of politicians did everything they could to keep the dream of Medicare from becoming a reality.

Today, however, we have to do more than celebrate Medicare's birthday. The question is whether Medicare will be there for seniors and their families for the next 30 years.

Now, I do not mean to say that Medicare is going to cease to exist. Obviously, it is going to be there in some form. But when I look at a budget resolution that takes $270 billion over 7 years from Medicare and just happens by coincidence to give away $245 billion in tax cuts over that same period, unspecified tax cuts, the alarm bells tend to go off. Medicare was not enacted to be a piggy bank for tax cuts. Medicare is in fact a sacred part of America's vision and America's promise. I think of Geno Maynard, Sue Lemaster, and John and Betty Shumate.

My colleagues obviously do not know who these fine West Virginians are but every Senator represents thousands of people like them. Geno Maynard is 78 years old and lives in Kenova, WV. Sue Lemaster is 83 years old and lives in Follansbee. She is on oxygen all the time. John and Betty Shumate live in Beckley. That is in the coal fields of West Virginia. They are four of about one-third of West Virginians who depend on Medicare for their health.

They all recently told me when I visited them in their homes that they are very worried. I did not tell them to be worried. They are worried. They are scared. The annual income of the average Medicare recipient in West Virginia is less than $11,000—$10,700, to be precise. That is not much money. That is their income from everything they get—Social Security, black lung, whatever it might be, any investments left over, and probably not much of that—$10,700. So they are very worried because cutting Medicare by $270 billion sounds suspiciously to them like they are going to have to pay more for less, and I think they may be right.

This is a very big worry for these four West Virginians as they quite flatly told me because they do not have any more money to spend on health care.

Yes, they could sell their house. West Virginia has high ownership of houses. They could sell their house. I think that is sort of an unreasonable thing to require to get health care in this country when people have worked over the course of their lives.

And then, of course, on average, seniors already spend 21 percent of their incomes on health care expenses. That is three times more than the rest of us. They spend money on benefits that are not covered by Medicare, the largest of which, of course, is prescription drugs. And that does not include eyeglasses and hearing aids and Medigap policies to cover Medicare's cost-share requirements, which can be very hefty.

Mr. President, I would love to have, quite frankly, as a member of the Senate Finance Committee and someone who ranks on the Medicare Subcommittee, I would love to have more details on exactly what the Republican budget will mean for these poor West Virginians. I do not think that is unreasonable. We are talking about a lot of money—$270 billion. I can tell my people that a budget has passed that will cut $270 billion from Medicare, but what does that tell them? That simply gets them, naturally, scared. But where? In what form?

I can tell them that the Republican budget will cut another $182 billion from Medicaid, which hard-working families rely on as the last resort to get into a nursing home. People think of Medicaid often as just representing poor people. You know, not everybody gets to be born a Rockefeller so there are a lot of poor people. A lot of them cannot help it. Some of them could, but most of them cannot. And when they have to go into a nursing home and they do not have any family around, guess who pays 7 percent of the cost of that in West Virginia? Medicaid.

So these cuts are potentially devastating. And as seniors think about them in the raw number, the aggregate number, their imaginations run wild. They sort of think of the worst-case scenario. I do not know whether there is a worst-case scenario or not, but I ought to know. I ought to know as a U.S. Senator on the Finance Committee. I ought to know that. I care about health care.

I can tell them that the experts agree that a total of $450 billion in health care cuts will have to mean less benefits at a higher cost and lower payments to providers and, incidentally, cost-shifting right onto business.

And I can show them that the same budget just happens to put $245 billion into tax cuts. And if you did not have, let us say, all those tax cuts to whomever they are going to go, that would leave really a very small cut for Medicare or maybe a cut for Medicare and a cut for Medicaid, but it would be much, much smaller. And, incidentally, the Republican budget has increased funding for defense.

But until we get more details on where and how these savings are going to be run out of Medicare, this Senator is sort of helpless as to how to give the people I represent any help, any sense

of a roadmap for their own personal futures.

There is no shortage of packaging around the Republican budget. It is the content I am trying to get hold of. My colleagues on the other side of the aisle argue that they are only trying to strengthen Medicare, saving the program, as they put it. Give me a break.

First of all, I watched the very same Senators vote against previous budget packages that included careful steps to keep Medicare strong and keep Medicare affordable. They voted no. Now they are saying, ''Cut.''

Second, taking $270 billion from Medicare while handing out $245 billion in tax cuts does not exactly sound like a way to shore up the Medicare trust fund. I can try on that, but I cannot get very far.

So we have until the year 2002 before the Medicare trust fund is insolvent. We know that. We say that. And we ought to be doing something about that. We should spend our time here working out responsible steps that put every last dime of Medicare savings into that trust fund. You know, the effect of the $270 billion cut on Medicare—people might say, ''Well, that is going to save Medicare.'' Well, there is an argument, Mr. President, as to whether it extends the life of the Medicare trust fund by 3 years, 4 years or 5 years, but not 6, 7, or 8. The optimists hope for 5, the pessimists for 3, but no more. And that is not exactly saving Medicare.

So, the Republican budget is designed to raid, not save, the Medicare Program. I believe that. I firmly, fully believe that. Medicare's money is going to be used to finance tax cuts for the wealthy. It is that simple. I am not amused by that. We have been through that before. That is what the 1980's were all about. Our country did not prosper. In fact, this is not a very amusing subject in any way, shape or form. It has nothing to do with assuring long-term solvency of the trust fund. It has nothing to do with making sure the Medicare Program continues to provide high-quality health care for our country's senior citizens and the disabled. It has everything to do with a Republican contract on America. That is what it is called, Republican Contract With America, and Republican promises to balance the budget in 7 years and hand out tax cuts to the rich. Do you think that is political? Maybe it is. But it also happens to be the truth.

Mr. President, I have introduced a bill to set up a Medicare commission to make recommendations on how to guarantee, in fact, the long-term solvency of the Medicare trust fund. Decisions on the future of the Medicare Program should be made outside of partisan debate on how to balance the budget.

What does a 7-year, arbitrarily picked 7-year balance-the-budget exercise have to do with the future of the Medicare Program? Virtually nothing except in this case everything because they are using Medicare to do that. The budget resolution puts the Medicare Program into a financial straitjacket that does not take into account the health care needs of seniors or the disabled. It ignores the heavy reliance of rural hospitals on the Medicare Program.

Mr. President, there is not a hospital in the State of West Virginia that I can think of that does not depend on Medicare and Medicaid for between 65 to 75 percent of its revenue stream. I cannot think of a single hospital at this moment in West Virginia where something other than Medicare and Medicaid is contributing more than 30 percent or 35 percent or 20 percent or 25 percent to the revenues of the hospital. So you mess around with Medicare and Medicaid, you are messing around with the solvency of hospitals, and particularly rural hospitals.

So what will happen, of course, is that small, rural hospitals will have to shut their doors. My hospital administrators do not speculate on that. They know that. And they can tell you which ones they will be. And it just so happens that one-half of all of the seniors in West Virginia live in rural areas where these hospitals are.

Now, Mr. President, I assume that in September the Finance Committee will get around to submitting its reconciliation plan to the Budget Committee. That means in less than 60 days—in less than 60 days—the Finance Committee will probably have to vote on a plan to take $450 billion from two health care programs that care for the elderly, the poor, poor children, many pregnant women, and the disabled, a plan we have not seen yet. Just read the newspapers. This is, in my judgment, a deliberate strategy to push each and every budget-related bill up against deadlines to threaten the shutdown of the Federal Government, to put pressure on the President and the hope that the fireworks will drown out what it really means to something called ''real people'' in West Virginia and other parts of this great country. And those real people include 37 million folks on Medicare.

I just read—not that I am on the mailing list—an interesting memo from a Republican pollster that tells his audience that seniors are ''PAC oriented'' and ''susceptible to following one very dominant person's lead.''

I guess this is the kind of advice that leads to all kinds of delays in the budget process and the packaging around Medicare that we are most definitely seeing.

So I have joined with all the Democrats on the Senate Finance Committee and all the Democrats on the Senate Budget Committee in a letter to the majority leader asking for a copy of the Republican secret plan to cut Medicare by $270 billion, and to have this before the August recess. Is that an extraordinary or somehow terribly unfair request? That will give us at least a few weeks to discuss the biggest cuts in Medicare's history with something called our constituents, about whom we presume to care.

We need to know what seniors and their families, who count on Medicare to pay their medical care bills, think about these changes and how they will be affected. We have to know that. We have an obligation to know that. It would be a travesty for this contract to enact major massive changes to the Medicare program and not to be able to share any details with seniors, with their families, before the Senate is asked to vote on it.

Then, if all this comes to a reconciliation bill, it is my understanding, and the Parliamentarian can correct me if I am wrong, that we will have a total of 20 hours of debate on the floor of the Senate—20 hours, no more—to discuss thousands of things in the reconciliation bill. I think that is what some people on the other side of the aisle want.

Mr. President, the solvency of the Medicare trust funds is too important to be left to politics as usual.

The Republican suggestion that the Democrats are uninterested in doing what is necessary to put Medicare on sound financial footing does not ring true to me. Going back to the days of President Roosevelt, it was Republicans in Congress who voted against its creation, and it is now Republicans in this country who pose a real threat to Medicare's future. They will keep on saying they are saving Medicare, but raiding Medicare is what they are doing, and that is no way to rescue Medicare.

There is nothing partisan about the West Virginians who turn to Medicare when they retire. I have no idea of the politics of the four people that I mentioned. I have no idea if they are Republicans or Democrats or Independents or unregistered. It makes no difference. I represent them for whatever and whoever they are. In this case, they are older, they are scared and they are human beings. My job is to represent them in the Senate, the only place I can, and that means preserving the meaning and promise of Medicare.

I think, generally speaking, although sometimes some of my colleagues from the other side will tease me, I do not consider myself a particularly partisan Senator. But on this matter, the $450 billion of cuts in Medicare and Medicaid, with $245 billion of tax cuts available for who knows who, I am partisan and I am mad, and I am mad on behalf of my people from West Virginia, which is not the richest State in the country. Nobody in West Virginia gets anything without working hard. Everybody has to fight, and the least they deserve is some truth and some leveling from their Congress.

So I close by saying I hope in this week that Medicare turns 30 that we will be reminded what Medicare's future means to something called the dignity, something called the peace of

mind and something called the quality of life for many millions of older Americans.

I thank the President and yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kentucky.

EXTENSION OF MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that morning business be extended until the conclusion of my remarks.

I say to my friend from Michigan, who I know is concerned about the length of my statement, that it might run slightly past 4 o'clock, and I estimate not much.

Mr. LEVIN. Reserving the right to object, and I will not object. Parliamentary inquiry, Mr. President, what will be pending at the conclusion of the remarks of the Senator from Kentucky?

The PRESIDING OFFICER. The gift reform bill.

Mr. LEVIN. S. 1061.

The PRESIDING OFFICER. S. 1061.

Mr. LEVIN. I thank the Chair.

ETHICS COMMITTEE HEARINGS

Mr. MCCONNELL. Mr. President, on July 14, the Senate Ethics Committee received a letter from the junior Senator from California which threatened that if the committee did not take a specific procedural action in an ongoing case, the Senator from California would pursue a resolution on the floor compelling the committee to take that action. In fact, the letter went so far as to stipulate a deadline for the committee's action, saying, ''I plan to seek a vote on the resolution requiring public hearings unless the select committee takes such action by the end of next week.''

That deadline expired last Friday, July 21. That Friday afternoon, I came to the floor and informed the Senate the committee would not meet that day, nor would it schedule a future meeting that day. I said we would not respond to any attempts to threaten the committee. I assured the Senate that everyone on the committee would like to complete work on the case now before it, but perhaps we needed a cooling-off period, and I assured the Senate that as long as the threat of the Senator from California remained, the cooling-off period would continue as well.

It is now the afternoon of Thursday, July 27. Four long legislative days have come and gone since the artificial deadline expired. It has become evident that the Senator from California has elected not to proceed with her resolution, at least at this particular time. Although we were fully prepared to provide floor time and debate the matter and have a vote, I strongly want to commend the Senator from California for deciding not to move forward. I think it is the right decision for both the Senate and the Ethics Committee at this critical point in our inquiry.

Earlier today, Senator BYRD gave us all a moving speech on the occasion of his 14,000th vote in the Senate. He spoke about the need for more civility in the Senate and less high-profile conflict. I think this latest development indicates that we were all listening.

As I said last Friday, the committee could not in good conscience give in to an ultimatum handed to it, whether by a Senator or, frankly, for that matter, by anybody else. But now that plans for imminent floor action appear to have been suspended, I believe the Ethics Committee will be able to proceed with its work, independent of outside demands, deadlines, and divisiveness.

There has been a lot of discussion on this floor and elsewhere in the past few weeks about precedent. For example, we have heard that it would be unprecedented for the Ethics Committee not to hold a full-scale public hearing in the wake of a major investigation. This assertion is simply erroneous. In fact, the committee elected not to have a full-scale public hearing in the Durenberger case. What occurred was a staged presentation by the committee and the accused Senator only. There were no witnesses, no cross-examination, and no new testimony. In essence, it was a prescripted, prepackaged event.

In the well-known Keating case, the Ethics Committee did hold extensive public hearings but as part of its preliminary fact-gathering process, not as a final airing of collected evidence. This is a critical distinction.

In the Cranston case, in particular, Mr. President, the committee decided that the public proceeding should be held for the purpose of obtaining testimony and evidence, and it decided not to hold a public hearing once the investigation had been completed. In other words, the public phase of the Cranston case was limited to the preliminary inquiry stage, and deliberations over the evidence and penalties were conducted entirely in private.

One can argue whether the committee should have proceeded differently in those cases, but that is exactly what it chose to do. I do not recall anyone complaining about the fact that the committee did not hold full-scale public hearings in the investigative phase of those cases.

One thing, however, is clear: The assertion that it would be ''unprecedented'' for the Ethics Committee not to hold full-fledged public hearings in the wake of a major investigation is simply contrary to the facts.

Naturally, you can give whatever weight you like to precedent. You can ignore it, you can consider it, or you can be bound by it. A few Senators have argued that precedent ought to be controlling on the question of public hearings. But, as I have explained, there is no clear and consistent precedent in this matter.

Nonetheless, there are other precedents that bear directly on the issue of compelling the Ethics Committee to take an action during an ongoing investigation through the mechanism of a floor resolution.

Senator BYRD, just this morning, mentioned the importance of ''knowing the precedents.'' Of course, he was speaking about parliamentary precedents, and no one in this body knows precedents like Senator BYRD. But there are other kinds of precedents that speak clearly to the issue of whether the Ethics Committee should properly be forced by a Senate resolution to do whatever the majority voting for that resolution desires. These precedents are the ones that ought to guide our response to this question, not merely because they are precedents, but because they speak to the integrity of the ethics process in the Senate and, for that matter, the viability of the Ethics Committee itself.

The first precedent, in fact, is the establishment of the Senate Ethics Committee itself to regulate official behavior and prosecute official misconduct. I am personally proud to say that it was the distinguished Senator from Kentucky, John Sherman Cooper, who proposed the resolution that created the committee in 1964. A year earlier, right before 1964, in 1963, the Senate had been confronted with allegations of misconduct involving Bobby Baker, a close advisor to then Vice President Lyndon Johnson, and at that time secretary to the Senate majority. Back in those days, the Committee on Rules and Administration was responsible for examining charges of wrongdoing here in the Senate. And while the matter was taken seriously, the final resolution of the Baker case left the public, as well as many Members of the Senate, deeply dissatisfied. This created an opening for the Senate to reconsider how it would handle cases of official misconduct in the future. And that led to the establishment of the Ethics Committee.

In our view, for the creation of such a committee, Senator Cooper persuaded his colleagues of the need to take misconduct cases out of the regular committee structure, where the party in power obviously has a built-in advantage. Instead, he argued a select committee with equal representation from each party would inspire the confidence of both the Senate and the public. Senator Cooper said right here on this floor:

> First . . . it is to give assurance that the investigation would be complete and, so far as possible, would be accepted by the Senate and by the public as being complete.
>
> Second—

Senator Cooper said this—

> and this is important to all Members and employees of the Senate—it is to provide that an investigation which could touch their rights and their offices, as well as their honor, would be conducted by a select committee which—by reason of its experience

and judgment—would give assurance that their rights and honor would be justly considered.

Senator Cooper went on to say:

It would be better for such investigations to be conducted by a select committee . . . a select committee of the type my substitute amendment contemplates would have the prestige and experience to properly exercise its great authority. . .

The committee—

Referring to the proposed select committee—Senator Cooper said:

would, of course, have the authority, if it found it to be necessary after conducting an investigation, to report to the Senate and recommend such disciplinary action as it found to be necessary.

Now, I have quoted from Senator Cooper's floor statement because it underscores some important points about the precedent of establishing a special committee to handle cases of official misconduct. First, there can be no question that the Ethics Committee was specifically intended to function as an independent body, free from interference by the outside politically charged partisan forces. In fact, that was considered a major and positive innovation at that time.

By design, strict partisan neutrality is preserved by two key features of the Ethics Committee. First, and obviously, it has an equal number of members from each party. Second, a majority vote of the committee members is required to take any affirmative step in all cases and complaints.

The second point that is underscored by Senator Cooper's remarks is that the committee was to be completely entrusted with the authority to investigate cases as it saw fit—the committee—in accordance with its unique experience and jurisdiction.

Third, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage. I repeat, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage.

The only check on the committee's power was the requirement that it report to the Senate and submit any recommendation for disciplinary action to the entire body, which could then approve, disapprove, or amend the Ethics Committee's recommendation. Although the full Senate clearly had an important role to play, its work began only—I repeat only—after the committee's work had ended.

Senator Cooper, and all those who voted for the creation of the Ethics Committee, wanted to establish an ethics process that was not driven by the politics of partisan advantage. And further, they wanted the ethics process to have only limited exposure to the pressures and the publicity of this Senate floor. And so they restricted the full Senate's role in misconduct cases to the disciplinary phase alone. That precedent—the creation of an independent Senate Ethics Committee—speaks directly to the matter of the floor resolution that was to be offered by the Senator from California.

Simply put, such a resolution offered at this critical juncture would shatter the presumption of the committee's independence and authority. It would reverse a 31-year precedent that the Ethics Committee, and not the Senate as a whole, shall conduct investigations of official misconduct as it sees fit.

Such a resolution would tarnish the vision of Senator Cooper and others of an ethics process that could be protected from partisan advantage and the highly charged atmosphere of the Senate floor and the press gallery. A resolution directing the Ethics Committee to take a particular action or changing its rules or procedure in the middle of a case would insert the Senate into a case pending before the Ethics Committee while it is still in the investigative phase.

Now, as I have previously suggested, this approach points us down a steep and dangerous road and disconnects the brakes. Let me just give you one example of what we would have to look forward to if such action were taken on the floor. Just before each election day, like clock work—like clock work—the Senate Ethics Committee receives a rash of complaints filed against Senators who are up for reelection. Most of these complaints are filed by their opponents, who then hold press conferences and demand that the committee take action immediately. The committee's current practice is to simply set those complaints aside until after the election, at which time they receive a full and fair investigation.

Now, the reason for this policy is obvious. While we treat every complaint seriously, we are not about to do anything that would allow the Ethics Committee to become somebody's political pawn.

Now, what would happen if the Senate had approved a resolution like the one proposed earlier by the Senator from California?

If there were a close reelection battle, not only would we have the Senator's opponent calling for immediate action by the Ethics Committee, we would have a resolution out here on the floor requiring the committee to open preliminary inquiries on all complaints received just before the election—just to clear up the record, of course; just to clear up the record.

After all, it would be said that the public has a right to know.

We cannot sweep preelection complaints under the Ethics Committee's rug. As we have been told ad nauseam, the Senate is not a private club.

Now, whether such a resolution actually passed or not would hardly matter. It would hardly matter. The accused Senator would be sufficiently tainted by the debate over the resolution itself. And that is only the beginning.

The precedent which such a resolution would establish is that the Ethics Committee can be treated like a political football, propelled in any direction that happens to suit a majority here in the Senate, and kicked around by any Member who wants to serve their own political or personal agenda.

Since we are concerned about precedents, let me mention another precedent that bears upon the proposed resolution.

In November 1993, the Senate dealt with the very difficult issue of enforcing a subpoena that the Ethics Committee had issued to obtain the personal diaries of Senator PACKWOOD.

In accordance with the rules, the committee came to the full Senate seeking enforcement of its subpoena on the grounds that we believed Senator PACKWOOD's diaries contained information relevant to our ongoing preliminary inquiry.

Now, this unusual step was required by the fact that one Senator had challenged the investigative authority of the Ethics Committee—had challenged that authority.

In that instance, the Senator happened to be the accused.

In essence, the accused Senator wanted to dictate the terms of the committee's investigation to us, the members of the committee. He wanted to tell the committee which procedures it ought to follow with regard to its investigation, and he wanted to unilaterally decide what was relevant and irrelevant to our inquiry.

Basically, the Ethics Committee was not interested in going along with that. So we went to the floor and—fortunately—our position was overwhelmingly sustained by a vote of 94 to 6.

In the course of that 3-day debate, another Senator, entirely within his rights, offered an amendment to our resolution.

That amendment stipulated that the Ethics Committee's factfinding responsibility be subcontracted out, if you will, to a neutral third party. There was an extensive debate over that amendment, most of it centered on what the proposal did to the committee's authority.

The Senate decisively rejected the amendment by a vote of 77 to 23, on the grounds that the Ethics Committee, and no one else, should dictate the procedures and protocols the committee may follow in conducting its investigations.

Although both of those votes involved going against Members of my own party, there was no question in my mind that I had to uphold the committee's prerogative.

It was the right thing to do then, and it is the right thing to do now.

While it takes a different tack, the resolution discussed earlier by the distinguished Senator from California is fundamentally indistinguishable from these previous attempts to subvert the committee's authority and manipulate its procedures, except in one important respect.

The amendment that was offered during consideration of the diary's subpoena was at least part of a proceeding

in which the Senate rules required the Ethics Committee to come to the floor for ratification of its actions.

In that case, the committee had to obtain the full Senate's approval before proceeding further.

To pursue a floor resolution now would interrupt the committee's ongoing work, meddle with its operations, and dictate the terms of its investigation, wholly outside of what the rules allow for the Senate's role in ethics matters.

For that reason, the Senate needs to do the right thing again.

Approval of such a resolution at this point in the process would effectively negate the Ethics Committee's unilateral authority to investigate misconduct. If we change the committee's rules in the middle of the game, it will send an unequivocal and destructive message: If any Member of the Senate does not like what the committee is doing today, they can just offer a resolution to rewrite its rules—on the spot.

It is no exaggeration to say that such a measure, proposed at this stage of our inquiry, would destroy the independence of the Ethics Committee, and that is the beginning of the end of the committee altogether.

Senator BYRD, whom I mentioned earlier in my remarks, is admired for being a distinguished historian of this body.

He spoke eloquently on this very point during the floor debate in November 1993 over the Ethics Committee's subpoena of the personal diaries of Senator PACKWOOD.

Senator BYRD said:

> [L]et us not bring further dishonor to the Senate by refusing to back our own Ethics Committee. . . .
>
> If we turn our backs on our colleagues, three Republicans and three Democrats, who have so carefully investigated this difficult matter, and now ask for our support, we may as well disband the committee.

Many others, from both sides of the aisle, joined Senator BYRD in arguing for the committee's prerogative in investigative matters.

I will quote just one more statement made during that memorable debate, because it is so compelling. This Senator said:

> I am not going to substitute my judgment for [the committee's], because they have sat with this day after day, week after week, month after month.

The speaker went on, strongly exhorting the Senate to ''trust this committee'' and ''stand united with the Ethics Committee.''

Those are compelling words. I could not have said them better myself. The one who spoke those words was the Senator from California—who has now decided, I hope, not to offer the resolution she had planned to bring to the floor earlier.

The precedent established by two overwhelming bipartisan votes on the subpoena matter was that the Senate should not substitute its judgment for the committee's judgment.

It should not attempt to manipulate an ongoing investigation of the committee.

And it should respect the 31-year-old dividing line—established by Senate Resolution 338, offered by Senator John Sherman Cooper, and adopted in 1964—a dividing line, Mr. President, between the exclusive authority of the Ethics Committee to conduct investigations, as it sees fit, and the separate power of the full Senate to take disciplinary action, as it sees fit. That was the precedent of November 2, 1993.

Let me say clearly, in case there is any doubt: the Committee has not yet completed the Packwood matter.

If my colleagues on the committee and I agree on anything, it is that the case has taken much longer than any of us had hoped, planned, or desired.

However, we simply had no choice, given the fact that all of us were committed to the most thorough and fair investigation possible.

I think it is fair to say that no case has ever been so thoroughly investigated in the preliminary inquiry phase than this one.

For those of you who have forgotten—and I do not blame you if you have—the committee opened this case on December 1, 1992, after several women complained of sexual misconduct by Senator PACKWOOD.

We decided early on to conduct the most comprehensive inquiry we could. The staff was instructed to follow every lead and, as a result, the case took several unpredictable turns.

Our inquiry was broadened to include a number of other allegations that surfaced in the course of our fact-gathering. At each stage, we determined to press forward and fully investigate every new indication of wrongdoing that we uncovered.

When the committee issued its bill of particulars on May 17, we asked the staff to give us a report on all the work the committee had done on this one investigation thus far.

Even we were surprised by the massive scale our inquiry had taken: interviews with 264 different witnesses; 111 sworn depositions; as well as a systematic effort to contact every former female employee of Senator PACKWOOD.

To this point, the committee has compiled and reviewed more than 16,000 pages of evidentiary documents. It has issued 44 subpoenas for sworn testimony and documents, including telephone logs, schedules, memoranda, meeting notes, contribution records, and correspondence.

A special investigator detailed to the committee from G.A.O. has logged approximately 650 hours on the Packwood matter.

Committee members and staff have spent more than 1,000 hours of their time in meetings, just on this one case. The vice chairman and I, along with our staffs, have had more than a hundred additional meetings and conferences, again just on this one case.

Given all of that it is amazing that all of us are still on speaking terms with each other.

The dispute over the diary subpoena alone consumed nearly a year of the committee's time.

Not only did we have to seek approval from the Senate, but we also had to obtain a court order to enforce our subpoena, which Senator PACKWOOD—acting within his legal rights—appealed all the way to the Supreme Court.

More than 700 additional hours were spent by the Senate Legal Counsel and Ethics Committee staff preparing and filing legal documents in connection with the committee's extensive diary litigation.

After we won in court and obtained the diaries, the committee's special master spend another 1,000 hours, probably more, reviewing the diary materials and checking entries that had been masked.

In conclusion, Mr. President, this has been the mother of all ethics investigations.

It is also the first full-fledged investigation of sexual misconduct ever conducted in the Senate. Although allegations of sexual misconduct were leveled against two other Senators in the past, the committee dismissed both of those cases rather than proceed to an in-depth inquiry.

Thus, the investigation into this case is a precedent in itself, at least for the Senate.

The House, on the other hand, has dealt with a number of ethics matters involving sexual misconduct.

I think it is worth reviewing some of these cases briefly, to see how far we have come in handling such sensitive and sensational charges.

In 1983, for example, Representatives GERRY STUDDS and Daniel Crane were found to have engaged in sexual activity with House pages. Both were censured; both retained all their rights and privileges; no hearings were held.

In 1989, Congressman Jim Bates was accused of sexually harassing many of the female members of his staff.

I will read some excerpts from a Roll Call article on the matter, which appeared on October 2, 1988, because I think it demonstrates how differently the Packwood matter has been handled in comparison to the Bates case just 6 years ago. Here is what the Roll Call article said:

> The staffers knew Bates' behavior was wrong, but, they said, they felt trapped. If they complained to the House Ethics Committee, they said, they risked being labeled traitors or liars. . . .
>
> Former employees who spoke to Roll Call portrayed remarkably similar pictures of life in Bates' office. . . . Nearly all of the women described his daily requests for ''hugs'' so he ''would feel better'' and ''have more energy.'' When the women embraced him, they said he often patted their behinds and thanked them for being good. ''Of course I was disgusted,'' said one woman. ''But it was my first real job on the Hill. You either put up with it or he'll run you out of town.''. . .
>
> One former aide remembered Bates asking her if she would sleep with him if the two

were stranded on a desert island. . . . Another detailed how, in front of a male constituent, Bates embarrassed a female staffer by staring at her breasts and commenting, ''Yes, they do look good, don't they?''. . .

One ex-aide recalled an encounter that still makes her cringe. A female employee was seated at her desk with her legs crossed. . . . In full view of the staff . . . Bates approached the woman, wrapped his legs around her extended leg, began to sway back and forth, grinning, while he inquired about a specific legislative project.

The Roll Call article I have just quoted from revealed multiple incidents of aggressive sexual harassment by Congressman Bates. You would surely expect them to throw the book at him for such gross and repeated conduct.

But Congressman Bates got off lightly: he reveived a letter of ''reproval'' from the House Ethics Committee and was told to ''apologize'' to his victims. In essence, they told him, ''You've been a bad boy; now say you're sorry and try not to do it again.''

The House did not take any disciplinary action; no hearings were held; and no one said a word.

A year later, Congressman Gus Savage was accused of sexually assaulting a Peace Corps volunteer who was supposed to brief him during an official trip.

The Washington Post was tipped off about the incident and interviewed the volunteer. The matter was reported in an article dated July 19, 1989, from which I am going to quote:

[The volunteer] was selected to give the briefing by a supervisor who repeatedly stressed that making a good impression on [Representative] Savage could help the agency win additional funding in Congress. . . .

But she never gave the briefing, which had been scheduled for a few days later. After the Ambassador's dinner, she agreed to accompany Savage and several others. . . .

Savage insisted that the woman ride alone with him in a chauffeur-driven car, according to a U.S. diplomat. During the next two hours Savage aggressively and repeatedly fondled her in the back seat of the embassy car, despite her strong spoken protests and physical resistance.

Further into the article, the Post reports some of the details of the assault:

''As soon as the cars pulled off from the Ambassador's residence, he grabbed me.'' . . . ''He tried to force me to have sex with him. He touched me against my will,'' she said. ''He put his arms around me. He pulled me up against him. He made me—I mean, he forced me, to kiss him—physically forced me, pulled my mouth onto his. He felt my body * * * *. He was trying to lean over, get on [top of] me, in the car.''

[The Peace Corps volunteer] said she ''tried everything I could think of, short of hitting him or hurting him physically, to make him stop * * * *. He kept touching me, after I told him to stop, many times, loudly.'' In addition to pushing [Congressman] Savage's hands away from her thighs, shoulders and face, the woman said, she endured his taunts about her religion and her attitude toward sex * * * *.

Finally, an information officer from the U.S. Embassy * * * escorted [the woman] away from Savage and took her home.

The Post's narrative goes on to say:

The woman said in an interview that she considered the episode an assault, but she chose not to file a formal complaint because she did not want to publicize the incident and risk damaging the Peace Corps * * *. About a week later, she was medically evacuated back to the United States, where she underwent six weeks of intensive therapy designed for victims of sexual assaults, which was paid for by the Peace Corps. Although she had completed less than half of her two-year tour, she never returned to Zaire.

As a father of three precious daughters, I find that kind of conduct reprehensible beyond measure. It almost makes me physically ill to read it aloud. It is disgusting, and it ought to be punished.

Yet the Home Ethics Committee decided merely to issue a report disapproving of Congressman Savage's grotesque actions. The full House did not act at all on any disciplinary measure. There were no hearings of course, and no one said a word.

In each of these horrendous cases, and there are others I could cite, there was a conspiracy of silence accompanying the slap on the wrist and wink of the eye that each offending Congressman received.

In the Washington Post account I just read, Congressman Savage was reported to have said to the woman he was molesting, ''That's the way the world works.''

Sadly, Congressman Savage was right—at least in the House at that time. That was the way the world worked.

Well, that was then—and this is now.

The Senate Ethics Committee has conducted the toughest, most uncompromising investigation of sexual misconduct that has ever been held in the United States Congress. I do not think there is a single witness in this case who would say that we have tried to cover up anything, or that we have treated them less fairly than the accused.

And certainly, no one can accuse the Senate Ethics Committee of the kind of shoddy, cavalier treatment which the House accorded to thoroughly despicable acts of sexual misconduct occurring in just the last 6 years.

And we are not finished yet.

It is easy to be an ethics dilettante. It is hard to serve on the Ethics Committee. It is hard to make the kinds of judgments that you know will have a lifelong impact on the lives of people, both in and outside of this chamber.

But that is what we are called to do, and I know of no member of this Ethics Committee who takes their duty lightly.

In fact, until an ultimatum was forced upon the Committee, it had operated almost entirely in a bipartisan fashion. Decisions were worked out together, with constructive discussions among everyone; and nearly every action the committee has taken in this case has had the unanimous support of all six members, both Democrat and Republican.

It is deeply troubling to me that one of the effects of this highly-publicized ultimatum is that a wedge has been driven through the committee for the first time in this investigation.

I know it is not a permanent rift, because I know the members of this committee too well for that. Frankly, we have been through too much together for that to happen.

But what has happened to the committee and the Senate in the wake of this incident make the argument—better than I ever could—that we absolutely must preserve the separateness and independence of the Ethics Committee.

What has occurred as a result of the ultimatum of July 14th should make it clear to everyone why the Ethics Committee must operate on its own, as it sees fit, and out of the limelight.

And let me just say: I appreciate the concern that has been shown for this case by the Senator from California and I know her motivations are sincere.

Under the Senate rules, she has every right to challenge any recommendation the committee makes to the Senate.

She is certainly free to disagree with our findings of fact, our conclusions, and any proposals we make for disciplinary action.

What is more—and I think it is important for everyone to understand this—she is free to offer any motion she wants on the Senate floor to obtain a result that she believes is better than the one we recommend, if we come up short of the mark in her opinion.

But the rules governing the ethics process authorize the full Senate to act upon a case only—only—when the committee has completed its work and made its report to the floor.

Let me point out who that protects the most, Mr. President. That protects mostly the minority party, because if ethics cases are going to be dealt with on a bipartisan basis here on the Senate floor, I suspect—I could be wrong about this—there would be enormous temptation by the majority to take advantage of the minority.

The Ethics Committee guarantees a bipartisan result. It was crafted intentionally in that way. And clearly, the principal beneficiaries of that are those in the minority party in the Senate who are protected from the potential abuse of the majority in matters of personal misconduct.

Further, if my friend from California sincerely believes the Ethics Committee's rules of procedure—if that is the direction she may go—ought to be changed, then certainly pursue that or any other option.

But it would be a terrible mistake for Members who think there is some merit to an idea to change the rules or to give the committee directions or to take any floor action during the course of our consideration here on the floor because there will be ample opportunity—ample opportunity—at the end

of the process for any Senator to criticize what is proposed, and to do whatever any Senator may feel appropriate in this matter.

To take a premature step before the committee's report would make a mockery of the committee's independence and its authority.

Members of the committee would live in fear that any decision could be the pretext for a loud and nasty floor fight, for a hasty, ill-conceived change to the committee's rules, or any other directives. I hope we will not allow that to happen.

And again, the principal beneficiaries of that not happening are those who are in the minority.

As a result of conversations I have had with many Members—and I must say on both sides of the aisle—I believe the clear majority of the Senate would allow the Ethics Committee to be able to complete its work, get a recommendation to the floor, and then give everybody an opportunity to say whatever they feel about the final product.

Respecting the concern that every Member of this body has that every case of sexual misconduct be fully and fairly investigated, we want to make sure that happens.

I hope the Senator from California will allow the committee to complete its work. I want to thank her for at least withholding this week. I think that was a gracious gesture. I am confident that if we can get back to work, we can finish the job.

So what I would like to do in conclusion today is announce that the committee will be meeting starting next Monday. It is my intention to have a meeting each day—if that is necessary—each day next week, and each day of the next week, in the hope that we can wrap this matter up, make all the critical decisions that need to be made and, if possible, wrap this matter up before the August recess.

I appreciate, Mr. President, the attention of the Senate. Frequently, when various ones of us speak, no one listens. But I hope that at least the staffs in the various offices who handle ethics matters will take a look at the speech that I have given today—it will be in the RECORD for tomorrow—to look at the history of the Ethics Committee; why it was set up; what it was designed to do; why it is best not to begin the process of criticizing its work before it is completed.

I hope we would all proceed with a cooling-off period and let the committee get back to work.

I say in conclusion, Mr. President, again that the committee will get back to work beginning Monday, and it would be my plan to meet each day next week and each day of the week after that, with the hope that we can make substantial progress on this case, which has taken quite some time to reach this stage.

Mr. President, I thank you for the time and thank you for the attention.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

ETHICS COMMITTEE PROCEDURE

Mrs. BOXER. Mr. President, I am pleased that the Senator from Kentucky has announced that the Ethics Committee will be meeting Monday, Tuesday, Wednesday, and I certainly wish to thank Senator BRYAN from Nevada, who took to this floor yesterday and asked for that meeting. I also want to be clear about what my intentions are, because those intentions cannot be stated by any other Senator but this Senator.

First of all, I was very pleased that my colleague from Kentucky did not raise the specter of threats against any other Senator. That is a step forward from where we were last week. But I do feel that since the Senator from Kentucky did not ask this Senator what my intentions were, he really has no idea what I am planning to do in this matter, although he has essentially taken it upon himself to tell the Senate what I am not going to do.

Now, I also wish to thank the Senator from Kentucky for realizing that I have rights as a Senator. He did not need to remind me of that. I am aware of my rights. He said that I had a right to vote for tougher penalties in the Packwood case if I felt that the committee penalties were not tough enough. I know that because I voted for tougher penalties than had been recommended by the Ethics Committee in the House twice on sexual misconduct cases, once against a Democrat and one against a Republican. There was no room for partisanship. And contrary to what the Senator from Kentucky said, Congressman GERRY STUDDS was stripped of his chairmanship. In the next Congress, he ran again, he won and he got back his seniority. But he was stripped of his chairmanship.

So, yes, I understand the rights of Senators very well. And I will absolutely, absolutely make sure that all my rights are protected.

Now, let me make it clear I do plan to offer my amendment on the public hearings issue if the committee does not meet in a timely fashion—and I am very delighted to hear that they are going to meet on Monday; that is a timely fashion—or if after they meet, they do not vote for public hearings.

Let me repeat that. If they do not meet or if after they meet they do not vote for public hearings, I will be offering my amendment.

The Senator says my amendment treads on the Ethics Committee. We have never discussed my amendment, but nothing could be further than the truth. My amendment is very respectful of the Ethics Committee.

Yes, it says that Senate precedents and procedure should be upheld. And the Senator says there is no precedent for public hearings. I beg to differ with him. Senator BRYAN laid that out in this Chamber yesterday. I have laid that out for all to see. Public hearings in cases that reach the final stage of an investigation is the practice of the Senate.

My amendment is very respectful of the Ethics Committee because the crux of it is that there will be public hearings but—but—the Ethics Committee by majority vote could say we will not have public hearings. And rule 26 is an important Senate rule that is there to protect witnesses, or matters of national security will allow the committee to close off parts of that hearing.

So the Boxer amendment, as I will offer it, if I have to offer it—and let me say I hope the committee votes overwhelmingly for public hearings so I will not have to—will be respectful of the committee.

My colleague from Kentucky mentioned Senator BYRD's name quite a few times. And who more reveres the Constitution than Senator BYRD?

Well, just read article I, section 5 of the Constitution, and you will find that in there it says we must police ourselves. We must discipline our own. And that is a serious responsibility of every Senator, not just the Senators who serve on the Ethics Committee but every single Senator. And that is why every Senator has a right, in my view a responsibility, if he or she feels that the investigation at this stage should be open to the public, to say so and not be intimidated and not be threatened privately, publicly, in the press, outside this floor.

Well, it was serious to me in the House. It was serious to me in the House. And for a freshman in the House to override the committee is speaking with a very loud voice.

A colleague came to me, a friend, and said, ''If you persist in this, they are going to talk about your record in the House.'' I said, ''Good. Good. I'm proud of it.'' Not only did I vote tougher penalties, but in 1989 I voted to change the rules in the House so that hearings would be public in the final stage of an investigation. Look at the record, 1989. And that is all I am asking for here.

How about changing the subject? We have the Senator from Kentucky reading articles from Roll Call about things that happened in the 1980's. How about working on things that happen right here?

How about bringing justice and upholding the precedents of the Senate? Let the sunshine in and let us deal with these matters.

I want again to compliment Senator BRYAN. I think in no small measure he is responsible for the fact that the committee is meeting again because the rules of the Senate allow the vice chairman to call a meeting if the chairman does not. So I want to thank him for his leadership in getting the committee going again.

My colleagues, I have never heard of a circumstance where a committee's work grinds to a halt because the chairman is unhappy with another Senator's view on a matter and says,

''That Senator might offer an amendment.'' I do not know of many committee chairmen who are not facing that every day; there is somebody who does not agree with them and might offer an amendment. Do we stop the wheels of progress in the Senate because one Senator says she or he is going to offer an amendment on the floor and debate it in an open fashion, exercising his or her rights as a U.S. Senator? It is beyond me.

So I hope we do not start that again. In other words, here I am on the floor saying I am not backing off. I am glad that the committee is meeting, but I am not backing off one bit. If they do not vote for public hearings, I will be back here with an amendment.

The American people believe there ought to be public hearings. A recent CBS News-New York Times poll showed that less than 50 percent of the people think there ought to be hearings on Waco again. They have held them before. Less than 50 percent of the people think there ought to be hearings on Whitewater because they have been held before.

But 60 percent of the people believe there ought to be hearings in the open on the Packwood case. It crosses over parties. Republicans think there ought to be open hearings. Democrats think there ought to be open hearings. Independents think there ought to be open hearings. And the committee has the protection of rule XXVI. And in my amendment, if I have to offer it, it gives them the chance on a 4 to 2 vote to close the doors altogether. That is respectful of the committee.

So a lot of people are waiting for justice to be done. We are in the final investigative stage. In every case to reach this stage, there have been public hearings. There are those on this floor who would vote for public hearings for Waco. There were those on this floor who voted for public hearings on Whitewater. I am on that special committee. We now are in our second year of hearings on Whitewater. We are looking at the Vince Foster handling of the papers again. When we are finished with that, there is another phase to go. I voted for that because I feel it is not good for the country that there is whispering or people think there is somebody covering it up. Open the doors.

But, suddenly, those who are chomping at the bit for hearings on these subjects are saying, ''Well, not on this. Not on this. Do not tell the Ethics Committee what to do.'' I do not want to tell the Ethics Committee what to do. I want them to do the right thing. I stood on this floor last week and I listed every case. I feel it was a complete recitation of the precedents. Today I feel more strongly than ever that that is the right course.

I ask unanimous consent to have printed in the RECORD the history of Senate misconduct investigations under current procedures.

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

HISTORY OF SENATE MISCONDUCT INVESTIGATIONS UNDER CURRENT PROCEDURES

In 1977, the Select Committee on Ethics overhauled its rules and established a three-stage procedure for investigating allegations of misconduct. Under the procedure, the Committee first conducts a ''preliminary inquiry,'' and if warranted, an ''initial review'' follows. Only if the Committee finds that the allegations are supported by ''substantial credible evidence'' does the case enter the final phase, a formal investigation.

Since these procedures have been in place, every Ethics Committee case to reach the investigative phase has included public hearings. The following chart summarizes Committee action on misconduct investigations.

Senator/Sanction	Inquiry begun	Investigation begun	Hearings held
Bob Packwood/Case Pending	December, 1992	May, 1995	None.
Alan Cranston/Committee Reprimand	November, 1989	February, 1991	November, 1990-January, 1991.
David Durenberger/Censure	March, 1989	February, 1990	June, 1990.
Harrison Williams/Expulsion (Resigned)	February, 1980	May, 1981	July, 1981.
Herman Talmadge/Censure	May, 1978	December, 1978	April-July, 1979.

Mrs. BOXER. In the RECORD you will see, each and every time, public hearings, public hearings, public hearings, public hearings. Oh, they say this one might be embarrassing. I heard a colleague say, ''The people are getting too much of the O.J. Simpson trial. Now they're going to get this.''

What is the message here? If you commit an ethics violation, make it so embarrassing that you will be protected behind closed doors? I hope not. So here we are. We are moving ahead. I am very pleased that the Ethics Committee will be meeting Monday, Tuesday, and Wednesday. I will be watching and waiting and hopeful that they will hold a vote on the public hearings question. If some of them think we should not have public hearings, so be it. I will accept their opinion. I will not agree with it. And I will take the issue to the Senate floor. If they vote for public hearings, they still have the protection to close off part of those hearings if they feel it is necessary to do so.

The Senate is the people's Senate. We did not get here because we knew the boss and got hired. We got here because a lot of people voted to send us here. This is the people's Senate. This is not a private club. Shining the light of day on this matter and resolving it is very important, Mr. President. And I hope that next week we will hear good news out of the Ethics Committee. And I will await that news with bated breath. If there is no movement on this matter, I will be back with an amendment. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

KOREAN WAR

Mr. GLENN. I ask unanimous consent to speak as in morning business for 6 or 7 minutes.

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

Mr. GLENN. Mr. President, we just came back from the dedication of the Korean War Veterans Memorial, and I just want to say a few words about that. It has been a long time since 1986 when we started this effort. A lot of people were involved; a lot of people worked very hard to see this memorial come to fruition.

Korea was sort of the forgotten war. I think there were several reasons for that. It came so closely on the heels of World War II, which was a war with many nations involved, global in scope. Then, all at once, here we were involved in Korea. The area of conflict was more geographically limited. But what transpired within the borders of Korea was every bit as violent as anything that happened anywhere in the world in World War II.

Now, I think it is a shame after the war—I always have felt this way after a war when people come back. When you leave for the war bands are playing, you are off for freedom, this sort of thing. When you come back, sometimes the band is playing and the talk about freedom and protecting freedom is there, it is true. But when you are out there and you are in combat, the whole horizon of the world narrows down. And it is you and the people you are with in combat, its survival, and you take losses. Then you come back. Yes, it is ''thank you'' a little bit. But then it is sort of forgotten.

I think that was particularly true in Korea. Korea became the forgotten war, largely because it came so closely on the heels of World War II. And because, a few years later, Vietnam became such a divisive war, attracting so much attention on the national scene that Korea was really that forgotten episode out there.

I know it is not good to compare one war with another as far as losses go, not to those involved, whether families or friends, nor to the people who are out there getting shot at, wounded, and killed. I know you cannot compare one war with another and do it properly. But Korea, for the length of it, was one of the bloodiest wars that this Nation has ever fought. Vietnam was stretched out over a period of about 10 years. There were 58,000 Americans—58,000 Americans lost—killed in Vietnam. In 3 years in Korea we lost 54,000 Americans—some of the bloodiest fighting that ever occurred.

It was the Chosin Reservoir. In the annals of military history, particularly of the Marine Corps, Chosin Reservoir

and some of the things that happened there were almost unbelievable. Surrounded by 120,000 Chinese and North Korean troops, this small group of marines made their way out from the reservoir, bringing their dead along with them, piling in the back of the trucks, in the weapons carrier, and so on. They did not leave anybody up there.

Yesterday, in my office, I had the honor of pinning a Purple Heart on a gentleman who had been bayoneted at Chosin Reservoir and came out—they kept him on the hood of the vehicle to keep him warm. He got over to Japan and was in the hospital there. He never put in for the Purple Heart. His son wrote to me. We turned it over to the Marine Corps. They checked the records. Sure enough, no Purple Heart. Bayoneted 43 years ago, and I had the honor of pinning that Purple Heart on him in my office yesterday.

One of the things irritating to me is that, when people go out and fight a war, and they come back and want to have a memorial so somebody remembers down the road, they have to raise the money to put up the memorial themselves. Is that not ironic?

A grateful nation, yes. But not quite grateful enough to put up a memorial to the 54,000 Americans killed out there.

So some years ago, a number of people—I was one of them—got together and decided there should be a memorial; that this should not be a forgotten war. I played a very small role in it, I was not a leading part of it. We raised the money for it. As I say, I was a very tiny part, and I truly was. Gen. Ray Davis, a Marine Medal of Honor winner, wound up spearheading this effort, and he was the master of ceremonies at the dedication ceremonies just a little while ago.

For those who were there, we do not need a memorial. I do not need a memorial for Korea. Because those who were there—Senator WARNER is here on the floor, Senator CHAFEE was over there—those who were out there remember very, very well what happened. You remember an awful lot of things.

You remember the squadron commander getting shot down, seeing him bail out, seeing the plane crash, and you were not able to get him out of there.

You remember other people going down in flames. You remember people not coming out at a rendezvous point after a strike and having to write to their next of kin. That is the hardest part, I can tell you that. Anybody there can testify to it.

You remember getting hit and the airplane keeps on flying. My memory of things like that is very, very vivid, as though they just happened this morning.

So what I am saying is, for those who were there, we do not need a memorial. But I think it is important that the Korean Memorial is there.

The design of it is very good. It shows people slogging along. The figures there represent all the different services and all the nations that were out there, the 20 nations beside our own that were involved. This is a memorial to all of those who sacrificed so much, whether on the ground, in the air, or wherever they were. It is a memorial to all of them. It will be a symbol for my children, my grandchildren, my great grandchildren, my great, great grandchildren that the freedoms that we have, and our position in the world, did not just happen. It is not something that just was automatic. It is something that happened because there were an awful lot of people who went out, whether it was World War I, World War II, Korea, Vietnam, or elsewhere, and represented this country in conditions that were very, very tough.

So we do not need a memorial, perhaps for our generation, the generation that took part in Korea. When you meet someone who was out there, a handshake, a look in the eye, just knowing that they understand, is your memorial. But I think it is important that we have an impressive memorial, like the Korean Memorial, for those who come after. Maybe they can get some little bit of inspiration from it about dedication to country, loyalty, and patriotism.

These are the things that the memorial is all about. For those who were there, we do not need it. We have our own memories, a memory memorial that does more than the bricks, mortar, stainless steel, bronze, and marble down there on the Mall as a companion piece to the Vietnam Memorial.

I say as a companion piece because many Americans can remember being in Washington and standing on the Lincoln Memorial steps, looking down the reflecting pool toward the Washington Monument. Over on the left is the Vietnam Memorial, very impressive. Now, over on the right, is a companion piece, the grove of trees where the Korean Memorial is.

The bravery demonstrated in Korea, whether at Chosin Reservoir or elsewhere, was just as valorous as any other war in which Americans have fought. Truly, uncommon valor was a common virtue there, as much as it was in any other war.

I hope that our kids can get a little taste of that bravery, of what happened out there. That I see as the memorial's basic function.

So today perhaps the forgotten war is not quite as forgotten as people thought. I hope that, as people from all over this country come and see this impressive memorial, they, too, will have a small appreciation for what happened back in those days. The forgotten war is not forgotten. We have a beautiful memorial now. We are proud to have taken part in dedicating it today.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

HEROES

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague for those remarks. Indeed, I was privileged to join him, Senator CHAFEE, and a number of others from the Senate and the House today at the dedication of the Korean War Memorial.

If I may say, Mr. President, the remarks of this distinguished Senator reflect his hallmark, that is a man of humility, in terms of his own heroic service to his country, be it in the Marines in World War II, Korea, or in the aftermath in the space program.

The Senator mentioned valor in aviators, and I want to share with him one personal recollection of my squadron commander. I was but a communications officer, not a pilot, in the squadron, VMA–121. We had the old AD–1's. The Senator remembers that workhorse of an aircraft. He flew them himself.

This particular man's name was Al Gordon, Lieutenant Colonel, USMC. I was back in the ''commshack'' monitoring a routine mission taking off, and he was leading it, a flight of four aircraft. They took off and got about 30 miles away. They were still in their climb when he developed an engine fire. His wing man called quickly to tell him he was trailing smoke and to bail out.

The frantic conversation, which I learned, was that Colonel Gordon acknowledged his wingman's plea, but looked down and said, ''There's a village. I'm carrying 8,000 to 10,000 pounds of bombs. I have to divert the aircraft from civilians before I go out.''

But in so diverting, he lost altitude, and when he finally got out of his aircraft, there was not enough distance between the aircraft and the ground. His chute streamed, but too late. I had the misfortune of—well, maybe it is not a misfortune—but anyway, to go out and reclaim his body, this brave hero, and bring him back.

I had the opportunity when I was Secretary of the Navy, many years later, to finally find his widow and give her a small artifact and tell her the story of the bravery of her husband.

So this memorial does stand to those who did not come back and many who did, but bear the scars of the war. I just wish to say, Mr. President, how much I respect our distinguished colleague from Ohio and his remarks today.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The minority leader is recognized.

REMEMBERING THE KOREAN WAR

Mr. DASCHLE. Mr. President, I, too, commend the distinguished Senator from Ohio and associate myself with the remarks of the Senator from Virginia because I believe the Senator from Virginia said it very well. We owe a big debt of gratitude to all Korean war veterans.

It is this memorial, I think, that perhaps puts that gratitude in proper light and emphasizes the remarkable contribution that each and every one of those veterans made to our freedom. We have the good fortune to serve each

day with three of those veterans. We just heard two of them. Senator WARNER, Senator GLENN, and Senator CHAFEE all served admirably during that difficult time. All came back to serve this country in other capacities with great dignity and extraordinary valor.

President Kim this afternoon, during the dedication, remarked again that freedom is not free. That statement reminded me of a comment made several years ago while I visited East Germany that democracy is something one either has to fight for or work at. But we do not have the luxury of doing neither. These three distinguished veterans of the Korean war understand the need to do both. They fought for freedom and, ever since returning, have worked at democracy. So I know I speak for all Senators in our expression of personal gratitude to them for their achievements and for the contribution that they have made to this country.

Mr. President, ''The struggle of man against power is the struggle of memory against forgetting.''

Those words, by the Czech writer Milan Kundera seem especially poignant today as America dedicates a memorial to those ''forgotten veterans,'' which Senator GLENN so eloquently addressed, the men and women who fought and died in the Korean war. And it is a honor that is long overdue.

The other day, I had the privilege of visiting with two Korean war veterans from South Dakota, who had come to Washington this week for the dedication.

Don Jones was 22 years old when his foot was ripped apart by a hand grenade in North Korea on October 1952. He spent 6 months recuperating in a Tokyo hospital, and then he went back to Korea to fight some more.

Orville Huber was 24 years old when he was hit in the head by a piece of shrapnel in July 1953, just 2 weeks before the war ended.

They both won the Purple Heart.

After the war ended, they returned to South Dakota. There were no parades, no fanfare. When I asked them what they would like to hear the American people say after all this time about the sacrifices that they made in Korea, Orville responded simply: ''We would just like to hear that people remember.''

Perhaps the reasons the Korean war has receded in our memories is because it was unlike either the war that preceded it or the war that followed. Rationing brought World War II into every American home, and television brought the Vietnam war into our homes.

But Korea was different. Except for those who actually fought there, Korea was a distant land and, eventually, a distant memory.

So today, as we dedicate our Nation's Korean War Veterans Memorial, it is fitting that we remember what happened in Korea and why we went there in the first place.

The wall of the Korean War Veterans Memorial bears an inscription that reads: ''Freedom is not free.'' It was repeated by President Kim yesterday in the joint session of Congress, and repeated again by the President of the Republic of Korea today during the dedication.

In the case of South Korea, the price of repelling Communist aggression and preserving freedom was very high indeed.

Nearly 1½ million Americans fought to prevent the spread of communism into South Korea. It was the bloodiest armed conflict in which our Nation has ever engaged. In 3 years, 54,246 Americans died in Korea—nearly as many as were killed during the 15 years of the Vietnam war.

Freedom is not free.

Nearly 1½ million Americans sacrificed part of their lives to preserve freedom in Korea—and more than 54,000 Americans sacrificed all of their lives. The nobility of their sacrifice, at long last, is now recorded for all of history at the Korean War Veterans Memorial.

Look into the faces of the 19 soldier statutes that make up the memorial and you can feel the danger surrounding them. But you can also feel the courage with which our troops confronted that danger. So it is a fitting tribute indeed to the sacrifices of those who fought and died in that faraway land.

But there is also another tribute half the world away, and that is democracy—democracy—in the Republic of South Korea. Over the past four decades, the special relationship between our two nations that was forged in a war has actually grown into a genuine partnership. Our two nations are more prosperous, and the world is now safer, because of it.

As the writer said, ''The struggle of man against power is the struggle of memory against forgetting.''

The free world won an important battle in the struggle against power more than four decades ago when we beat back the forces of communism in South Korea.

Today, it is the responsibility of all those who value freedom to remember the struggle and the honor and the commitment of all of those who fought and who ought to be remembered in perpetuity. The Korean War Veterans Memorial is one way that we can truly live up to that responsibility.

Freedom is not free. We must recognize—and I hope future generations will always recognize—that democracy truly is something we must either fight for or work at.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I am assuming that we are going to be going to the gift ban reform very soon.

Since there is this break, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

The Senator is recognized to speak for 10 minutes.

MEDICARE'S 30TH ANNIVERSARY

Mr. WELLSTONE. Mr. President, on July 30, 1965, President Lyndon Baines Johnson traveled to Independence, MO, and he signed Medicare into law. That simple ceremony marked the beginning of a new era of health and economic security for America's seniors.

Prior to Medicare, only half of America's elderly had health insurance. Today, more than 36 million elderly and disabled Americans, including more than 630,000 Minnesotans, are protected by Medicare. Mr. President, Medicare is a program with overwhelming support in Minnesota among seniors, their children, their grandchildren, and all Minnesotans.

Many of us remember what it was like for seniors before Medicare. Many seniors lost everything paying for necessary health care, and many others simply went without it.

Mr. President, the Medicare Program, imperfections and all, made the United States of America a better country. Prior to Medicare, what often happened was that as people became elderly and no longer worked, they then lost their health care coverage. Many people could not afford good health care.

This was a program, along with Medicaid, that made our country more compassionate. It made our country a fairer country. It made our country a more just country.

I can say, Mr. President, having had two parents with Parkinson's disease—and the Presiding Officer and I have talked about Parkinson's disease before, and we both have a very strong interest and support for people who are struggling; I think the Presiding Officer has a family connection also with Parkinson's disease—for my mother and father, neither of whom are alive, Leon and Minnie, the Medicare Program, I think, was the difference at the end of their lives between dignity and just economic disaster. It is a terribly important program.

Mr. President, Medicare also is important to Minnesotans because we, as a State, I think, have had a great deal to do with its creation. Hubert Humphrey, Walter Mondale, and Don Fraser, among others, worked tirelessly on its creation.

This was a project of countless Minnesotans, advocates for seniors from all across our State, our universities, our communities, all came together during the early part of the decade of the 1960's, and finally culminating in 1965

on July 30, when we passed this hallmark legislation.

In many ways, I argue today on the floor of the Senate, Medicare is a product of Minnesota. It reflects Minnesotans' values. It reflects the tradition of my State: A tradition of respect for seniors and a commitment to those members of our community who need a helping hand. As Hubert Humphrey, a great Senator, said in support of Medicare, ''Our country's strength is in the health of our people.'' That was the premise of the Medicare Program.

This year, the 30th anniversary of the Medicare Program, all too many Republicans have resolved to cut the program by $270 billion over the next 6 years. While the budget deficit clearly needs to be reduced, the Republican proposal to finance a tax cut to the tune of $245 billion—most of it going to high-income and wealthy people—and at the same time putting into effect severe and, I think, draconian cuts in the Medicare Program, a program which has played such a central role in improving both access to and quality of health care services for our country's elderly and disabled, is unacceptable, I argue—and we will have a debate about this, as time goes on—and unconscionable.

Mr. President, while I believe the Medicare Program could and should be improved, I want to be quite clear that I do not think that this program will be improved by cutting $270 billion over the next 6 years.

Mr. President, a dramatic restructuring of Medicare not based on sound public policy would be a grave mistake. A dramatic restructuring of Medicare of the kind that has been proposed now by too many Republicans, not based on sound policy, would not be a step forward for Medicare beneficiaries in Minnesota or across the country, but would be a huge step backward.

Republicans have proposed, Mr. President, to fundamentally change the program from universal health insurance for seniors to a fixed amount of cash which each Medicare beneficiary could use to purchase coverage in the marketplace. This would effectively transfer the risk of Medicare inflation and medical inflation to the elderly, in order to relieve the Government from bearing the risk.

Mr. President, seniors would be expected to pay the difference between the cost of a health plan and the Medicare voucher amount. The elderly in our country, Mr. President, already pay four times more out-of-pocket expenses for medical costs than those under 65 years of age. This does not include the enormous cost of nursing homes, which is now nearly $40,000 a year.

While Republicans claim that they want to use a voucher system to emulate the health care cost containment successes of the private sector, they neglect to mention that their budget cuts will only allow Medicare costs to grow at a rate of less than 5 percent per person, while private health care costs are projected to grow at a rate of 7 percent per person. Those are exactly the figures. That is exactly the information.

Mr. President, that means that even if the Medicare Program, which cares for the sickest and the frailest members of our society—the same members, I might add, Mr. President, who have been systematically excluded by the insurance companies from coverage because of preexisting conditions—even if Medicare can capture all of the efficiencies of the private sector, there still would not be enough money to cover the costs of this program.

Mr. President, Minnesotan providers have already suffered from inadequate payments for Medicare. For example, Minnesota's HMO's are currently offered inadequate payments for the Medicare population. As a result, many of our HMO's have declined to participate in the Medicare Program on a capitated basis. Minnesota, compared to California, compared to New York, compared to Florida, sometimes only receives half of the reimbursement per person.

Mr. President, what I am saying is that we, in Minnesota, have kept the inefficiencies out of the system. We have already cut the fat. If these payments come to Minnesota, capitated at a fixed amount way under the cost of providing care to beneficiaries under a voucher-type scenario, seniors will be forced either to pay more out of pocket—and we are not talking about a high-income population when we talk about the elderly in Minnesota or in our country—or they will have to go without coverage.

Mr. President, beyond the impact of Medicare cuts felt by seniors and the disabled community, we will all pay the costs of Medicare indirectly. We will pay it in one of two ways: Either as children or grandchildren, we will have to help pay the costs of our elderly parents or grandparents.

Many families are already under a tremendous amount of economic pressure. The bottom 70 percent of the population has been losing ground economically over the last 15 years. I think it is rather naive to believe that families will have a lot of extra income to pay this additional cost.

Or, when the hospitals, clinics, and doctors are in a position to do so, and I do not blame them for this, they will just shift the costs. It is like Jell-O. Put your finger in one part of the Jell-O and it just shifts. What they will do, since the Medicare reimbursement will be significantly under the cost of providing care—that is already the case in Minnesota—these cuts will not work in my State, I tell Members now. This slash-and-burn approach will not work in Minnesota. It will not only hurt Medicare beneficiaries. It will also hurt care givers and providers and, in addition, those care givers and providers in the metro area, if they can, will shift the cost of private health insurance. Then the premiums will go up, then the employers will have a difficult time carrying insurance, and more will be dropped from coverage.

This is crazy public policy that some people are advocating around here.

Mr. President, Medicare Dependent Hospitals, which have a Medicare load of 60 percent or more——

The PRESIDING OFFICER (Mr. ABRAHAM). I inform the Senator his 10 minutes has expired.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 5 extra minutes.

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

Mr. WELLSTONE. Mr. President, Medicare dependent hospitals—and the definition of a Medicare dependent hospital is a hospital that has Medicare patient loads of 60 percent or more—have significantly lower overall margins than other hospitals, and will face two choices: Either those hospitals will close down or they will have to reduce services.

Minnesota has four Medicare dependent hospitals in the urban areas, and we have 40 of those Medicare dependent hospitals in the rural areas. In addition, 43 percent of Minnesota's hospitals currently lose money on Medicare patients. If the proposed Medicare cuts are enacted, 67 percent of Minnesota's hospitals would lose money on Medicare patients.

Small, isolated rural hospitals require a stable funding source in order to provide care. I will tell you right now, in many of our smaller communities, in many of our greater Minnesota communities, in many of the communities in rural America, what is going to happen is that those hospitals with a Medicare patient mix of sometimes up to 80 percent are simply not going to be able to make it. And when those clinics and hospitals close, that means not just Medicare recipients but other citizens as well do not receive the care that they need.

Medicare has come to symbolize this Nation's commitment to health and financial security for our elderly citizens and their families. It is a successful program that has played a central role in improving both access to and quality of health care services, not only for our country's elderly and disabled, but for all of us. We are talking about our parents and our grandparents.

Mr. President, I will, as we go to the 30th anniversary of Medicare, vigorously oppose all efforts or any effort to dismantle a Medicare system in order to give a tax cut that will disproportionately benefit those people who need it the least.

Let me repeat that. I will resist any effort to dismantle the Medicare Program in this country in order to give tax cuts to those citizens who, in fact, least need the financial assistance.

Thirty years ago, Medicare was part of a Democratic vision for a better America. Mr. President, today it still is. I come from a State that has made

an enormous contribution to our Nation. I come from a State that has made a contribution through a great Senator and a great Vice President, Hubert Humphrey—Hubert Humphrey and Walter Mondale and Don Fraser—and Minnesota had a lot to do with the beginning of the Medicare Program and with support for this program, which has made such a positive difference in the lives of people, our senior citizens around this country. I intend to fight hard to make sure that we keep this as a high quality program.

My mother and father depended on this program. They are no longer alive, but for them, if not for Medicare it would have been financial disaster. So I do not intend to see this program dismantled—not on my watch as a Senator from Minnesota. And the more we get into this debate, the more people in Minnesota and all across this country are going to say: Senators, whether you are Democrats or Republicans, this is unacceptable and unconscionable. Do not be cutting Medicare, do not be cutting Medicare and quality of services for elderly people in our country, all for the sake of tax cuts for wealthy people in our country. There is no standard of fairness to that.

Mr. President, I ask unanimous consent that an article by Ted Marmor titled ''Medicare and How It Grew—To Be Confused and Misjudged'' be printed in the RECORD.

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

[From the Boston Sunday Globe, May 7, 1995]

MEDICARE AND HOW IT GREW—TO BE CONFUSED AND MISJUDGED

CONFUSION ABOUT THE PROGRAM'S PAST IS CLOUDING ITS FUTURE

(By Ted Marmor and Julie Berlin)

Medicare, budget deficits and the race for the presidency have once again come into intense and very public conflict. On Monday, President Clinton publicly rejected the suggestion by House Speaker Newt Gingrich that Medicare's forecasted budget be reduced substantially (some $250 billion) so as to ''save'' the valued, but beleaguered program. On Wednesday, the president reiterated his ''defense'' of Medicare before the White House Conference on Aging, rejecting both the Gingrich diagnosis and the remedy of a bipartisan national commission proposed by Senate Majority Leader Bob Dole, an announced contender for the Republican presidential nomination. By the end of the week, Republicans were on the defensive, repeatedly referring to the recent report by Medicare's trustees that, without cost control, the program's hospital ''trust fund'' will run out of money by 2002.

The Republicans find themselves caught among conflicting promises: to balance the budget, to enact tax cuts and to protect both Medicare and Social Security. The country finds itself in the midst of a bewildering mix of crisis talk, fact-throwing and ideological name-calling.

To make sense of this debate requires historical perspective on what Medicare was expected to accomplish, some understanding of what its 30-year history has wrought and some realistic discussion of what its real problems are and what can be done about them.

Medicare, enacted in 1965 and fully operational in 1966, has historical origins that are difficult to understand in the political environment of the 1990s. Perhaps the best way to understand Medicare is to appreciate how peculiar the program is from an international perspective. The United States is the only industrial democracy that has compulsory health insurance for just its elderly citizens. Even those countries that started national health insurance programs with one group of beneficiaries did not start with the elderly. Almost all other nations began with coverage of their work force or, as in the case of Canada, went from special programs for the poor to universal programs for one service (hospitals) and then to another (physicians).

This means that peculiarly U.S. circumstances, rather than some common feature of modern societies, explain why it is that compulsory government health insurance began in the United States with the recipients of Social Security cash pensions.

The roots of this particular history lie in the United States' distinctive rejection of national health insurance in the 20th century. First discussed before World War I, the idea fell out of favor in the 1920s. When the Great Depression made economic insecurity a pressing concern, the Social Security blueprint of 1935 broached both health and disability insurance as controversial items of social insurance that should be included in a more complete scheme of protection. From 1936 to the late 1940s, liberals called for incorporating universal health insurance within the emerging welfare state. But the conservative coalition in Congress defeated this attempt at expansion, despite its great public popularity.

The original leaders of Social Security, well aware of this frustrating opposition, reassessed their strategy during President Truman's second term. By 1952, they had formulated a plan for incremental expansion of government health insurance. Looking back to the 1942 proposal that medical insurance be extended to Social Security contributors, the proponents of what became known as Medicare shifted the category of beneficiaries while retaining the link to social insurance.

Medicare became a proposal to provide retirees with limited hospitalization insurance—a partial plan for the segment of the population whose financial fears of illness were as well-grounded as their difficulty in purchasing health insurance at modest cost. With this, the long battle to turn a proposal acceptable to the nation into one passable in Congress began.

These origins have much to do with the initial design of the Medicare program and the expectations of how it was to develop over time. The incrementalist strategy assumed that hospitalization coverage was the first step in benefits and that more would follow under a common pattern of Social Security financing. Likewise, the strategy's proponents assumed that eligibility would be gradually expanded. Eventually, they believed, it would take in most if not all of the population, extending first, perhaps, to children and pregnant women.

All the Medicare enthusiasts took for granted that the rhetoric of enactment should emphasize the expansion of access, not the regulation and overhand of US medicine. The clear aim was to reduce the risks of financial disaster for the elderly and their families, and the clear understanding was that Congress would demand a largely hands-off posture toward the doctors and hospitals providing the care that Medicare would finance. Thirty years later, that vision seems odd. It is now taken for granted that how one pays for it affects the care given. But in the buildup to enactment in 1965, no such presumption existed.

The incrementalist strategy of the '50s and early '60s assumed not only that most of the nation was concerned with the health insurance problems of the aged. But it also took for granted that social insurance programs enjoyed vastly greater public acceptance than did means-tested assistance programs. Social insurance in the United States was acceptable to the extent that it sharply differentiated its programs from the demeaning world of public assistance. ''On welfare,'' in American parlance, is a form of failure, and the leaders in the Social Security administration made sure that Medicare fell firmly within the tradition of benefits ''earned,'' not given. The aged could be presumed to be both needy and deserving because, through no fault of their own, they had lower earning capacity and higher medical expenses than any other age group. The Medicare proposal avoided a means test by restricting eligibility to persons over 65 (and their spouses) who had contributed to the Social Security system during their working life. The initial plan limited benefits to 60 days of hospital care; physician services were originally excluded in hopes of softening the medical profession's hostility to the program.

The form adopted—Social Security financing and eligibility for hospital care and premiums plus general revenues for physician expenses—had a political explanation, not a philosophical rationale. Viewed as a first step, of course, the Medicare strategy made sense. But after 30 years, with essentially no serious restructuring of the benefits, Medicare seems philosophically, and practically, at sea.

The main outline of Medicare's operational experience can be summarized in three chronological periods.

The first—roughly from 1966 to 1971—was one of accommodations to US medicine, rather than of efforts to change it. To ease the program's implementation in the face of heated resistance from organized medicine, Medicare's first administrators resisted radical changes. They adopted benefits and payment arrangements that exerted inflationary pressure and hindered the government's ability to control increases in program costs over time. For example, paying hospitals their ''reasonable costs'' and physicians their ''reasonable charges'' proved to be significant loopholes that prompted energetic gaming strategies on the part of doctors and hospitals. Unusually generous allowances for depreciation and capital costs were a further built-in inflationary impetus. The use of private insurance companies as financial intermediaries provided a buffer between the government and physicians and hospitals but it weakened the capacity of government to control reimbursement.

The truth is that in the early years, the program's leaders were not disposed to face the confrontations necessary to restrain costs. They felt they needed the cooperation of all parties for Medicare's implementation to proceed smoothly. Medicare's designers, fully aware of the need for cost control, were initially reluctant to make strong efforts for fear of enraging Medicare's providers.

With the benefit of hindsight, it is easy to criticize this. At the time of its enactment, however, Medicare's legislative mandate was to protect the elderly from the economic burdens of illness without interfering significantly with the traditional organization of American medicine. It was with this aim in mind that Medicare's leaders were accommodating so as to ensure a smooth, speedy start to the program. It was not until the 1980s that Medicare came to be seen as a powerful means to control the costs and delivery of medical care.

The results were quite predictable: efficient administration of a program with inflation built in. The average annual rate of growth in the daily service charge of US hospitals between 1956 and 1971 was 13 percent. Medicare's definition of reasonable charges paved the way for steep increases in physicians' fees as well. In the first five years of Medicare's operation, total expenditures rose over 70 percent, total expenditures rose over 70 percent, from $4.6 billion in 1967 to $7.9 billion in 1971. Over the same period, the number insured by Medicare rose only 6 percent (19.5 to 20.7 million people).

By 1970, there was broad agreement that health inflation had become a genuinely serious problem. Criticism of Medicare was part of this dialogue, and, for some, Medicare was the cause of what became a pattern of medical prices rising at twice the rate of general consumer prices. Throughout most of the 1970s, however, adjustments of Medicare took a subordinate political position to nationwide medical change. That does not mean Medicare was inert. But it does mean that its changes—experimentation with different reimbursement techniques in the early 1970s; the 1972 expansion of Medicare to the disabled and those suffering from kidney failure; administrative reorganization in the late 1970s that took Medicare out of Social Security into the newly created Health Care Financing Administration—all became the subject of intense but low-visibility interest-group politics. This polities, followed closely by the nation's burgeoning medical care industry, elderly pressure groups and specialized congressional committees, was not the stuff of Medicare's original legislative fight or of the ideological battle over national health insurance.

By the end of the 1970s, alarm had grown over both the troubles of medical care generally and the costs of Medicare specifically. The struggle over national health insurance ended in stalemate by 1975 and the effort to enact national cost controls over hospitals had also failed by 1979. This meant that Medicare, like American medicine as a whole, was consuming a larger and larger piece of the nation's economic pie, seeming to crowd out savings on other goods and services. US health expenditures in 1980 represented 9.4 percent of GNP, up from 7.6 percent in 1970. Medicare alone amounted to some 15 percent of the total health bill in 1980, up from 10 percent a decade earlier.

For the past 15 years, the politics of the federal deficit have driven Medicare. This has had two consequences. The first is that Medicare is no longer an intermittent subject of policy makers' attention, but has become a constant target of the annual battles over the federal budget. Second, concerns over Medicare's effect on the deficit have enabled far-reaching changes in the ways it pays medical providers. In contrast to the accommodationist policies of Medicare's early years, federal policy makers have implemented aggressive measures to hold down Medicare expenditures. They gave priority to the government's budgetary problems over the interests of hospitals and physicians. The result of these changes was a considerable slowdown in the rate of growth in Medicare expenditures that did not compromise the program's universality.

Ironically, these changes in Medicare payment policy received almost no public attention. There has been little recognition of the effectiveness of the 1980s federal cost-containment measures. As a result, the public has a distorted sense of Medicare's experience of inflation, viewing it as inevitable. The experiences of the past decade demonstrate that Medicare costs can actually be restrained through regulatory adjustments, and that these savings do not require a departure from Medicare's basic design as a social insurance program open to beneficiaries regardless of income.

While the changes in Medicare payment policy did not receive widespread public attention, a concurrent expansion of benefits did. For a brief period in the late 1980s, the addition of so-called catastrophic protection to Medicare coverage became a topic of media interest. The passage and repeal of the catastrophic health insurance bill was a searing experience for Washington insiders, but it left little lasting impact on the nation's citizenry. What remained from the 1980s was a large federal deficit, and it was fiscal politics (along with presidential politicking), not Medicare's performance, that has controlled the pace and character of attention Medicare has received.

Before turning to how to cope with Medicare's problems, critical attention should be given to two claims in the recent debate. One is the mistaken view that because Medicare faces financial strain, the program requires dramatic transformation. The experience of the 1980s showed that Medicare administrators, when permitted, can in fact limit the pace of increase in the program's costs. The second misleading notion has to do with the very language used to define the financial problems Medicare faces. Republican critics (and some Democrats) continue to use fearful language of insolvency to express dread of a future in which Medicare's trust fund will be ''out of money.'' This language represents the triumph of metaphor over thought. Government, unlike private households, can adjust its pattern of spending and raising revenues. The ''trust fund'' is an accounting term of art, a convention for describing earmarked revenue and spending both in the present and estimated for the future. The Congress can change the tax schedule for Medicare if it has the will. Likewise, it can change the benefits and reimbursement provisions of the program. Or it can do some of both. Channeling the consequences through something called a ''trust fund'' changes nothing in the real political economy. Thinking so is the cause of much muddle, unwarranted fearfulness and misdirected energy.

To view the crisis-ridden debate about Medicare's finances as misleading is not to suggest that the program is free of problems. But it is important to understand that Medicare can be adjusted in ways that fully preserve the national commitment to health insurance and the elderly and disabled.

What should be done? One place to start is reduction of the growing gap between the benefits Medicare offers and the obvious needs of its beneficiaries. What Medicare pays for should be widened to include the burdens of chronic illness; that means incorporating prescription drugs and long-term care into the program, which is precisely what the Clinton administration hoped to do in connection with its ill-fated health insurance overhaul.

Widening the benefit package does not mean, contrary to what many claim, that total expenditures must rise proportionately. Expenditures represent both the volume of services and their prices. Many other nations have not only universal coverage and wider benefits than Medicare, but spend less per capita than we do for their elderly. Canada, for example, is able to do this because they pay their medical providers less, spend less on administration and use expensive technology less often. Medicare's expenditures should be restrained below the current projected growth rate of 10 percent a year. There is no reason that the program's outlays need rise at twice the rate of general inflation—or more. What has to be changed is the amount of income medical providers of all sorts receive from the Medicare program.

Medicare's financing also could use some overhauling. Raising payroll taxes will have to be part of the answer. This option appears to be ruled out of the current debate, a good example of fearfulness defeating common sense. But, the breadth of public support for Medicare suggests it is possible to mobilize popular backing for a tax increase to support the program where the problem is clearly defined and the justification convincingly offered. As for beneficiaries, it is time to reconsider the idea of charging wealthier beneficiaries more for Medicare's physician insurance program, another idea likely, if explained, to have popular support.

We need a debate as well over how Medicare should be improved. What we do not need is one that scares the country about Medicare's future by disseminating false claims about its affordability. It would indeed be a ''crisis'' if we concluded that the legitimate health costs of our aged and disabled were unaffordable. What is unsustainable is the pattern of increasing health expenditures at twice the rate at which our national income rises.

Medicare's early implementation stressed accommodation to the medical world of the 1960s. Its objective was to keep the economic burden of illness from overwhelming the aged or their children. Thirty years later, the setting is radically different. The difficulties of Medicare are those of American medicine generally. We pay too much for some procedures and we do too many things that either do some harm or do little good in relation to their costs. In the world of private health insurance, cost control has arrived with a vengeance. Medicare is unsettled and is likely to remain so in the context of budget-deficit politics unless we accept that containing what we spend on Medicare need not mean transforming the program. It will mean, necessarily, that the burdens of cost control will have to be borne. Our suggestion is that they should be borne by those whose incomes are higher, both payers and payees.

THE DEDICATION OF THE KOREAN WAR VETERANS MEMORIAL

Mr. HEFLIN. Mr. President, on the Mall this afternoon, just across the reflecting pool from the Vietnam Veterans Memorial, another unique symbol commemorating the sacrifice of our Nation's veterans was dedicated. The long-overdue memorial to our Korean war veterans was finally and officially opened to the public today, July 27, 1995, the 42d anniversary of the armistice agreement ending that conflict.

This stirring memorial truly deserves its rightful place on the national Mall, for, as a Washington Post editorial succinctly put it yesterday, '' 'Korea' was a convulsive but finally proud event in the tradition of the presidents honored on this hallowed national ground.'' On the Korean Peninsula over 40 years ago, brave Americans led a score of nations in successfully thwarting Communist aggression. ''It was a moment in the history of freedom, and the 54,000 Americans who died and the many others who fought there earned the benediction in stone and steel now * * * bestowed.''

Some have called the Korean war ''the forgotten war,'' since it did not

end in triumph—like World War II—or in bitter defeat—like Vietnam. It neither united us the way World War II did, nor did it divide us to the degree that Vietnam did. It was not even called a war, as such, but was generally referred to as a ''police action,'' or ''conflict.'' The memorial dedicated on the Mall today not only honors those who served and died in the Korean war, it also gives them their proper place in our Nation's collective memory.

The Korean war is significant in our history for many reasons, one of those being that it was the stage for the first war in which a world organization—the United Nations—played a military role. It was a tremendous challenge for the United Nations, which had come into existence only 5 years earlier. We only recently commemorated its 50th anniversary, so it is perhaps fitting that the opening of the Korean Veterans Memorial coincides with that celebration, since it was the United Nations' first major test.

The Korean war began on June 25, 1950, when troops from Communist-ruled North Korea invaded South Korea. The United Nations called the invasion a violation of international peace and demanded that the Communists withdraw from the south. After the Communists refused and kept fighting, the United Nations asked its members to provide military aid to South Korea. Sixteen U.N. countries sent troops to help the South Koreans, and a total of 41 nations sent military equipment or food and other supplies. As we know, the largest share of U.N. support for South Korea came from the United States, and the greatest burden was born by American servicemen and women. China aided North Korea, and the former Soviet Union gave military equipment to the North Koreans.

The war went on for 3 years, ending on July 27, 1953, with an armistice agreement between the United Nations and North Korea. A permanent peace treaty remains an elusive goal as 37,000 American troops to this day remain in South Korea to discourage a resumption of hostilities.

In many ways, the Korean war set the pattern for future United States military efforts. It saw important innovations in military technology, such as fighting between jet aircraft as American F–86's battled Soviet-built MiG–15's. It was the first conventional war that could have easily escalated to atomic dimensions.

The war unalterably changed the nature of superpower relations. The dramatic American demobilization after World War II was reversed and the United States has since maintained a strong military force. Cold war tensions mounted, and some historians argue that the war fostered dangerous ''McCarthyism'' at home.

Hopefully, this moving memorial will help Americans of all ages come to better understand and appreciate the importance of the sacrifices made by those who fought and died during the Korean war. On this day of the dedication of their memorial, I stand with each of my colleagues in saluting all veterans of the Korean war. Their service and sacrifices—as well as that of their families—are not forgotten.

I ask unanimous consent that the text of the Washington Post editorial, ''The Korean War: On the Mall,'' from July 26 be printed in the RECORD.

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

THE KOREAN WAR: ON THE MALL

A memorial to American veterans of the Korean War (1950–53) is to be dedicated tomorrow on the Mall across the Reflecting Pool from the Vietnam Memorial. It deserves to be there, for ''Korea'' was a convulsive but finally proud event in the tradition of the presidents honored on this hallowed national ground.

In Korea the United States led a score of nations successfully resisting what was pure and simple Communist aggression. It was a moment in the history of freedom, and the 54,000 Americans who died and the many others who fought there earned the benediction in stone and steel now being bestowed.

The Korean War can seem a grim and inevitable episode in the grinding global collision of the Cold War. Yet at key moments it was anything but fated. Secretary of State Dean Acheson simply erred when he said in January 1950 that the Korean peninsula, divided by Washington and Moscow as World War II closed, was outside the U.S. ''defensive perimeter.'' A fortnight later Stalin, the Soviet Communist leader, instructed his envoy to tell North Korea's dictator, Kim Il Sung, that ''I am ready to help him in this matter'' of reuniting Korea.

It was far from certain that the struggling American president, Harry Truman, would reverse course and respond resolutely when North Korea invaded in June. It was even less predictable that Gen. Douglas MacArthur, author of the Marines' legendary Inchon landing, would ignore the new Chinese Communist government's warnings and, tragically, end up fighting China too.

With its evocative poncho-clad figures, the new memorial captures the war's signature of foot-soldiers trudging into endless combat. Once the battle had gone up and down the peninsula several times, the war stabilized on the original dividing line but continued at dear cost—until the stalemate was mutually confirmed, until North Korea accepted the American insistence that its soldiers who were prisoners in the South would not be repatriated against their will.

That the war ended not in World War II-type triumph but in anticlimatic armistice has encouraged the notion that the outcome was a compromise or even a defeat. But although the aggressor was not unseated (the goal of Gen. MacArthur's rollback strategy), North Korea was repulsed and South Korea saved. Time and space were bought for a competition of systems in which the South came to exemplify democratic and free-market growth, while North Korea stayed a stunted and dangerous hermit state. If there is yet a chance that things may go better, it is because the United States did what it had to in the war and then stayed the course, to this day.

KOREAN WAR MEMORIAL

Mr. D'AMATO. Mr. President, I rise today to recognize the sacrifices of the many hundreds of thousands of American servicemen who bravely fought the forces of communism in that far-off peninsula of Korea. As the primary contingent of an international force that succeeded in halting the tide of Soviet and Chinese expansion and influence, Korean war veterans won what many have seen as the first battle of the cold war.

The experience of the Korean war forever changed the nature of the superpower relationship as well as America's bilateral relations with its overseas allies. In defending the democratic South Korean Government against the aggression of the communist North, America won the friendship of a government committed to furthering American values and ideals. Today we look at South Korea as a important ally and model of political, social, and economic development.

Many have referred to the Korean war as the forgotten war because its significance has only been truly realized after our eventual triumph over totalitarianism. With today's dedication of the Korean War Veterans Memorial by President Clinton and South Korean President Kim Young Sam, the sacrifices of the over 54,000 Americans killed and the 1.5 million men and women who served will finally be recognized. The memorial will serve to forever preserve a place of honor that these heroes have always deserved. Let these America's Korean war veterans never again be forgotten.

THE RYAN WHITE CARE REAUTHORIZATION BILL

Mr. MCCAIN. Mr. President, I rise to congratulate the chairwoman of the Committee on Health and Human Resources, Senator NANCY LANDON-KASSEBAUM, on the passage of the Ryan White CARE Reauthorization act of 1995. The act assures that AIDS-related services will be available to people in big cities, small towns, and rural communities all across the country, it also ensures that funding is provided for Indian AIDS victims.

Some may recall that during the original debate on the Ryan White CARE Act in 1990, I, and several of my colleagues on the Senate Indian Affairs Committee, offered an amendment to title II of the bill to ensure that Indians with HIV and their families were eligible to participate in the special projects of national significance. That provision was accepted and as a result, hundreds of Indians with HIV, who would otherwise have had great difficulty accessing services, have been served.

Many in the Congress are not aware that in comparison to other populations, Indians are among the highest at-risk populations for the HIV infection. In fact, the Centers for Disease Control reported that in just 2 years, from 1988 to 1990, the number of reported American Indian AIDS cases increased by 120 percent in comparison to an overall national increase of 35 percent. Unfortunately, this trend still

continues. Today, the CDC reports that since the passage of the Ryan White CARE Act in 1990, the number of American Indian AIDS cases has increased by approximately 351 percent. This is the largest growth rate of HIV in any population group nationwide. What is equally alarming is that Indian women in their first through third trimester of pregnancy were up to eight times more likely to be living with HIV than other rural populations of women.

There is also a general misconception that the health care needs of Indians with HIV are provided by the Indian Health Service. That is not the case. What is not generally known is that the IHS has an extremely limited capacity, in funding and services, to provide the necessary and delicate care often required by HIV victims. The act recognizes this by ensuring that Indians with HIV are not deprived of necessary services.

I know that the chairwoman and her staff have labored long and hard to address the concerns of the Congress in developing the Ryan White CARE Reauthorization bill. As the chairman of the Senate Committee on Indian Affairs I would like to commend her for her continuing concern for the Nation's Indian population and the passage of this critical legislation. And I'm sure she shares my hope, that one day soon we will find a cure for this tragic disease. But until then, it is the Congress' responsibility to ensure that all individuals with HIV receive the services needed to cope with this devastating illness on a day-to-day basis. Chairwoman KASSEBAUM has accomplished this, and for that, she has my praise.

KOREAN WAR MEMORIAL DEDICATION

Mr. LEAHY. Mr. President, the Korean war was known as ''the Forgotten War'' to some because it followed so closely on the heels of World War II, and because it was in many ways overshadowed by the divisive Vietnam conflict. I never liked that expression, because I know too many people whose lives were forever changed by Korea. I prefer to think that the Korean war not as a forgotten war, but as an unremembered war. For too many years we ignored the great sacrifice made by millions of Americans in a rugged land far away from our shores. As of today, the Korean war is unremembered no longer.

This afternoon I was honored to attend the dedication of the new Korean War Memorial, and it is a worthy addition to our Nation's Capital. The memorial is centered around 19 haunting statues created by Vermont sculptor Frank Gaylord. His depiction of tired American soldiers marching in a loose formation toward a common goal manages to capture perfectly the heroic qualities of our soldiers without glorifying war.

While I was moved by the memorial and the ceremony today, the moments I will treasure most occurred this morning at a breakfast I hosted for Vermont veterans and Mr. Gaylord. These Vermonters came from all parts of the State. They came by airplane, they came by car, and they came by 14-hour train ride. One group came after driving all night long. They came with their families, their foxhole buddies, and by themselves. Most of these Vermonters served in different units, and many had not met before today. They came to Washington to stand for hours in the terrible summer heat, all to pay tribute to events that happened over 40 years ago.

I realized this morning, as these veterans gathered in my office, that any inconvenience suffered by travel or weather meant nothing to them. Their sense of duty to comrades past and present brought them to Washington, and as long as there was life in their bodies they would come. The history books tell us that 46,246 Americans died in the Korean war, that 103,284 were wounded, and that millions more served. All of them are finally being recognized today. It is with humility that I offer my profound gratitude to those who answered the call and gave so much to preserve freedom.

Mr. President, I ask unanimous consent that recent Washington Post articles about the Korean War Memorial be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1995]

A MARCH TO REMEMBER, MOVING MONUMENT TO KOREA VETERANS SURPASSES THE TORTURED HISTORY OF ITS DESIGN

(By Benjamin Forgey)

When the Korean War Veterans Memorial is dedicated next Thursday—the 42nd anniversary of the armistice ending the war—veterans and their families will be celebrating an honor long overdue.

They can also celebrate a work of beauty and power. Given the tortured history of the memorial's design, this seems almost a miracle. But there it is. Situated on proud symbolic turf southeast of the monument to Lincoln, in equipoise with the Vietnam Veterans memorial to Lincoln's north, the Korean memorial is a worthy addition to the national Mall.

Despite some big flaws, our newest memorial is incredibly moving. And what could have been its most glaring weakness—a column of realistically sculpted soldiers in combat formation—turned out to be its major strength. Unheralded sculptor Frank Gaylord of Barre, Vt., created 19 figures that are convincing individually and as a group.

It is a case of art rendering argument superfluous. There were obvious dangers in the concept of a memorial featuring a column of battle-ready soldiers. If excessively realistic, they could be off-putting. If strung out in too orderly a row, they could be deadeningly static. And yet, if inordinately animated, they could be seen as glorifying war. Indeed, in one of Gaylord's early versions, they came perilously close to doing just that.

But in the end, none of this happened. Placed dynamically on a triangular field of low juniper shrubs and cast in stainless steel at a scale slightly larger than life, these gray, wary troopers unself-consciously invite the empathy of all viewers, veteran and nonveteran alike.

The sculptures and triangular ''field of service'' are one of three major elements in the memorial. With an American flag at its point, the field gently ascends to a shallow, circular ''pool of remembrance'' framed by a double row of braided linden trees. There also is a ''memorial wall.'' Made of huge slabs of polished black granite, each etched with shadowy faces of support troops—nurses, chaplains, supply clerks, truck drivers and so on—the 164-foot wall forms a subtly dramatic background for the statues. High on the eastern end of the wall, where it juts into the pool of water, is a terse inscription: Freedom is not free.

The memorial was designed by Cooper-Lecky Architects of Washington—although, in an important sense, the firm acted like the leader of a collaborative team, Important contributions were made by Gaylord and Louis Nelson, the New York graphic designer of the memorial wall, and also by the Korean War Veterans Memorial Advisory Board and the reviewing agencies, especially the Commission of Fine Arts.

Not to forgotten are the four architects from Pennsylvania State University who won the design competition back in the spring of 1989—John Paul Lucas, Veronica, Burns Lucas, Don Alvaro Leon and Eliza Pennypacker Oberholtzer. This team dropped out after it became apparent that its original design would have to be altered significantly to pass muster with the advisory board, reviewing agencies and others. The team sued, and lost, in federal court.

Key elements of the competition design remain in the final product—particularly the central idea of a column of soldiers moving toward a goal. But the finished product is a big improvement over the initial scheme. It's smaller and more accommodating—not only was the number of soldiers cut in half (the original called for 38 figures), but also a vast open plaza was eliminated in favor of the contemplative, shaded pool. It's easier to get into and out of—the clarity of its circulation pattern is outstanding. Its landscaping is more natural—among other things, the original called for a grove of plane trees to be clipped ''torturously,'' as a symbol of war. The symbolism of the memorial is now simple and clear.

Still, Cooper-Lecky and the advisory board went through many versions, and many heartbreaks, on the way to getting a design approved—and the finished memorial shows the strain of the long, contentious process. It cannot be said that this memorial possesses the artistic grandeur and solemnity of the Lincoln Memorial. It does not have the aesthetic unity of Maya Lin's Vietnam Veterans wall. It is not quite so compelling a combination of the noble and the everyday as Henry Merwin Shrady's Grant Memorial at the other end of the Mall. But this is to put the new memorial in elevated company—together with the Washington Monument, these are our finest expressions of memorial art. To say that the Korean War memorial even comes close is a tribute.

Without question, its worst feature is a sequence of parallel strips of polished black granite in the ''field of service.'' Unattractive and unneeded, they threaten to reduce the soldiers' advance to the metaphorical level of a football game. And on one side of the field, they end in obtrusive, triangular blocks of granite, put there to discourage visitors from walking onto the granite ribbons. The junipers may in time cover the strips—at least, one can hope—but these bumps, unfortunately, will remain bumps.

The wall gets a mixed review. A clever if somewhat shameless adaptation of Maya Lin's idea—with faces rather than names etched in—it honors support troops, who always outnumber those on the front lines. It

is beautifully made. The heads are real ones from photographs in Korean War archives, digitally altered so that the light source is always coming from the direction of the flag. The etching is wonderfully subtle: The faces seem to float in a reflective gray mist. The wall tugs the heartstrings, for sure, but it's also a bit obvious, a bit much. It has the feel of a superfluous theatrical trick.

Fortunately, the wall does not interfere too much with the sculpture, which from the beginning has been the primary focus of this memorial. It was an extraordinary challenge, one of the great figurative commissions of the late 20th century, and Gaylord came through. To walk down from the Lincoln Memorial and catch a first, apparitional glimpse of the soldiers, as they stalk from under the tree cover, is quite a thrill. Even from a distance and from the back, the gray figures are compelling.

And, as choreographed on that field, they become more compelling the closer you get until, with a certain shock, you find yourself standing almost within touching distance of the first figure; a soldier who involves you in the movement of the patrol by turning his head sharply and signaling—Beware!—with the palm of his left hand. He is a startling, daring figure and, with his taut face and that universal gesture of caution, he announces the beginning of a tense drama.

It is an old device, familiar in baroque painting and sculpture, to involve the viewer directly in the action by posture, gesture, facial expression, Gaylord adapted it masterfully here: The figures look through you or over your shoulders, enveloping the space beyond the memorial with their eyes. The air fairly crackles with the vitality of danger. The soldiers communicate tersely among themselves, too—in shouted commands or entreaties, and subtly connected gestures and glances.

The most critical contact, though, may be that first one, between the visitor and that initial soldier. His mouth is open—you can almost hear him hissing an urgent command. You slow down, and then you behold the field before you. There is fatigue and alertness everywhere you look. Each figure and each face is as charged as the next. Appropriately, the gray metal surfaces are not polished and shined. Gaylord's rough treatment of the matte surfaces adds to the nervous intensity of the piece.

It is quite a feat to give such figures such a feeling of movement—they're only walking, after all, and they're carrying heavy burdens. But Gaylord performed that feat, 19 times—he proved himself a master of contrapposto, and other time-honored sculptural technique. Underneath the gray ponchos and the weight of the stuff on their backs, these figures twist from hip to shoulder and neck. Some shift dramatically, some just enough, so that the ensemble takes on an extraordinary animation. Every gesture seems perfectly calculated to reinforce the irony. These ghostly soldiers in their windblown ponchos seem intensely real.

Dedicated to the concepts of service, duty and patriotism, the new memorial stands in sharp contrast to its companion across the Reflecting Pool. But the Korean and Vietnam memorials make a complementary, not a contradictory, pair. In honoring the sacrifices of soldiers in Vietnan, Lin's great V-shaped wall invokes a cycle of life and death, and physically reaches out to the Mall's symbols of union and democracy.

The Korean War Veterans Memorial is more straightforward, and speaks directly of a specific time and place. Yet it attains an unmistakable universality of its own. Gaylord's soldiers (and Marines and airmen) served in Korea, yes. But they also stand unpretentiously for the common soldiers of all wars.

[From the Washington Post, July 23, 1995]

OUT OF HISTORY, ONTO THE MALL, KOREAN WAR MEMORIAL TO BE DEDICATED

(By Anthony Faiola and Lena H. Sun)

In the nation's capital, the forgotten war is forgotten no more.

The $18 million Korean War Veterans Memorial opens Thursday on the National Mall, honoring the men and women who fought in an international conflict many Americans still view as an afterthought, lost between the scope of World War II and the upheaval of Vietnam.

The stoic arrangement of stainless-steel statues, a mural wall and a circular reflecting pool officially takes its place as the fifth major memorial on the Mall, southeast of the Lincoln Memorial and across from the Vietnam Veterans Memorial. It arrives after seven stormy years of lawsuits and conceptual bickering that almost doomed the project.

''This is not a graveyard or a glorification of war,'' retired Col. William Weber, 69, said as he surveyed the 19 statues of white, black, Korean and American Indian soldiers that make up the core of the memorial. When reflected in the black granite mural wall, their numbers double to 38—symoblizing the 38th parallel established as the border between North And South Korea in 1945.

''It is a remembrance of a group of veterans who have fallen into their twilight years and who are still tragically forgotten by too many people'' in this country, said Weber, who lost his right arm and leg to a hand grenade in Korea and is among those veterans who doggedly lobbied for the memorial.

More than four decades after the war ended, organizers of the memorial are trying to make up for the lack of public recognition. There will be six days of ceremonies and events, beginning tomorrow, to honor America's 5.7 million Korean War-era veterans and those from the 21 other countries who served under the banner of the United Nations command in Korea.

The three-year Korean War was an inconclusive, bloody conflict, the first modern war in which the United States had to accept a compromise solution in the form of an armistice agreement. The conflict intensified the Cold War mentality, destroyed Korea and solidified the divisions between North and South Korea.

More than 54,000 U.S. military personnel and more than 58,000 South Korean military personnel died in the war, according to the U.S. Army Center for Military History. Millions of Korean civilians perished; virtually every Korean family was affected.

For many ordinary Americans, the conflict is best known because of the adventures of Hawkeye and Hot Lips in the popular movie and television series ''M*A*S*H'' two decades later. But during the war, there was little front-page coverage. When the soldiers returned home, they slipped back into society. There were no parades, no celebrations.

''I came back on a Friday, and I started back up at work the following Monday,'' said Raymond Donnelly, 67, of Arlington, a machine-gunner with the 24th Infantry Division who spent 10 months on the front line before returning to a printing apprenticeship in Massachusetts.

President Clinton and South Korean President Kim Young Sam, who is arriving on a state visit Tuesday, will preside over the dedication of the memorial Thursday, the 42nd anniversary of the armistice. Officials are expecting a crowd of about 100,000 many of them Korean War veterans and their families, as well as representatives of the countries that fought under the U.N. command, Retired Gen. Chang Pae Wan, who commanded the defense of Seoul during the war, will lead the South Korean delegation, which will include about 400 veterans.

Among the other highlights of the week's events is a troop muster of war veterans—only the second such mass gathering of troops in U.S. history—that will be addressed by the Joint Chiefs of Staff.

In the Korean American community have criticized South Korean participation in the memorial, however. Of the $18 million raised in private money, nearly $3 million came from U.S. subsidiaries of South Korea's largest companies, including $1 million each from Samsung and Hyundai.

Richard Nahm, an interpreter who writes for Korean-language newspapers published in the United States, said the South Korean government should pay more attention to domestic problems, such as polluted drinking water and the recent collapse of a Seoul department store that killed 450 people, instead of encouraging companies to contribute to a memorial that primarily honors U.S. war dead.

A spokesman for the South Korean Embassy dismissed the criticism. South Korea had considered canceling Kim's trip to Washington because of the department store collapse but decided to proceed because the visit had been long planned, he said.

The memorial reflects the primary role of U.S. ground troops, featuring seven-foot statues of combat-ready soldiers as one of its key elements. The soldiers are spread over a field of juniper bushes. Behind them is a 164-foot wall with the faces of nurses, cooks, chaplains, other support troops and even the canine corps. The photographic images were culled from Korean War archives and sandblasted onto the black granite.

Opposite the mural are the names of all the countries that served under the U.N. command. The field slopes up to a circular ''pool of remembrance.''

The Korean War Veterans Memorial didn't come easily.

Its creation was rooted in the frustrations of a group of Korean War veterans, including members of the 25th Infantry Division, that in 1985 made a pilgrimage to Seoul to confront their ghosts, said Dick Adams, past president and a board member of the Korean War Veterans Association Inc., which was founded in 1985.

''We were not like the vets of Vietnam,'' Adams said. ''We were the forgotten people of a forgotten war, and we weren't ready to let ourselves go down in history in that way.''

The group was further stirred to action a year later when the Vietnam Veterans Memorial was dedicated. On Oct. 28, 1986, their efforts paid off: President Ronald Reagan approved a resolution authorizing the American Battle Monuments Commission to erect a Korean War Veterans Memorial on the Mall.

The generosity of the private sector in donating money was challenged by setbacks, however.

An initial design contest was won in 1989 by four professors from Pennsylvania State University. They sued the federal government and lost after the design was altered by D.C.-based Cooper & Lecky Architects, the architects of the Vietnam memorial.

The memorial was reconfigured. The number of statues was cut from 38 to 19. Instead of lining up in a single file, for easy visitor access, the larger-than-life statues were placed in a field of juniper bushes to create the air of rough terrain and to remove them from the public's reach.

The memorial will be open to the public at 4 p.m. Thursday and will remain open 24 hours a day. Organizers say the wait will be

long for those who wish to visit the memorial immediately because of the large crowd expected at the dedication.

By last week, the advisory board was receiving about 2,000 telephone calls an hour because of overwhelming interest in the memorial and related events, a spokesman said.

For local veterans, such as Donnelly, the memorial will be a final resting place for his memories. Besides the fear and the fighting, there is the food that Donnelly will always associate with the war: the Spam, Babe Ruth candy bars, black olives and saltine crackers he and other soldiers devoured when they were not on the front line.

His most enduring the memory is of the bone-chilling winter cold, when temperatures often plunged well below zero.

''That's why I say the first miserable rotten night we have here, when it's cold and rainy and snowy,'' Donnelly said, ''I want to go down [to the Mall] and walk through those statues, because that's what it was like.''

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business, I believe.

If there is no further morning business, morning business is closed.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1061 which the clerk will report.

The bill clerk read as follows:

A bill (S. 1061) to provide for congressional gift reform.

The Senate resumed consideration of the bill.

Mr. LEVIN. I thank the Chair. S. 1061 is the so-called Congressional Gift Reform Act; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I am pleased we have now returned to the gift reform issue, and before us is the congressional gift reform bill which has been cosponsored by Senators COHEN, GLENN, WELLSTONE, LAUTENBERG, FEINGOLD, BAUCUS, and MCCAIN.

I ask unanimous consent Senator BINGAMAN be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The Senator from Michigan has the floor.

Mr. LEVIN. I thank the Chair. Was my unanimous consent agreement relative to Senator BINGAMAN adopted?

The PRESIDING OFFICER. Yes, it was.

Mr. LEVIN. Mr. President, this bill will put an end to business as usual when it comes to gifts that come to Members of Congress and to our staffs and employees. It will end the so-called recreational trips for Members who play in charitable golf, tennis, and skiing tournaments. It will put an end to the meals paid for by lobbyists and others, put an end to the free tickets to sporting events, concerts, and theater events.

Under the current congressional gift rules, Members and staff are free to accept gifts up to $250 from anybody, including lobbyists. Gifts under $100 do not even count. So we are free to accept an unlimited number of gifts from anybody as long as they are worth less than $100 in value and we do not even have to disclose them. And meals do not count either. They are unlimited, regardless of their dollar value, and do not have to be disclosed either. Members and staff are free to travel to recreational events such as golf, tennis, and ski tournaments.

That is the status quo. That is business as usual. It simply is not acceptable anymore. The public has lost too much confidence in Congress. More than half of the American people surveyed think that decisions in Washington are made by special interests.

The other day we adopted lobby reform, which is the first of three major steps that we must take in the area of political reform to help restore public confidence in this institution.

The next two steps are bigger steps. One relates to gifts and the other relates to campaign finance reform. Last year, when we debated this gifts bill, we had Washington restaurants telling us that if lobbyists could not take Members out to meals, the restaurants in Washington, a lot of them, would close. People were saying that the Kennedy Center would go under if lobbyists could not buy tickets for Members of Congress.

What a terrible indictment that all would be, if it were true. Can it really be that we accept so many free meals and tickets that entire industries are dependent upon our continuing to accept such gifts? I hope not. And I believe not.

S. 1061, which is the gift reform bill now at the desk, contains tough new congressional gift rules that were included in last year's lobby disclosure bill. This bill, our bill, would prohibit special interests from paying for free recreational travel, free golf tournaments, tennis tournaments, ski holidays, and put an end to unlimited football, basketball, and concert tickets.

Members of this body will no doubt remember, just as the public will no doubt remember, just how close we were to resolving this issue in the last Congress, when the conference report on S. 349 was killed by a last-minute filibuster. At that time, the opponents of the conference report raised a number of substantive concerns relating to the lobbying reform portion of the bill, which we now have successfully addressed in separate legislation. However, the opponents of the bill at that time stated strongly and repeatedly that they had no objection whatever to the gift provisions in the bill. Those are the same gift provisions that come before us today.

As a matter of fact, the majority leader, Senator DOLE, stated that he supported the gift ban provision. ''No lobbyist lunches, no entertainment, no travel, no contribution to the defense funds, no fruit basket, no nothing. That is fine with this Senator, and I doubt many Senators partake in that in any event,'' the majority leader said. And other Senators made similar statements of their commitment to the quick enactment of strong gift rules.

On October 6 of last year 38 Republican Senators cosponsored a resolution, Senate Resolution 274, to adopt a new tough gift rule included in the conference report that I referred to on S. 349.

The bill before us today contains these same rules changes that the vast majority of us voted for just a year ago in May 1994, and said that we still support it last October.

So now we are going to be put to the test. If we really mean what we said last May and again last October, did we mean it when we said we wanted to put an end to the unlimited meals and tickets and recreational travel, or is it going to be business as usual in this town?

The issue here is whether we can even go out to dinner with lobbyists. The question is who is paying? Who is paying for the theater tickets? Who is paying for the tickets to ski slopes?

This issue and related issues have been thoroughly debated over the last few years. It came close last year, and we are coming close again this year. This issue is not going to go away until we do the right thing. The issue will not go away until we enact new, tough gift rules. The issue will not go away until the gifts go away.

We do not need these gifts. We addressed this bill in the spirit in which we ran for office. We are going to do what the public wants us to do, and that is to get this issue behind us once and for all with strong, new gift reform.

Mr. President, later on this afternoon I expect that an amendment is going to be offered in the form of a substitute. This substitute will bring us even closer to the executive branch rule on gifts. That rule is pretty simple rule—no gifts over $20 and few aggregate gifts even under $20 so that you cannot accept anything over $50 total from one source in 1 year. That is the executive branch rule. It has worked. It is simple. It is understandable. And that is what will be in the substitute. It is going to be a simpler approach than is in the underlying bill because the substitute will not make a distinction between whether or not a gift, food, whatever is received here or back home. The underlying bill made that distinction because it took a slightly different approach on the basic issue of what gifts are acceptable.

But the substitute which will be offered makes no distinction between whether the gift comes from lobbyists or nonlobbyists. It is a $20 rule the way it is in the executive branch.

So you do not need those kind of distinctions because of the simplicity of the rule, and the fact that it has

worked in the executive branch. And it is an effort to pattern our rules more closely to the executive branch rule, and to make it simpler so that we do not have distinctions as to whether or not the person giving the gift has been registered, which requires them to keep track of everybody who is registered on a computer as a professional paid lobbyist.

It does not make the distinction between whether or not the gift is here or back home. That is the distinction which is difficult for many people in different States. Those distinctions are not in this amendment which will be offered in the form of a substitute. Instead, this is a simple, clear underlying executive branch approach—no gift under $20; gifts under $20 are aggregated. They count so that you cannot take more than $50 in any one year. That is what the executive branch does.

Obviously, with the exceptions that we have in here for close personal friends, for doughnuts, coffee, mementos, caps, hats and the little things which we get of nominal value, those continue. They are in the underlying bill. The substitute will not touch those exceptions. We have lots of exceptions in the current rules. It is not anything novel to have 15 or 20 exceptions to the general rule because that is what we have in the current rules to take care of getting a pen from somebody. If you go to a VFW hall and somebody gives you a pen, that is acceptable under the current rule. That is acceptable under the underlying bill. That continues to be acceptable under the substitute. Those exceptions that are set forth in this underlying bill which has been pending before us for a long time and were before us last year continue in the substitute.

I have worked to help craft that amendment in the form of a substitute. And I support it. I think it is strong, tough gift reform. It has some advantages in terms of being simpler and more understandable with fewer difficulties in terms of administration because it does not require the maintenance of the record on the thousands of registered lobbyists that hopefully will register under our new lobbying registration law.

Again, it eliminates that distinction which is difficult for many depending on what State they live in to make the differential between receiving something back home and receiving something in the adjacent State.

Let me close by repeating some portions of editorials which succinctly state the problem that we face and hopefully the solution which we are going to achieve this afternoon or tomorrow.

From the Detroit Free Press of May 13:

> We do not believe that most Members of Congress are inherently corrupt or readily corruptible, but the role of special interests in Washington has become so troubling that Congress simply must set higher standards. It will be a slow process. But the gift ban is an important step towards getting Congress' house in order.

Mr. President, I am going to conclude at this point by simply reiterating one point which I think is the central truth of the substitute amendment which is going to be adopted. It basically adopts the approach used in the executive branch. They have lived with it. It works. I think we can live with it. And after we do, and after we get used to it, I think we are all going to feel that not only are we better off but that this institution will reclaim some of the support which has been lost in the public.

Gifts are not the only reason that we have lost some of that public support. There are a number of reasons for it. But this is one of the number of steps which we can take in order to increase public confidence in this institution which we have all sworn to uphold.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, on Monday of this week, the Senate unanimously voted to enact strict lobbying reforms. That vote signaled the intent of this body to listen carefully to the concerns of the American people. Today we have an opportunity to act on another reform measure—the gift ban.

This bill, which was introduced by Senators LEVIN, COHEN, and WELLSTONE, seeks to prohibit Members and staff from receiving gifts. Simply, Members and staff will not have the opportunity to accept meals, privately financed trips, contributions to legal defense funds, or any other gifts from lobbyists. That does not seem like an unreasonable request to me. The American public has called for an end to business as usual in Washington, and this is a big step on the road to reform.

In the last Congress, the Senate voted overwhelmingly to pass a virtually identical gift ban bill. Unfortunately, it was killed by a filibuster. But the need to adopt these reform measures has not diminished. There is strong support from the public. There is strong support from the Congress. And there is an unquestionable need to take this action.

Mr. President, this debate is more than banning gifts—which clearly is long overdue. It is about restoring the faith of the American public in the political process. We need to remember that we are here as representatives of our constituents. That we were elected to work for the interests of our neighbors, not receive gifts from special interests. We must put ourselves in the shoes of our neighbors. Would they be asked out for free lunches? Would they be offered all expense paid trips to speak? When we can look our neighbors in the eye, and know that we do not have special privileges, then we are on the correct path to reform.

The time has come to pass this long overdue measure. We must have real reform to help preserve the integrity of the process. We must have real reform to help restore the faith of the American people.

Mr. President, I urge my colleagues to vote in favor of the gift reform bill.

Mr. LOTT. 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.

Mr. BROWN. Mr. President, at the appropriate time I will offer as an amendment the measures which were adopted earlier this week in the lobbying reform bill. Those lobby reform amendments dealt with loopholes in our disclosure.

Currently, there are a number of loopholes in our disclosure procedure. Two of them were plugged by amendments to the lobbying reform bill, and it is my intention to offer those two amendments as rules changes for the Senate. They are pretty straightforward.

One is to change reporting categories. Right now reporting categories cap out at $1 million, so an asset that might be worth $50 or $100 million is reported as simply being worth over $1 million. My rule change would simply allow for a more complete disclosure of the asset value by creating some new categories: $1 million to $5 million, $5 million to $10 million, $10 million to $25 million, $25 million to $50 million, and assets above $50 million. There is no magic in those numbers. They are purely arbitrary. They are simply meant to give a little more accurate disclosure in terms of the asset value.

The second amendment will be combined with the first and will deal with the loophole of the qualified blind trust. Currently, the law and the rules in effect allow Members who have a qualified blind trust to be advised of the net cash value of that blind trust but do not require disclosure of that value. The rule change simply indicates that in the event the trust instrument provides for the beneficiary or Member to be advised of the value they have in a qualified blind trust, then that has to be reported.

These are two important changes because they will give a much more complete picture, and, frankly, they will apply the same rules to people who are not wealthy enough to afford a blind trust or a separate trustee; it will apply the same disclosure practices to people who can afford an independent trustee and those Members who are not wealthy enough to have an independent trustee and qualified blind trust—simple equity, simple fairness in applying the same rules to all Members of this Chamber, whether wealthy or not wealthy.

It seems to me, while we are all hopeful of lobbying reform, adding these changes to the Senate rules will assure these important reforms are adopted regardless of what happens to the lobbying reform bill.

I yield the floor, Mr. President, and 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. CHAFEE. 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. CHAFEE. Mr. President, I ask that I might proceed as if in morning business for the next 10 minutes.

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

KOREAN WAR MEMORIAL

Mr. CHAFEE. Mr. President, like many others, I had the privilege this afternoon to go down to the mall for the dedication of the Korean War Memorial, and it was an extremely impressive ceremony.

I urge any who might have the opportunity to visit that memorial to seize upon that opportunity. There are a series of figures, 19 in all, I believe, in a very haunting memory of what took place in Korea. Each of the figures has a poncho, while they are soldiers, marines advancing in a loose formation, and I think the way the figures are designed it gives an impression of the climate of Korea, the arduousness of the climate. It brings back memories of the very coldness that was in Korea in the winter, and in the summer the extreme heat that took place there.

It was my privilege to serve in Korea in the summer of 1951, the fall of 1951, the winter of 1951 and 1952, and during that time I had the opportunity to serve as a rifle company commander in the Marines in D Company of the 7th Regiment of the 1st Marine Division. We were defending the steep hills in the eastern section of Korea.

What are some of the memories that I have of those days? First, Mr. President, what comes to memory is the extreme competence of the young marines with whom I was serving. I guess I was old compared to them; I was 27 at the time, and these young enlisted men, most of them were 19 or 20 years old. But what struck me was not only their ability to endure extreme hardships, whether the hardships of the march or the hardships coming with the dangers that were involved, or the hardships of the coldness and the heat that I just described, but also the competence that they displayed.

When you said to a young group of six Marines, the oldest being 20 years old, that they were to take a patrol down in front of our lines, go deep down, cross the river, go up on the other side and scout out the enemy territory, they listened carefully, and absorbed their instructions to carry them out without a phrase of objection or reticence or fear. And all of that reflected I think not only on their background but the wonderful training they had received from the Marine Corps and the competence that each of them had.

As we dedicated that memorial today, one asked oneself: What is being achieved here? It seems to me we all have to remember that those who died were young and they had no wives; they had no children; they had nobody to remember them. And so we look on the memorial as a way of remembering those who did not have the benefit of their own families to remember them. So we are all their families. That is the way we recall those who served there.

I think one of the points that came from the talks today struck home with me, both from President Kim of Korea and President Clinton. They stressed that what took place in Korea was that for the first time in the postwar years the surge of communism was stopped and a line was drawn. The President of Korea said that this was the start of the falling of the Berlin Wall. Sure, that came many years after, but this was what started it all. So it made it all seem very, very worthwhile.

So, Mr. President, I urge all who do have an opportunity to avail themselves of the opportunity to visit that memorial. There is an eeriness to it, but I think that is correct. I think it will bring back for those who have been to Korea many memories, and for those who have not, it will bring to their attention the fact that more people lost their lives in Korea in those short 3 years, than did in the entire Vietnam war, which lasted some 10 years. And I think it is so fitting that at last we do have a memorial for that war.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator from Rhode Island leaves the floor, I would like to say a few words. I was just passing through the Chamber when I heard the distinguished Senator from Rhode Island speaking.

I had on my schedule to go to the ceremony today, but there was a full Appropriations Committee markup of two bills, so I was unable to do that. But I think it would be wrong if I did not say something about my feelings toward the Senator from Rhode Island based upon his experiences as a marine in both the Second World War and, of course, the Korean war.

I have expressed briefly to the Senator on another occasion the experience I had of reading a book. I was Lieutenant Governor of Nevada, and during the time that I was Lieutenant Governor, the Governor of Nevada, Mike O'Callaghan, was a Korean war veteran who lost a leg and was severely wounded in other ways. Governor O'Callaghan was also my high school government teacher. So, I had a tremendous curiosity about that war. And I saw a book review of a book on the Korean war called ''The Coldest War.'' It was the first real definitive work on the Korean war, written by James Brady, a reporter for Newsweek magazine, who was also a marine in Korea. It was a wonderful book talking about the coldest war.

The hero of the book was JOHN CHAFEE, a captain in the Marine Corps during the Korean conflict. And James Brady, who still writes for Newsweek, could not cover his respect and admiration for his superior in that war, JOHN CHAFEE. And I would recommend to all the Members of the Senate to read that book about the Korean war.

It is important that there has been attention focused on this conflict as a result of our dedicating that memorial today. It is a war that a lot of us do not understand what a difficult war it was. In Korea, 1 out of every 9 men that went to Korea lost their lives; in the Second World War, 1 out of 12; the Vietnam conflict, 1 out of 19. It was a place where, if you pick a place not to have a war, you would go to Korea where they fought the war. It was these very big mountains, coldest weather you can imagine.

So, I say to my friend from Rhode Island that, on behalf of the U.S. Senate and the people of America, I extend my appreciation to you. You are what is good represented in this country. You have dedicated your life to public service. You have dedicated your life on two occasions to serving your country in uniform. And you did it very valiantly, for which I am and the rest of the American public are grateful.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Nevada for his very generous comments. I appreciate those. I would say that it was very nice of Jim Brady to say the things he did about me in his book. But, as in all circumstances, there are plenty there who did a lot more than I did.

So, again, I thank my good friend from Nevada, whom we are very privileged to have on the Environment and Public Works Committee. It is an interesting book. It does portray, I think, so well the harshness of the climate, which the Senator from Nevada just talked about. And that was brought home in statues that are there of these figures. These figures are not marching smartly forward. They are covered with their ponchos. They are trudging with their heads down. I was there today looking at it. And if there is one thing I must have said 1,000 times—when you have these units, you say to them constantly, ''Don't bunch up. Don't bunch up.'' There is something about marines when they are marching. They want to get together. And of course, that increases the chances of more people being injured when mortars and artillery come along. So you try to keep them spread out. And I could see myself saying to these groups, ''Don't bunch up.'' I will say this, the figures were apart. But I could just hear myself saying, ''Spread out. Spread out.'' So they are fairly

well spread out. It is a very moving memorial. Again, I urge everybody to go down and take a look at it when they can.

I thank Senator REID for his kind comments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while my friend from Rhode Island is on the floor, I, too, was stuck here and could not get to the dedication of the memorial this afternoon. I felt terrible not being able to be there because I really had planned to be there and wanted to be there. One of the reasons I wanted to be there was because of our colleagues who fought, for whom I have such enduring respect. And as that memorial reminds each of us of the sacrifices of those who fought in Korea, we also have to count our blessings for those who survived Korea. And one of those blessings is JOHN CHAFEE.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Well, Mr. President, I did not start this. I did not start this this afternoon, for this particular reason. But I do want to thank the distinguished Senator from Michigan for his very, very kind comments. And I appreciate it. Thank you, 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.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes as if in morning business.

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

FEDERAL FUNDING FOR THE ARTS AND HUMANITIES

Mrs. HUTCHISON. Mr. President, Senator BOB BENNETT and I introduced a bill yesterday that redefines the Federal role in providing assistance to the arts.

We believe there is an excellent case to be made for continued Federal arts and humanitiies funding. But past experience has shown clearly that the role of the Federal Government in artisitic endeavor must be focused on more citizen involvement—and more common sense.

At the heart of this bill we have introduced is a belief that culture counts. Mr. President, the students on Tiananmen Square in 1989 who created a statue of freedom in the likeness of out Statue of Liberty had no difficulty identifying the unifying themes of American culture.

We Americans, on the other hand, are immersed in—and sometimes overexposed to—its more contentious aspects. As a result, sometimes we see it less clearly. We debate whether we have a common culture and if so, what it is and who it represents.

Federal support for the arts is a case in point. Most federally supported arts projects promote mainstream excellence and the widest possible public enjoyment.

But by allocating tax dollars to a few outrageous and patently offensive projects that claimed to have cornered the market on American culture, the National Endowment for the Arts has managed to alienate legions of Americans—voters and policymakers alike. Its excesses have led many to conclude that Federal support for the arts should be terminated. That, I believe, would be an unfortunate policy, one that would dim the light of American culture to an even greater degree.

Committed as I am to a balanced Federal budget, I think that Federal funding for the arts and humanities should be continued as a national policy to preserve an American heritage—if we can return to our original purpose in creating these programs, and if we can ensure that no more Federal funds end up in the hands of those who are willfully offensive.

Our bill redirects Federal support for the arts, humanities and museum activities away from the self-indulgently obscene and the safely mediocre and toward the creation and support of community-based programs. By this I mean locally and regionally based theater, dance, opera and museums.

To accomplish this we propose combining the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum Services into one agency. This new joint endowment would devolve as much of its decisionmaking authority as possible to the States—and to the people whose tax dollars support it.

The new endowment would continue to make direct grants to support nationally significant endeavors in the arts and humanities. However, the bulk of public resources would go directly to the States to promote greater access to the arts in our schools and communities, to continue worthy public projects in the humanities and to strengthen local museums.

The consolidation we propose would streamline the existing endowment apparatus. This new endowment would be headed up by three deputy directors—one each for the arts, for the humanities and for museum services. The current 52-member advisory board would be replaced by a national council comprised of 18 members selected for their knowledge and achievements. Six would be chosen by the Senate, six by the House, and six by the President.

One of the primary objectives of this bill is to reduce the size of the existing endowment bureaucracy in Washington, and to return resources and decisionmaking responsibilities of cities, regional groups and currently underserved areas.

Our bill provides that no more than 9 percent of appropriated funds go to administrative functions, and it defines two basic grant categories: 40 percent earmarked for grants of national significance and 60 percent allocated for grants to the States. A portion of the States' grants would be dedicated to strengthening primary and secondary education in the arts.

It is very important that we go into our schools, and have an appreciation shown for our young people in the arts and our American culture. Humanities and museum activities would be covered by our bill. We put special emphasis on communities which for geographic or economic reasons cannot otherwise sustain arts, and arts education programs.

Let me make this very clear: Our bill prohibits any money appropriated under this act from being used to fund projects which violate standards of common decency. Nor may any of these resources be used, directly or indirectly, for lobbying. Arts funding goes to institutions and organizations not individual artists.

In our bill, we focus on accountability, on ensuring that allocations are cost effective—and that they are made in a way that emphasizes merit and excellence.

The thrust of this bill is to conserve and showcase our State and national treasures, those great cultural institutions that are our legacy to our children—our world class museums, libraries, dance companies, orchestras, theater companies, and university presses. With the financial support of private donors, and of the States and the Federal Government, these intellectual and cultural power centers will have the potential to spin off a host of other creative activities that will enrich the lives of all of our people.

Our country will benefit—culturally, spiritually, and economically—from appropriately delineated Federal support for the arts. Americans rightly demand an end to obscenity and outrage, but not withdrawal of all government support for the cream of our culture.

There are those who argue that all cultures—and all levels of culture—are equal, and that there is no real American culture at all, but rather only an amalgam of diverse cultures.

But this deliberate balkanization of American culture ignores our singular heritage which has drawn from many sources to create a body of American arts and letters what is uniquely our own. E pluribus unum—out of many, one. It is a living tradition worth sustaining.

Mr. President, I believe that the bill we have presented today contains a formula for arts funding—and the encouragement of our native culture—that can regain the confidence and support of the American people.

I ask unanimous consent to have printed in the RECORD an editorial from the Abilene Reporter-News that talks about the importance of keeping

arts funding for our smaller communities like Abilene, TX. It is very important that we be able to have an opera in Abilene, as we have had in the last 2 weeks, an artwalk that has been a great boon to the cultural prospects of a great city like Abilene.

This happens all over America, Mr. President, and I do not want that cultural enlightenment that we have put into our smaller cities to die, and that is why Senator BENNETT and I are trying to make a significant contribution to keeping what is good about the arts funding and our American culture while not allowing the obscenities that have turned our taxpayers off of these other good projects.

I thank the Chair, and I yield the floor.

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

[From the Abilene Reporter-News, July 27, 1995]

HUTCHISON WEIGHS IN ON BEHALF OF THE ARTS

House Republicans have been jumping on the philistine bandwagon, but Sen. Kay Bailey Hutchison thinks there's a better route to follow than the one that sends funding for the arts careening over the cliff.

She's right, and she has a sound plan for how to accomplish it.

The House has voted to cut the National Endowment for the Arts by 40 percent in fiscal 1996. House GOP leaders have agreed to fund the NEA only for the next two years and promise to try to terminate the agency after that.

Republicans in the Senate, however, have shown more awareness of the value of the arts, both economically and socially, to local communities throughout the country. A bill by Republican senators Nancy Kassebaum of Kansas and Jim Jeffords of Vermont that would cut the NEA by a more modest 25 percent over five years was passed last week by the Senate Labor and Human Resources Committee.

Hutchison's bill is an improvement over that one.

She would consolidate the NEA with the National Endowment for the Humanities and the federal Institute of Museum Services. During so would eliminate bureaucratic duplication of agencies so similar in scope that they often operate in conjunction anyway and would allow their funding under a new umbrella entity to remain at current levels for the next five years.

Furthermore, the key element of Hutchison's measure would direct 60 percent of all NEA and NEH funding to states in the form of block grants. This distribution would put the arts closer to the people of middle America who stand to benefit the most from it and drastically reduce the likelihood that nationally funded projects would turn out to be objectionable to most average taxpayers.

Hutchison's block grant idea would be especially good for Texas, which now ranks at the bottom in state spending for the arts. According to the National Assembly of State Arts Agencies, Texas spends a paltry 18.5 cents per person a year on the arts, whereas the national average is 99.14 cents. Hutchison's bill would give the arts in Texas a huge boost by requiring a certain amount of federal money to be spent here.

As the Texas senator said in announcing her proposal, arts are the thread of civilization and the fabric of society. Everyone who turned out for this month's Artwalk downtown or attended the Abilene Opera Association's magnificent production of ''La Traviata'' knows the arts bring something beyond mere entertainment to a community that cannot be achieved in any other way. If we don't support the arts, we're letting go of civilization's thread and tossing society's fabric in the trash.

Hutchison deserves a lot of credit and enthusiastic support for bucking the popular but misguided trend in her party to gut the arts and for instead committing herself to the programs and the values that her constituents will gain the most from.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

CONGRESSIONAL GIFT REFORM ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1061, and that Senator MCCAIN be recognized to offer his substitute amendment, and there be 1 hour for debate on the substitute to be equally divided in the usual form, and it be subject to the following first-degree amendments, with no second-degree amendments in order and no amendments to the language proposed to be stricken, with all first-degree amendments limited to 1 hour to be equally divided in the usual form if that much time is needed: A Byrd amendment, sense of the Senate on the judiciary; a Rockefeller amendment with regard to gift rules; a Brown amendment regarding blind trust and reporting; one amendment on spouses by Senator DOLE or his designee; one amendment on charitable trips by Senator DOLE or his designee; one amendment on definition of friendship for Senator DOLE or his designee; one amendment on the limit involved in the gift rule issue by Senator DOLE or his designee; one amendment on events by Senator DOLE or his designee; one amendment by Senator WELLSTONE regarding gift rules limits; and one amendment from Senator DOLE regarding gift rules.

I further ask that following the disposition of the above listed amendments, there be 1 hour equally divided for debate only, the Senate proceed to vote on the substitute, as amended, if amended, to be followed by third reading, if applicable, and passage of the gift rule measure, all without intervening action or debate except as provided for in the unanimous-consent agreement.

Mr. President, I would like to say this has been discussed by all the various parties that have been involved in this effort. It has been carefully reviewed by the leadership on the Democratic side of the aisle, and I believe that this is an agreement that we can go with and get this job done.

Mr. FORD. Mr. President, reserving the right to object, and I will not object. I tried to follow him very closely. At the third line from the bottom of the unanimous-consent agreement, ''* * * disposition of the above listed amendments, the Senate proceed''——

Mr. LOTT. We added at that point, ''there be 1 hour equally divided for debate only.''

Mr. FORD. There be 1 hour for debate equally divided between the two leaders. That is it.

Mr. LOTT. That is right.

Mr. FORD. OK. I just wanted to be sure—we worked so hard on this—that the language was correct. We penciled in a couple things here.

We have no objection and look forward to the debate.

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

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I might say for the information of all Members now that we have this unanimous-consent agreement, we are ready to go ahead with the debate. I see Senator MCCAIN is ready. We hope to continue to work on some of these amendments and hopefully all of them will not be necessary. We will try to dispose of them as expeditiously as we can.

With regard to what time will be used tonight and whether or not there will be votes tonight, we do not have any order on that at this time. We just need to proceed, and as soon as an agreement is reached on that, we will certainly let the Members know immediately.

I yield the floor.

AMENDMENT NO. 1872

(Purpose: To provide for Senate gift reform)

Mr. MCCAIN. Mr. President, I have an amendment in the nature of a substitute at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, and Mr. GRAMS, proposes an amendment numbered 1872.

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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. Debate on the amendment will be limited to 1 hour equally divided.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

Mr. President, the agreement that we have crafted after many, many hours of discussion and debate is one that is very emotional. I do not know of an issue that arouses more emotion in the Members than one that has to do with modification of the lifestyle of the Members of the Senate.

I believe there is a recognition on the part of all in this body that we are expected to live as all of the citizens in

this country live. At the same time, there is also an appreciation that there are certain aspects of our lives as Senators that are different.

This amendment, the substitute, this compromise, has been carefully crafted to respond to the American people who expect us to live as they do and at the same time I hope takes into account in very small ways the fact that many times our spouses are with us, there are many times where we are at an event where someone hands us something, there are times when we are given out of appreciation a plaque or something of that nature which is worth a significant amount of money. But at the same time the American people do not want us to be going out and being wined and dined by people who have an interest in legislation before us.

This compromise would not be possible without the efforts of people who represent a broad spectrum of opinion on this issue. Senator LEVIN and Senator COHEN have certainly been the leaders on this issue. They have worked on this issue for years and have brought forward I think a piece of legislation that is very important. My friends, Senator WELLSTONE and Senator FEINGOLD, have labored hard on this issue and they bring to this body in my view a desire to make sure that the American people look on our work and our activities as those of which they can approve.

Senator LAUTENBERG and Senator KYL have also been very helpful.

I would like to say a special word about my friend from Kentucky, Senator MCCONNELL, who has tried very hard and I think largely succeeded in representing the views of the majority of the Republican Conference. Senator MCCONNELL also has been one who has sat in on hundreds of hours of meetings and who has in many ways contributed enormously to this final product. I appreciate his efforts. Not many people are willing to do the work that Senator MCCONNELL has done for the rest of the Members on this side of the aisle.

So there were many as short a time ago as a week who believed we could not come up with a broad agreement. There are also, as in the unanimous-consent agreement, items that are in disagreement and on which votes will be taken.

It is not clear, depending on the outcome of those amendments, whether final passage would be approved of or not, depending on the result of those amendments. My friend, Senator WELLSTONE, and Senator FEINGOLD have very strongly held views. They have articulated them on this floor and in many other forums throughout America.

Anyway, Mr. President, I am proud of what we have done. I hope that it emerges largely intact after we finish the amending process.

Now I would like to give a brief description of the compromise and then move on as rapidly as possible to the amending process.

Mr. President, I want to clarify the record and explain exactly what this amendment does and what it does not. It amends the rules of the Senate as follows: It mandates that the Senate, as mandated by the Constitution, have sole discretion to enforce its own rules.

It prohibits Members, officers and employees of Congress from accepting any gift over $20 in value. The total value of all gifts received annually from any one source shall not exceed $50.

Now I ask my colleagues, if there is one message from this entire compromise as I lay it out, fundamentally it is the same rules under which the executive branch has had to function for nearly 20 years. I want to repeat. The executive branch basically functions under almost these same rules, and they have been able to do it—obviously with some pain and difficulty. But I believe that if they are able to do that, we are, too. The bill applies equally to lobbyists and nonlobbyists and in-State as well as out-of-State.

Gifts are defined as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, meal or food, or any item of monetary value.

A gift to a spouse or dependent is considered a gift to the Member or employee if there is reason to believe that the gift was given because of the official position of the Member or employee.

However, the bill states that when a Member and his or her family is accepting a meal or food from a nonfriend, that only the meal of the Member counts toward the gift limits. The Senate correctly cannot control the lives of our family members, and this amendment continues that tradition.

The bill exempts:

Meals and food for family members.

Gifts to a Member from a family member.

Gifts from a personal friend.

Gifts of personal hospitality not from a lobbyist.

All lawful campaign and political contributions.

Anything for which the Member pays market value.

Pension and other benefits provided by a former employer.

Contributions to legal defense funds, except by lobbyists.

Informational materials, including books, articles, magazines, or videotapes; competitive awards or prizes; honorary degrees; commemorative plaques and trophies and any item intended solely for presentation; and official training.

Gifts from another Member, officer, or employee.

Specific exemptions for permissible travel and charitable events/dinners as follows:

Travel, food, and lodging where such benefits are customarily available to noncongressional employees and totally unrelated to the individual's official duties.

Activities provided by a political organization in connection with a political fund-raiser or campaign event.

Food, meals, and attendance, but not travel or lodging, directly associated with the charity event in which the Member is substantially participating. I want to repeat that. Food, meals and attendance, but not travel or lodging, directly associated with a charity event in which the Member is substantially participating.

Food, meals and attendance at widely attended conferences and forums in which the Member or employee participates and is appropriate to official duties.

Reimbursement for travel to a speaking engagement, fact-finding trip deemed to be within the purview of official business. Substantially recreational activities are not official business. I repeat, substantially recreational activities are not official business.

Exempts transportation, lodging, and related expenses for necessary, official travel, with the following qualifications:

Travel period shall not exceed 3 days within the United States or 7 days outside the United States unless approved by the Ethics Committee.

Expenses must be reasonable.

And recreation or entertainment cannot be paid for if it is not provided to all attendees regardless of congressional employment.

This substitute requires travel and expenses for official travel that is reimbursed by a noncongressional entity be publicly disclosed.

The substitute also contains certain specific prohibitions on lobbyists:

Contributions to legal defense funds of Members made by lobbyists are banned. All other contributions to legal defense funds are completely allowable.

Contributions to an entity or foundation controlled by or administered by a Member, officer or employee of Congress or their family members are banned.

And contributions by lobbyists for retreats are banned.

The substitute also requires Members, officers, and employees of Congress to report on donations given in lieu of honoraria to a charity designated by the Member, officer, or employee.

Lastly, the resolution states that the provisions of the bill shall be solely enforced by the Senate Ethics Committee. The committee is also expressly authorized to issue such guidelines as necessary for the implementation of this rule.

Mr. President, some have mischaracterized this amendment stating that it will allow the Department of Justice to constantly bring charges against Members of Congress if a Member ate one doughnut over the $20 limit. This is simply not true. Again, I want to note the bill states:

All the provisions of this Act shall be solely enforced by the Senate Ethics Committee.

Mr. President, except for some minor exceptions, this proposal is primarily the rules under which the executive branch operates. And for all the cries that we cannot live under these rules, the staff of the executive branch has and does. And I have yet to see a request from the President or the White House Chief of Staff or a Cabinet Secretary asking that the Congress liberalize their gift rules.

I have also heard Members talk about the fact that you cannot compare the legislative and executive branches because the Members of Congress receive so many more gifts. I am sure we do. But I believe we receive countless more gifts not because of the nature of the office, but because we have liberal gift rules and the executive branch has stringent rules.

Mr. President, this bill in no way should be interpreted as a condemnation of Members of this Senate. I do not believe that gifts and meals have in any way unduly influenced Senators or their staff. But there is a perception held by the public that we receive too many gifts and that the practice should be reformed. And I believe this compromise before the Senate will accomplish that reform.

Let me also point out that the rules change we are proposing is not so radical as to prevent the Senate from doing its business. Senators should travel around their States and meet their constituents. If a constituent is having a barbecue, it is appropriate for a Senator to have a hot dog or a hamburger.

But we do not need tickets to lavish balls to do our jobs. We do not need $100 gift baskets to do our jobs. And we do not need unlimited, expensive free meals to do our job.

The proposal will allow staff and Members to accept gifts that cost no more than $20. I believe this is a realistic limit.

Additionally, the bill allows Members to accept any item that is commemorative in nature such as a trophy or plaque or any item intended solely for presentation. Therefore, a model ship or commemorative football jersey that might be presented to a Member would be allowed.

The resolution also allows Members to attend charity dinners and have the cost of the dinner and the ticket paid for by the event's sponsor. It would be ridiculous to have a Member speak at a charity dinner and be forced to refuse to eat. This would allow the Member to participate in the event and eat the meal.

Mr. President, I want to note that in Arizona, the Governor and the legislature is limited to acceptance of gifts that cost $10 or less. To be sure, Arizona legislators are lobbied. They need to meet their constituents. The Governor has to go to events and meet Arizonans. And they all live, function, and do their job under more stringent rules than we are proposing here today.

Some say we need gifts such as expensive lobbyist lunches so that we may be more informed on the issues. On behalf of the State legislators in Arizona, I will attest that they do an exemplary job and are extremely informed and do it with a gift ban in place.

Many of my colleagues served in State legislatures before they came here. They know that the work that those legislators do is just as difficult as the work we do. If they can live with tight gift rules, if the executive branch of the Federal Government can live with tight gift rules, then so can we.

Mr. President, there is simply no legitimate reason not to reform the Senate's gift rules. As I have noted, the proposal we have offered both reforms our gift rules while establishing a new set of rules that will allow us to fully function in our jobs. It is a reasonable, bipartisan approach to this issue.

Mr. President, it is not very often that I express openly my appreciation to members of the staff. Perhaps that is an oversight on my part from time to time. But I would like to acknowledge the efforts of Peter Levine, Linda Gustitus, Andy Kutler, Colin McGinnis, Suzanne Martinez, Robin Cleveland, Kyle McSlarrow, Melissa Patack, and Mark Buse, who have literally labored long and hard for a long period of time on this very important issue.

Mr. President, again, I want to extend my deep appreciation to so many people who have taken part in this effort. No one will receive a sufficient amount of credit, and no one can overstate the difficulty and the emotions surrounding an issue such as this.

I am very pleased that we are able to come to a general agreement, and we will, hopefully within some hours of debate and voting, be able to come to a conclusion of this very difficult issue.

Mr. President, I reserve the remainder of my time.

Several Senators addressed the Chair.

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

Mr. MCCAIN. I yield myself 10 seconds. If the Senator from Colorado is agreeable, I would like to allow the Senator from Wisconsin to make opening remarks before we go into the amendments; is that agreeable with the Senator from Colorado?

Mr. BROWN. Sure.

Mr. MCCAIN. Mr. President, I yield whatever time the Senator from Wisconsin may use.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona. Let me also now extend my appreciation as well to the staff of all the Senators who have put in an enormous amount of time on this over the last year and a half.

I want to take a couple moments to single out and congratulate the senior Senator from Arizona, Senator MCCAIN, for what I see is a tremendous effort in bridging the differences of those of us on both sides of the aisle who do favor strong and meaningful gift reform legislation. I think it has been really an extraordinary display of bipartisan leadership. I am grateful for it and hope it will bear fruit in the next few hours.

I am pleased this legislation has the support of not only my good friend from Minnesota, Senator WELLSTONE, and Senator LEVIN from Michigan and Senator LAUTENBERG from New Jersey, but also the support of several Members on the other side, including some of the freshman Members who clearly came to town in 1994, just as many of us did in 1992, with a mandate to clean up business as usual and put an end to the outrageous practice of providing literally thousands of free gifts and meals and trips to Members of Congress.

As the Senator from Arizona has pointed out, this compromise proposal really makes only a few changes to the original Levin-Wellstone legislation, and he has outlined it well. But let me just reiterate a couple of the points.

First, Members can no longer accept a gift, whether it is a meal, concert tickets or gift certificate, that is valued at more than $20. Gifts valued below this amount will be aggregated so that Members cannot accept more than $50 from any one source in a calendar year. This is patterned almost word for word after the rule that has been applied for many years to the executive branch of our Government.

There was a concern expressed that the notion of aggregation, having this overall limit, would mean that Senators might be forced to keep overly detailed or meticulous records of virtually every gift they receive, whether it is a $15 meal or a hot dog or baseball cap. I question how hard that is. I think it is better just to say no, but I think we have solved this problem, to the extent it exists, by requiring Senators to make a good-faith effort to comply with the provisions of the bill.

This also solves the ''gotcha'' problem. That is, if a Senator accidentally crosses over the $50 threshold or somehow accidentally undervalues a gift by a dollar or two, that Senator would not be in strict violation of the new Senate rules.

By relying on the good faith of Senators to comply with this new rule, we have addressed the concerns of those who may object to strict recordkeeping requirements and the concerns also of those who believe we should do all we can to ensure that Senators do not accept from now on more than $50 in gifts from any one source in a calendar year.

In addition, the new compromise will make it clear that if a Member elects to attend a charitable event and pays all the travel and lodging expenses out of his or her own pocket, the Member will be able to participate in a meal for free as part of that charitable event.

I do not think it is necessary, but, obviously, why would anyone pay for all the travel and lodging in order to simply get a free meal? I think it will

certainly take care of that. We believe it was allowed under our original legislation, but we have clarified it to take care of concerns of some of the Members. It takes care of the lion's share of this issue.

The bipartisan coalition that has thrown its support behind the proposal takes the view that although they favor the tough gift limitations consistent with the Levin-Wellstone legislation, they believe that the Senate will be better served by a gift rule applied simply and equally, whether you are talking about lobbyists or nonlobbyists, or whether you are talking about something that happens in Washington or in a Senator's home State.

We have met this concern with this compromise. I tend to agree with my colleagues on the importance of simplicity in terms of such a rule. I came from a legislative body in the State of Wisconsin that practically does not allow anything of value from anyone, not even a cup of coffee. That simple but strict rule has been enormously successful for over 20 years and has not led to the bureaucratic complications and starving-legislator scenarios that a few people have suggested could come out of reform.

I adopted a zero-tolerance policy in my office. We simply keep a log of the gifts the office receives, and it has been contained—there are over 1,000 entries—in this red binder in the last 2½ years. Most of the items we either donate to charity or to the State of Wisconsin. Other items we discard.

As I said, the rule has been incredibly successful for one simple reason: It is easy to understand. I certainly understand where my colleagues on the other side are coming from on this issue. I believe we have made progress on this compromise in terms of getting a straightforward and easy-to-understand gift rule.

Many of those involved in this bipartisan compromise believe the Senate should have the same gift rules as the executive branch. Again, this argument has a lot of appeal to it. After all, a Cabinet Secretary certainly receives as many gifts and is invited to as many speaking engagements as a Member of Congress. If the Cabinet Secretary can live under the $20 and $50 thresholds, I do not see why a Member of Congress cannot do the same.

Again, many of the parties involved in these negotiations raised a valid concern, and we have appropriately addressed that concern in this compromise.

But Senators should know one thing about the compromise. Though it does allow some gifts from the lobbying community that the underlying legislation did not allow, the bipartisan substitute we put forth is a significant departure from current Senate rules and will have a profound and historic impact on how this body interacts with the lobbying community.

It will change the way business is conducted in Washington in a significant way. The $20 de minimis rule may not be what I prefer. I made it clear that I think the zero Wisconsin rule is the best reform, and I hope we move to it one of these days. But this substitute, offered by the Senator from Arizona and others, will end the possibility of one special interest group putting forward steak dinners and fine wine and cart loads of gifts that can now be showered on people elected to the Senate.

That is a very important step forward, and I am pleased to join in supporting this proposal. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. MCCAIN. Mr. President, will the Senator from Michigan yield some time to the Senator from Minnesota?

Mr. LEVIN. I will be happy to. Who controls time and how much is left?

The PRESIDING OFFICER. There are 30 minutes controlled by the Senator from Michigan and 7 minutes and 55 seconds remaining for the Senator from Arizona.

Mr. LEVIN. I will be happy to yield. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. How much time does the Senator have?

Mr. LEVIN. Thirty minutes.

Mr. WELLSTONE. Mr. President, this gift ban reform has been perhaps, at least in my 4½ years here, one of the most debated and scrutinized pieces of legislation. I will be very brief. Five minutes will do.

Mr. LEVIN. Does the Senator from Michigan have 30 minutes?

The PRESIDING OFFICER. There are 30 minutes reserved in opposition that has not been used, and there are 7 minutes and 55 seconds remaining allocated to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Michigan control the time in opposition.

Mr. LEVIN. Reserving the right to object, and I may object, since I am a cosponsor of the amendment that is being offered, the substitute, I do not feel that I am in a position to yield time in opposition.

Mr. MCCAIN. Mr. President, let me retract my unanimous-consent request and yield my 7 minutes to the Senator from Minnesota, and perhaps we can hash out what happens with the other 30 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7 minutes and 55 seconds.

Mr. WELLSTONE. Mr. President, I thank the Senator from Arizona, but I want him to know he will have 6 minutes. I am going to use 1 minute because I would like for him to do the summation.

I was worried, because for a moment, I thought I would have to, in the spirit of honesty, step forward and say I am not speaking in opposition to it. I have been working on this for a long time.

Mr. President, I just want to say, during my time in the Senate, I have found the discussion that we have had with the Senator from Arizona to be just really interesting. As a political scientist, that is the way I would put it, very interesting.

I think we have come together with a really good bipartisan reform effort. I think that all of us feel very good about it. As the Senator from Wisconsin said, it is significant, and it is a very significant message to people in the country that we are going to change the way in which we conduct business here. And so I wait for the debate on the amendments, and I think we will have some very spirited debate.

I feel very good about this piece of legislation now on the floor of the Senate. I thank the Senator from Arizona, and certainly the Senator from Michigan, the Senator from Wisconsin, the Senator from New Jersey, and the Senator from Maine. We have a lot of people that have worked hard on this. I believe the Senate can do itself proud and support this strong reform initiative. I will wait for debate on the amendments before becoming more engaged in the discussion.

Mr. MCCAIN. Mr. President, I yield myself 30 seconds. I thank Senator WELLSTONE, who has worked at this for a long, long time. We have a good relationship, and I appreciate his dedication to the cause.

I yield my remaining time to the Senator from Maine.

Mr. COHEN. Mr. President, I wanted to take the floor this evening to offer my commendation to the Senator from Arizona, the Senator from Michigan, the Senator from Minnesota, the Senator from Wisconsin, and others who have worked for many days trying to arrive at a consensus which would enjoy bipartisan support.

This is not a subject matter which has been easy to deal with. There are Members who feel that the Senate is going too far, that the so-called gifts that are given to Members of the Senate are insignificant in nature. Many Members feel that gifts do not have any sort of impact or influence upon their independent judgment.

I believe that to be the case. The problem has always been the perception on the part of the American people. We know that we do not enjoy a high level of confidence. Perhaps it has been our fate as politicians to suffer those low ratings. I cannot recall, historically, when those who are public officials have ever enjoyed long, sustained periods of public approval. I think there have been, historically, peaks, but mostly valleys. Peaks have occurred when there have been moments of great debate.

I can recall during the time of the impeachment proceedings, well back into the 1970's, when I think people were impressed with the quality of the debate that took place during that

very trying time. Another such moment was during the debates on the Persian Gulf war here in the U.S. Senate when the American people who were seriously divided over the issue looked upon us. I think they were quite impressed with the quality of the debate on both sides of the issue. They felt that the democratic system truly was fulfilling its promise. Perhaps there have been a number of other moments when the public has looked upon the deliberations here in this body and in the other body and have come to the conclusion that we are measuring up to our responsibilities.

The difficulty, of course, is that those peaks are usually followed by very deep valleys. It is from the depths of one of those valleys that we are trying to climb to achieve a level of public confidence.

I am not persuaded that any individual thing that we do will ultimately sustain that public confidence. But I think we have an obligation to try to achieve it. In my own view, I think we will not arrive at the higher levels of confidence until such time as we deal with the major issues confronting this country. First and foremost, we must deal with balancing the budget, and do so in a way that does the least amount of injury to the most vulnerable citizens in our society. Another issue is determining which level of government, be it Federal, State or local, that should be involved in various issues that impact upon our citizenry. These, ultimately, are going to be the types of issues on which we will, hopefully, raise our level of respect in the community.

But, in the meantime, I think this particular legislation is important because the perception is that the legislative process is being unduly influenced by individuals, groups, or lobbyists who have undue control over the outcome of our deliberations.

I simply wanted to take the floor this evening to commend my colleagues for seeking to arrive at what we believe to be a fair resolution of the issue.

As Senator MCCAIN has indicated, his proposal, rather than the underlying Levin-Cohen-Wellstone proposal, adds a degree of, No. 1, uniformity, and No. 2, simplicity and clarity.

I wanted to simply commend those who have been involved in the painstaking negotiations that have helped us arrive at this position.

I reserve the remainder of my time.

Mr. BROWN. Mr. President, I yield myself such time as I may consume.

Mr. President, I ask unanimous consent that since all time has not been yet used on the substitute that I be allowed to speak for 5 minutes.

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

AMENDMENT NO. 1873

(Purpose: To amend the Standing Rules of the Senate to require Senators and employees of the Senate to make a more detailed disclosure of the value of certain assets under title I of the Ethics in Government Act of 1978)

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 bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1873.

Mr. BROWN. 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 amendment, insert the following:

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

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

''(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000, or

''(2) greater than $5,000,000.

''(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000;

''(2) greater than $5,000,000 but not more than $25,000,000;

''(3) greater than $25,000,000 but not more than $50,000,000; and

''(4) greater than $50,000,000.

''(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

''4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection 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, this amendment is precisely the same amendment that was considered and approved on the lobbying bill. What it does is, it incorporates two amendments that I had drafted and filed earlier on—one dealing with eliminating the loopholes on the disclosure provisions, and one eliminating the loophole on the blind trust.

They are specifically this. One, in new categories to report the value of assets. As our rules stand now, assets may be valued at $10 million, $50 million, or $100 million, but would only show up as being over $1 million. This adjusts the categories to allow a fuller disclosure.

It includes an amendment on the disclosure of the value of a blind trust. Our rules now provide for a blind trust reporting the total cash value to the beneficiary, but do not provide for that to be reported on the disclosure forms. This changes that and would provide that if indeed the trust instrument provides for the total cash value to be reported to the beneficiary of the trust, that beneficiary member would end up reporting that. My understanding is that this has been cleared on both sides.

I will yield the floor, Mr. President, and I will ask for a vote.

Mr. MCCAIN. Mr. President, it is my understanding that the Republican and Democratic leader would like to dispose of more amendments tonight. I urge those under the unanimous-consent agreement to come over so that we can do that.

The PRESIDING OFFICER. Is there further debate on the BROWN amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1873) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 1872

Mr. KYL. Mr. President, I rise in support of the McCain amendment. I served in the U.S. House of Representatives on the Ethics Committee. In that capacity, I came to see situations develop, over time, which were very difficult to deal with, to understand why a Member would have gotten into trouble, to try to deal with the gray areas that sometimes attend the rules under which we try to do our business.

It is one of the experiences which caused me to support the efforts of JOHN MCCAIN and others to try to bring this into a document, to codify it so

that Members would know what was appropriate and what was not—at least what we allowed and would not allow by our rules. That is why I think this is a very useful exercise.

I want to compliment my colleague from Arizona, Senator MCCAIN, for his efforts in this regard. I heard him give a speech one night about duty, honor, and country. It was the ''honor'' part that has motivated JOHN MCCAIN throughout his career, and it is what motivates all Members here tonight, to try to develop a code of conduct under which we cannot only operate free from allegations that undue influence has been brought to bear upon us, but to operate in a way that the American people accept as appropriate to the high office which they have entrusted to Members.

In our Government, if the people do not have confidence in their representatives, the Government and the people are not well served, because the people, then, end up distrusting the very people they have asked to make decisions for them, to represent them. A democracy, I suggest, could not long exist in that situation.

It is up to the Members to earn the public trust. To do that, we have to conduct ourselves in a way that is above reproach. That is what the stronger ethics rules would provide, to make it crystal clear that there is certain conduct that simply is not acceptable.

Much of it focuses on the acceptance of gifts, because the public does not understand why, simply because we were elected to an office, that we are somehow entitled to receive gifts. These rules will not prohibit Members from enjoying friendship with those who are our friends, from having a meal with a friend. However, it will prevent Members from being feted with gifts which we all know are really designed to achieve one purpose, and that is for the people who have business with the Congress, to gain our ear.

We are not talking about the kind of gifts that we know are given from the heart, when the 4–H kids come in and want to give Members a cup. We all accept that proudly. It would be horrible if we could not accept that which the kids are proffering. It means a lot to them, so it means a lot to the Members. That is not what we are talking about.

When lobbyists invite Members someplace and want to treat Members to rounds of golf and those sort of things, even though we may justify it or rationalize it, the fact is, it is not good. We are not entitled to be feted in this fashion just because we were elected to public office. And it looks bad. Is it any wonder that the people lose confidence in Members?

That is the kind of thing that these rules are designed to stop. Most Members realize in our hearts the difference between those things that we can accept and not have it affect what we do here in any way, on the one hand; yet, on the other hand, those kinds of things that are the subtle, little attempts to influence Members or do favors for Members just because of who we are, by people who want to influence our actions. We understand those differences.

Therefore, we can make these rules work in a way that will make our constituents pleased with their representatives. That is what is behind this legislation.

Again, I want to compliment all of those, both on the Republican side and on the Democratic side of the aisle, for their willingness to compromise.

Finally, Mr. President, I want to take 30 seconds to compliment Senator MITCH MCCONNELL. He is chairman of the Senate Ethics Committee. Because of his strong leadership, we have been able to bring together all of the disparate elements, to come together to a compromise. Without that capability, I do not think we would have compromised.

My hat is off to the chairman of the Ethics Committee, and to the sponsor of this bill, Senator MCCAIN. I think tonight and tomorrow, Mr. President, the Senate is going to do the right thing in adopting the McCain amendment.

Mr. LOTT. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator from Mississippi has 25 minutes remaining. That is all the time remaining.

Mr. LOTT. I yield whatever time is needed to the Senator from Kentucky, say, 10 minutes.

Mr. MCCONNELL. I thank my friend from Mississippi, and I appreciate the kind words of the Senator from Arizona, Senator KYL.

Mr. President, I got interested in this issue before the Members tonight, as chairman of the Ethics Committee. The occupant of the chair is also a Member of that committee.

We both know that we periodically get gift waivers, very legitimate gift waivers, under the current rule in which we operate. The whole question of what is an appropriate gift to a public official is a good deal more complicated than I expect many people out in America would conclude. Our line of work is really different in many ways from the executive branch.

Everyone, I think, has their favorite gift story. My friend and colleague from Kentucky, I read in the paper, was talking about the country ham which is a traditional gift in Kentucky—not just to elected officials, but to lots of other people.

I suppose if I had to pick, Mr. President, my favorite one, it would be R.C.'s and Moon-Pies. Every time I go to Liberty, KY, I have a friend down there who always kids me about being from the big city, Louisville. She is convinced that I did not know what R.C.'s and Moon-Pies were. She did not know when she first started extending this great gift that I started my life in a very small town and knew exactly what R.C.'s and Moon-Pies were.

In fact, what the people around the town square did was open up the Coke and pour in peanuts. Sort of a two-for—drink the Coke and eat the peanuts at the same time. I am familiar with R.C.'s and Moon-Pies.

I cite this to illustrate the point that when you are in the public sector and you are dealing with constituents, it is quite common for people to offer you some gesture, sometimes as a joke, sometimes out of admiration. I expect some Members even get things periodically out of a sense of condemnation. But the dealing with our constituents and the exchange of gifts in a completely harmless way is very, very common in our line of work.

What we have before the Senate is a substitute, artfully put together by a variety of different, disparate interests here in the Senate, that I think can successfully accommodate the natural social intercourse that goes on between elected officials and their constituents.

I must say, Mr. President, just like when we began the lobbying debate earlier, who would ever have thought we would have managed to work out our differences and come together on such contentious matters. Of course, the lobbying proposal ended up passing 98–0 after many of its objectionable features were removed.

What has happened here is a result of the efforts of Senator LOTT, Senator MCCAIN, and many Members on our side of the aisle, as we have worked on this legislation, refining it in trying to come together in the best legislative sense. I think that what is likely to happen here is that at the end of the process, after there are a few amendments, we will have a largely bipartisan gift reform bill that will pass the Senate. I think it will pass in the best sense by a bipartisan effort.

Senator MCCAIN has played a critical role in bringing the diverging sides together. I think it is safe to say without his effort, this largely would not have been possible.

What we have been able to do here, it seems to me, Mr. President, is bring about meaningful gift rule reform without creating a morass of ethical trip wires over which not only our constituents would stumble, but ourselves. I think we have been able to avoid that.

Let me just tick off, as others have, some of the principal points of the McCain substitute. This is a Senate rule, Mr. President, not a statute. I think that was a critically important step to take.

The Senate has the responsibility for taking this action and of policing its own. This is a Senate rule, not a statute. There are no criminal penalties, Mr. President, for outsiders who trip over gift restrictions. We do not want to criminalize this area.

One important improvement, Mr. President, actually an improvement over current law, in my view, is that spouses of Members are not covered.

That is an improvement over the current law. And the reason that is important is that many Members of the Senate are married to spouses who have very active careers, have their own friends, their own interaction with others. The current Senate rules under which we operate do, it seems to me, in several ways unnecessarily and improperly burden people who are not Members of the U.S. Senate. They are not elected officials. So the McCain substitute is actually an improvement, in my view, on current law in terms of recognizing the independent status and nature of the careers of the spouses of many of us who serve here in the Senate.

The good-faith requirement in the McCain substitute promotes compliance while eliminating what could best be called the gotcha problem—the gotcha problem, with the kind of inadvertent violation of the gift limit.

We are working toward a reasonable exemption for personal relationships, allowing Members to continue to have friends at home and in Washington. I want to elaborate on that just a minute, Mr. President. Just because we are Members of the Senate does not mean we cannot have friends like everybody else; regular friends who are not engaged in either gift giving or meal taking with us because they are trying to get us to do something on some bill. We are entitled to have friends, too. Some would argue it is a little harder in our line of work. We are stretched, running back and forth to our home States. But I think this bill recognizes we can have friends, too. Frankly, in this line of work, you need them.

Finally, let me say an important concession made in the McCain substitute that I very much applaud is that it eliminates the distinction between lobbyist and nonlobbyist. I know it is great political theater to go around beating up on lobbyists. It has been a time-honored thing in American politics, and it has been particularly virulent of late. But the truth of the matter is, the Constitution allows every citizen of the United States to petition the Government. And there have been numerous Supreme Court decisions which have held that you do not waive your right to petition the Government because you are paid to do so. The Supreme Court wisely understood that a lobbyist—a term which has a sort of pejorative connotation—a lobbyist is, in fact, doing a job for a citizen somewhere else in America who does not have the time or the inclination to come up here and become an expert on matters that may affect his life. So that citizen or group of citizens, banding together, makes an entirely logical decision that they want to hire somebody to go represent their point of view before the Government; an entirely American thing to do. It is protected by the Constitution; recognized by the Supreme Court. And the McCain substitute eliminates the distinction between lobbyists and other citizens, for many purposes. I think that is an important step in the right direction. I think it is entirely consistent with what the Constitution seems to stipulate anyway. So I commend Senator MCCAIN for that modification.

So, Mr. President, let me say in summary, I think we have come a long way. There may well be a few amendments here. But, as chairman of the Ethics Committee, looking at this issue in terms of how it affected each of you and how frequently you are likely to be inadvertently brought before our committee, arguably in an unfair way, I think this proposal dramatically minimizes the potential that the career of some Member of the Senate is going to be ruined over some trivial exchange with friends and constituents.

So I think this is a useful change. I think it does not go too far. And it places within the Ethics Committee, which is where it should be, the responsibility for making these kinds of rulings and interpretations. So, again, I thank Senator LOTT, Senator MCCAIN, and many others on the other side of the aisle who have been so critical and indispensable in getting us to where we are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I yield 5 minutes of our time to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Mississippi for being so gracious because I do, I think, take a slightly different view. But I thank him for giving me the time.

First, Mr. President, I want to say I am pleased to be joining Senators MCCAIN and LEVIN on this substitute amendment. I think it reflects a sincere desire to get the job done that we have the kind of bipartisan support that we are seeing. Because at a point in time not too long ago, Senator WELLSTONE and Senator FEINGOLD, Senator LEVIN and I were working on gift legislation. I will discuss that in just a minute.

So, Mr. President, I am pleased to be joining in this bipartisan compromise amendment that will substantially restrict the acceptance of gifts, meals, and travel by Members of Congress from lobbyists and others.

Mr. President, on May 4, 1993, I introduced the original gift ban legislation, S. 885. At the time, frankly, it was considered a pretty radical idea.

It is hard to remember how much things have changed in the last 2 years. But until that bill was introduced, nobody around here was even thinking about banning gifts from lobbyists. At the time, there was a tremendous fight about a proposal by Senator WELLSTONE to merely disclose such gifts. And when I first raised the possibility of simply banning gifts altogether, a prominent public interest group dismissed the idea: Completely unrealistic, they said—it would never happen.

Mr. President, I am hopeful that we are about to prove that common wisdom wrong. And I think this substitute amendment may well be the vehicle to get it done.

The amendment before us is remarkably similar to the very first gift ban bill I introduced in May 1993. Like that bill, this amendment essentially adopts the rules that already apply to the executive branch.

Under those rules, no official may accept a gift worth more than $20. Nor may any official accept a total of more than $50 in gifts from any one source in any year.

This amendment adopts these same limits for Members of Congress and their staffs. It also would ban all vacation trips, such as the charity golf, tennis, and ski trips that have been subject to so much adverse publicity.

In many ways, this amendment is stronger than the gift ban in the underlying bill, S. 1061, which I also have cosponsored. For example, the underlying bill would allow the Rules Committee to set very high limits for meals and entertainment in a Member's home State. By contrast, the amendment subjects all meals and entertainment to the same $20 and $50 limits, regardless of where they are provided. That is an important improvement.

The substitute amendment also strengthens the underlying bill by prohibiting lobbyists from providing personal hospitality to Members. That should help prevent abuses.

Mr. President, I do not agree with every dot and comma of the substitute. For example, if it were up to me, I would simply ban all meals from lobbists, no matter how small. But I realize that to get a rule adopted, we have to attract broad support, and that is not easy. So, yes, we have had to make some compromises.

But the bottom line is that this substitute puts us within striking distance of one of the most important political reforms in many years.

I am very proud to have played an active role in this effort. And I want to thank the handful of Senators who have worked so hard on this, often at great personal cost. These include the three other Democrats who have been leaders on this for some time, Senators LEVIN, WELLSTONE, and FEINGOLD. Each of them has made a major contribution, and I appreciate it.

I also want to extend a special word of thanks to Senator MCCAIN, who has played a critical role in recent days by pulling together proreform Members from both parties. I know that Senator MCCAIN, like many of us, has taken some heat for his leadership, and I just want to thank him publicly for his commitment.

As a result of the work of these and other Senators, Mr. President, we are

on the brink of a major reform that will really change the way we do business here in Washington. The vacation trips to the Caribbean are soon going to be a relic of the past. The lavish dinners at fancy restaurants are going by the wayside.

Is it going to be as much fun to be a Senator, Mr. President? Perhaps not. But maybe this body will get just a little more respect in the process. And that is a tradeoff I will take any day.

Mr. President, it appears that we are going to face some amendments that would weaken the proposal substantially. For example, we confront an amendment that would again allow the lobbyist-paid vacation trips that have caused so much controversy. I hope my colleagues will resist these efforts.

But if we can hold this together, we will have produced a change of which we can all truly be proud. This is serious reform. It really will change the culture around here.

In fact, I predict that if we succeed, it will not be long before people around here will look back at the current rules in amazement. New staffers hired a few years from now probably will be amazed that Members ever were allowed to accept special favors from lobbyists. It will seem archaic, perhaps even absurd.

That will be a different Washington, Mr. President. A very different Washington.

It also will be a better Washington.

So I urge my colleagues to support the substitute amendment, and to place strict limits on gifts, meals, and travel from lobbyists and others.

Let us change the way we do business in Washington. And let us do it now.

Mr. President, when I introduced the gift bill a couple of years ago, I know that there was deduced a suggestion that perhaps I was talking about corruption in the body or something of that nature, or some impropriety. Mr. President, I want to correct that record because that was never the suggestion. I want to clear the record because it was an irritant over some period of time. Everybody knows I took a ski trip and enjoyed it, and some wondered why I had a change of mind. I will not get into that now. But it seems to me that the focus ought to be on charity and not on the recreation.

So, Mr. President, I want to make sure that everybody clearly understands. I have never, never thought that anyone in this body was corrupt or that was acting improperly in terms of the law or even the rule. So I want to clear that up.

My concern was and is, Mr. President, access. And when a meal is purchased by a lobbyist, it is not just the meal. It is access. And when one rides in the golf carts at a golf game sponsored by a lobbyist, it is not just a golf game. It is access. Or when one goes in a chair lift and rides 20 minutes up a mountain, it is not just a ride up to the mountaintop. It is access.

Mr. President, we have had so many problems of late that we have lost public trust, and that makes it very difficult because it is almost impossible to govern. But also the association of special interests dominating this place is not a good image that we want to have. It is not one that I enjoy, I must tell, because implicit in public criticism is an accusation.

So I support this reform measure so that we at least suggest to the public that no voice is more important than their voice, and no view is more important than their view. And if they even do not have the ability to knock on the door and say, ''I am here from Roanoke'' or ''I am here from Trenton, NJ,'' or what have you, that we have to let them know that we respect so much the value of their view, their judgment and continue to work to recover the trust and the faith of the American public.

Mr. President, I think this is a good start. And for any of my colleagues who may have misinterpreted that which I intended when I wrote the first gift ban amendment 2 years ago, please let the record clearly reflect that I have nothing but respect—differs, albeit; that is the way we function around here—but respect for all of my colleagues, and never a suggestion that one is corrupt or improper.

Mr. LOTT. Mr. President, I believe we are ready to complete this debate and begin amendments now. Therefore, I yield the remainder of our time on this side. I believe we are ready to go with the amendment of Senator MURKOWSKI.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, before the Senator from Alaska offers his amendment, let me say that I think we have come a long way here in the last couple of days. I want to congratulate all those who have been involved in the negotiations—Senator LOTT, Senator MCCONNELL, Senator MCCAIN, Senator LEVIN, Senator FEINGOLD, Senator WELLSTONE, Senator LAUTENBERG, Senator BREAUX, and Senator JOHNSTON. I probably am leaving out someone. But I just want to suggest that we have gone from what I think was a bad idea to a very good idea. But we are very, very close.

I think the importance of what has happened is that we agreed on sort of the basic package—I hope we have—where both sides have given and taken some. And now what we are doing is offering just a few amendments. Where we cannot agree, we will jump the ball here and see who gets the tip. If you win, you win. If you lose, you lose. Then we go ahead and finish this bill, and get it behind us.

We earlier promised—at least the leader did—that we would take up this bill on the 28th of July. It is now our hope that we can finish on the 28th of July both the lobbying bill and gift ban bill and have those behind us so that we can move on to other important legislation.

I do not know of anybody in this body—I agree with the Senator from New Jersey. It is not a question of integrity, or honesty. It may be a perception. But the one thing that concerns many of us on both sides of the aisle is that we want to be certain we do not get somebody in trouble because if you are at some event you get a gift. And somebody may disagree on all of these things. We hope we have worked this out because, as I said, I received five birthday cakes last weak. I only ate one piece. I do not know what the value of the cakes was. They were all given in good faith. We had a good time. I shared it with a lot of people—things like that.

I talked with Senator CAMPBELL from Colorado. He is the only native American in this body. He said that, if you get a gift from his community, it would be an insult to return it.

There are a lot of people. We have a lot of friends. If you do not have any friends, you do not have to worry about gifts. You do not need a gift ban. But a lot of us have a lot of friends. I think we all have a lot of friends. We want to make certain that we do not get anyone in trouble.

We are on the right track. We are doing the right thing. I certainly support what has been done so far.

We would like to complete action on this bill tomorrow. I am not in the position yet to announce votes. But what we are trying to do—I think some of my colleagues were scattered and I know some are at the White House. A number of colleagues are with the Korean war veterans attending a dinner at the White House tonight.

As I said, we hope to announce fairly soon that we have an agreement, or that we can stack votes, and have the votes tomorrow morning. Then there would be no further votes tonight. We are not yet in a position to make that announcement. That is what we are working on.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would also like to thank not only the majority leader but the Senator from Mississippi, the distinguished whip, for all the effort that he and Senator FORD have gone to in expediting this process.

AMENDMENT NO. 1872, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment, the substitute which is at the desk.

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

The amendment (No. 1872), as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except in conformance with this rule.

''(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee

reasonably and in good faith believes to have a value of less than $20, and a cumulative value from one source during a calendar year of less than $50. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

''(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2)(A) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

''(c) The restrictions in subparagraph (a) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

''(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

''(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered such as:

''(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

''(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

''(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

''(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of Select Committee on Ethics, except as provided in paragraph 3(c).

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

''(14) Bequests, inheritances, and other transfers at death.

''(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

''(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

''(19) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

''(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

''(22) Food or refreshments of a nominal value offered other than as a part of a meal.

''(23) an item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

''(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

''(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or

similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

''(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

''(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(1) the name of the employee;

''(2) the name of the person who will make the reimbursement;

''(3) the time, place, and purpose of the travel; and

''(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

''(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

''(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

''(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

''(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

''3. A gift prohibited by paragraph 1(a) includes the following:

''(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

''(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

''(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

''(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

''4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

''(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

''(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

''(2) the date and amount of the contribution; and

''(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

''5. For purposes of this rule—

''(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

''(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

''6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.''.

SEC. 2. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on January 1, 1996.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 1874 TO AMENDMENT NO. 1872

(Purpose: To permit reimbursement for travel and lodging at charitable political events)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 1874 to amendment No. 1872.

At the appropriate place, insert the following:

SEC. . Travel and Lodging to Charitable Events—

Notwithstanding any provision of the Rule, The term ''gift'' does not include permissible travel, lodging, and meals at an event to raise funds for a bona fide charity, subject to a determination by the Select Committee on Ethics that participation in the charitable event is in the interest of the Senate and the United States.

Mr. MURKOWSKI. Mr. President, I have followed this debate closely and certainly am sensitive to the efforts to try and bring the pending compromise agreement to a successful conclusion.

I heard in the debate the reference that we ought to be treated like other Americans; that the executive branch clearly does not enjoy the broad benefits that we in this elected office enjoy regarding gifts and various other benefits. And that is certainly true.

On the other hand, there is a difference. And in my amendment I hope to focus a little bit on that difference. We are a political body. As a consequence, within this compromise there is no prohibition for us to continue to receive reimbursement for travel and for lodging associated with political activities.

Who funds those political activities, Mr. President? Lobbyists fund those political activities, and political action committees, PAC's. So on the one hand, we are proposing sweeping legislation that would bring us into conformity with the executive branch. Yet, at the same time, we are suggesting that we not consider the benefits we receive from political activities associated with our office.

Mr. President, the purpose of this amendment is to bring into conformity the rules that we would have for transportation and lodging in connection with a charitable event with the rule that exists for transportation and lodging in connection with a political event such as a political fundraiser.

Under the measure proposed in the compromise that is pending before us, as I understand it, private entities would not be able to reimburse Members for the cost of transportation and lodging to a charitable event. But I think in the compromise there is reference to meals and attendance at the charitable events being authorized. But

Members still would be permitted to be privately reimbursed if they travel to a fundraising event on behalf of another Member.

In other words, Mr. President, lobbyists, PAC committees, and other contributors could be used to reimburse Members for taking a night off and flying to Hollywood, flying to Los Angeles, or flying to Florida for a political fundraiser. We do not address that in this sweeping revolutionary approach toward limitations on our privileges. I find that rather curious, rather inconsistent, but rather evident.

Currently, under the Senate Ethics Committee interpretive ruling No. 193, a Senator may accept travel expenses from an official of a district's political party organization in return for his or her appearance at a rally sponsored by that organization.

Now, we are different, we indicate, but on the other hand we say we ought to be treated the same as the executive branch. But the executive branch cannot accept travel expenses from an official or a district political party organization in return for his or her appearance at a rally sponsored by the organization.

So this compromise, Mr. President, really does not address our attendance, our reimbursement for travel as well as lodging for political fundraisers. I might ask the question why, but I think it is evident to all of us. We just have not considered this as part of the revolutionary changes that are appropriate, that we want to make. But, Mr. President, they are still inconsistent, and they leave something to be desired. Why should the presence of a Member in supporting a charitable organization be treated differently than attending a political function where you can receive reimbursement for travel and lodging.

Now, Mr. President, as we know, every Member of this body has at one time or another made campaign appearances for his or her party or a candidate. Often that means flying to another Member's home State, attending a party function, maybe making a speech, sharing a meal, even attending an entertainment or sports function, and in almost all cases the cost is covered by whom? The cost is covered by lobbyists or other political contributors.

So what we have here is a situation where a Senator can travel virtually all over the country attending political fundraisers and have lodging and transportation reimbursed. But what the compromise proposes, what it proposes as I read it, is that a Senator cannot attend charity events, events that raise money for worthwhile causes such as a breast cancer detection center, and have those costs reimbursed.

The Senator from Alaska does not believe that that is equitable. It does not make sense. Why is it all right for a political action committee to host a $500 a plate political fundraiser or give a campaign check for $4,000 or $5,000 to an elected official through his or her PAC, but there can be no solicitation under this proposal of corporations and other individuals to participate in charitable events that only benefit perhaps a small community, a small State, or those of us out West?

Now, I believe that this whole notion of preventing Senators and corporations from sharing in raising money for a worthwhile cause outside the Washington beltway, but allowing large amounts of money as political gifts, smacks of sheer hypocrisy.

Do you think, Mr. President, we can get Senators up to our State if they have to pay their way to come to a charitable fundraiser? That is what this compromise suggests. Our charity events will be very difficult to put on. Those who live adjacent to the beltway can put them on right here in Washington, DC.

Mr. President, my amendment simply provides that Senators would be permitted to be privately reimbursed—it is very important that we make this distinction because it is a change from previous procedure—Senators could be privately reimbursed for the cost of lodging and transportation in connection with charitable fundraising events if and only if—and I would appreciate the attention of my colleagues who have labored over this because I think this change is significant—if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

To repeat that, Mr. President, lodging and transportation in connection with charitable fundraising events if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

So a Member of the Senate could be privately reimbursed for attending a charitable fundraiser only, only if the Senate Ethics Committee makes a determination that the charitable function is in both the public interest as well as the interests of the Senate.

Mr. President, I believe one of the most important responsibilities of a public official—and that is what we are—is occasionally to promote worthwhile charitable causes. Not everything can be done for the public good directly through the Government. Private charities play a vital role in servicing many of the needs of our citizens.

Last year in my State of Alaska, my wife Nancy and I were the honorary chairs of a Senator's fishing tournament in Alaska which raised nearly $150,000 for a mammogram machine for the Fairbanks Breast Cancer Detection Center. As a result of that event, the detection center was able to pay off its mammography machine and as a result the center was able to continue to provide free breast cancer examinations to those who needed that service—mammograms for 3,700 women who came to Fairbanks for breast cancer screening from nearly 81 villages throughout the State of Alaska.

Mr. President, this year, my wife will be hosting a second event for the center to raise money for a second mammography unit. This will be a mobile mammography unit, one that can move on the limited highways of Alaska. But more importantly, one that will be able to be driven into the National Guard C–130's, and as they train and generate air time they will go into the villages. And the unit would be able to be backed out of the planes and provide services to those women who otherwise would find it very difficult and expensive to travel into our larger communities to take advantage of this type of examination.

So if we raise sufficient funds—and I think we will—we will be able to equip this new mobile van for duty in the rural villages of my State. Villagers will not have to come to Fairbanks for tests. They will be able to receive these screenings in their local communities.

This unit I think is vital to help preserve the health of Alaska's women. It will service many of the native women in the bush area.

Our State's cancer mortality is the third highest in the Nation.

It is estimated nearly one in eight Alaska women will develop some signs of breast cancer. Breast cancer screening can reduce those amounts, I am told, by up to 30 percent. I firmly believe without the funds raised from these two efforts that are promoted in association with the U.S. Senate, the health of Alaska women would be potentially marginalized.

I am proud of the work those women have done in keeping these units operating and organizing these events. And if we change the rules on charitable events, I am convinced that it will be unlikely, certainly more difficult, and the success of the event might be severely jeopardized.

Most of my colleagues are aware that former Senator Jake Garn raised a great deal of money for the Primary Children's Medical Center in Salt Lake City. Mr. President, I can name other charities many Senators have been involved in. I believe Senator PRYOR has a golf tournament. Senator ROCKEFELLER has a children's health project in West Virginia. Senator HATCH has a function in his State. I wonder if we really want to seriously end Senators' and companies' participation in these causes simply because there is a so-called perception problem.

This discriminates against distant States. I have already mentioned that. Some might argue charitable events will still be allowed under the proposed compromise bill because the only prohibition contained in the bill relates to transportation and lodging in connection with these events. That is probably true in the immediate area. In other words, Mr. President, if you are a large, national charitable organization that has the clout to hold the event in Washington, Members will be able to participate in the event.

But if you are a small organization like the Fairbanks Breast Cancer Detection Center or the Arkansas Opportunities, Inc., you are not going to have the resources or the capability to have your event held in the Nation's Capital. If Senators cannot receive transportation and lodging reimbursement, events like mine, even though they would be subject to the approval of the Ethics Committee, then I think many of these events are going to disappear because it will simply cost too much to get to Alaska and other distant States.

So, Mr. President, I think we have a clear choice. I do not dispute the efforts of those who have worked so hard to formulate this compromise. But I think in fairness, we have to examine that we left out a significant portion, and that is the activities associated with political events, where we are still allowed reimbursement for lodging and transportation. And I think that is the inconsistency. We want to establish the same lodging and transportation rules for charitable fundraisers as we have for political fundraising.

That is my question. Do we want to establish the same rules or do we want to make it harder to raise money for worthy charities while at the same time continuing the unlimited reimbursement for political fundraising? I hope that my colleagues will reflect on this amendment, reflect on the realization that it is structured in such a way as to mandate our Ethics Committee to review and pass under the legitimacy of the chair.

I do want to assure my colleagues I am very committed to this. I want to assure my colleagues, should this amendment fail, I may very well offer an amendment to conform the transportation and lodging rules with the charitable rules so that Members will have to pay out of their own pockets to participate in fundraisers for other political candidates like they would under the proposed compromise, which would ban travel and lodging for charitable events.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona oppose the amendment?

Mr. MCCAIN. The Senator from Arizona opposes the amendment.

The PRESIDING OFFICER. The Senator controls 30 minutes in opposition.

Mr. MCCAIN. Mr. President, I yield myself 7 minutes.

Mr. President, I understand the logic in the argument and am in sympathy with what the Senator from Alaska is saying, especially when viewed in a somewhat narrow and focused context. In case the Senator from Alaska missed it, there is a new book out called ''Ethics in Congress,'' by a Mr. Dennis F. Thompson. On page 107, Mr. Thompson says:

In the case of gifts these considerations argue for a gift rule that is simple, strict, and broad. First, the rule should have few exceptions, and none based on the supposed virtuousness of a motive. During the Senate debate on gift reform, many members urged that expenses for travel to charitable events should be exempt. No one noted the ironic implication of this suggestion: if members are less in danger of being corrupted by gifts for charity than by for gifts for themselves, they must care more about personal gain than philanthropic causes. The only exceptions that should be allowed are those that are necessary for members to carry out their legitimate political activities (meals taken in conjunction with their official duties, for instance) and those typical of normal social and family life (such as customary birthday gifts to their children from friends).

I think that passage pretty well sums up why I oppose this amendment.

I would also like to address the last statement that the Senator from Alaska made that, in case his amendment fails, then he would propose an amendment that would provide that for travel as involving political activity. Let me quote again from this book:

In this spirit, members found it difficult to resist when Senator FRANK MURKOWSKI proposed an amendment that banned gifts from PACs. ''My amendment,'' he said, ''merely adds [to the gift] prohibition . . . a very important type of gift, a political contribution.''

But contributions are not exactly the same as gifts, and if they are to be treated the same, reform has to go much further than members are prepared even to consider. Senator WILLIAM COHEN pointedly distinguished the different roles of senators: ''We are looking for symmetry between what we can do as candidates and what we can do as Senators. But there is no symmetry. The Senate has gone on record in favor of [reducing] the value of a gift . . . down to zero. If you follow the logic and apply it to campaigns, then you eliminate all contributions to campaigns other than through public financing.'' Many reformers believe that Congress should follow that logic, and they may be right. But as COHEN observes ''there are very few [members] who are willing to take that step.'' As long as candidates must raise funds for campaigns, legislative ethics must find ways to control the conditions under which they receive contributions. To understand better what the conditions should be, it is necessary to consider the further difficulties of finding corrupt motives in cases in which the gain is political rather than personal.

Mr. President, there is another passage I would like to quote from very briefly:

Some might argue—

And I have heard this several times on the floor and in the course of the discussions we have had on this issue.

Some might argue these and other efforts to win the confidence of the public are futile. The public, especially news media, will never be satisfied, no matter how many reforms Congress makes. Congress has added more and tougher standards and imposed sanctions on more members in recent years, yet public confidence continues to decline and demands for reform continue to increase. Why bother to try to satisfy such apparently insatiable demands? The first answer must be that Congress has no realistic alternative. In a democratic system, legislators cannot do their jobs without seeking to win the confidence of citizens. Even if individual members manage to win reelection in the face of widespread cynicism about Congress, they will still suffer the effects of ethical controversy, as it implicates their colleagues and interferes with the conduct of legislative business. If members do not continue to try to improve the ethics process, they will find themselves and the institution increasingly deflected from legislative duties.

The loss of confidence in Congress does not mean that the reforms of recent years have had no positive effect. The decline is no doubt the result of many causes unrelated to ethics and might even have been worse if Congress had taken its ethics less seriously than it did. Furthermore, the improvements, modest though they may have been, have not gone without notice. Informed observers and other opinion leaders believe that members are more honest and the institution less corrupt than it used to be, which is likely to have a favorable effect on public opinion in the long run. Finally, some of the continuing distrust may be warranted. Citizens are surely right to be suspicious of some practices of ethics committees, such as refusing to release testimony and reports.

Also, some reforms may not have gone far enough or may not have been focused precisely enough on the ethical problems that should be of most concern.

Mr. President, as I said, I understand and sympathize with the amendment of the Senator from Alaska. I hope that in the broader context of what I just quoted in this book, it will explain better my opposition to the amendment.

I yield whatever time he may need to the Senator from Minnesota.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I say to my colleague from Alaska, two mornings ago I heard quite a wonderful report on the work that the MURKOWSKIS do in Alaska. I absolutely understand the why of the amendment and admire the Senator for what he stands for. We do not always agree on all issues of the committee he chairs, but I do not think there is ever any question about his personal intentions and his sincerity.

Again, the important point is that the contributions and the paying for trips is permitted when it comes to charitable activity. The key language is as long as what you are doing is not substantially recreational. That is the real issue.

I say to my colleagues, that is the key point. The problem for us is that we have gone to these gatherings and they are for a good cause, but a large part of our activity is for the golf and for the tennis, and it is substantially recreational.

Frankly, we do not look good. It is a matter of perception, and we should just let go of it. We do not need it. That is really the problem.

Mr. MURKOWSKI. Will my friend yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. MURKOWSKI. I do not believe, as I understand the compromise, that

there is a provision, as the Senator from Minnesota suggests, for reimbursement for travel and lodging if it is not a substantially recreational function.

Mr. WELLSTONE. I say to my colleague——

Mr. MURKOWSKI. I would appreciate a clarification, because I was under the impression that there was no provision for charitable activity associated with transportation and lodging, that there was no provision whatsoever.

Mr. WELLSTONE. I say to my colleague that, as a matter of fact, there is as long as once you come to the event your activity is not substantially recreational. That is the key point. Then there is a prohibition. Otherwise, there is not. I say to my colleague, if, in your official duty, you go to a gathering for a good cause—that is why you are there and that is how you spend your time—that is fine. The problem is when—and I defer to my colleague from Michigan if he wants to add to this—the problem is when you go to a gathering and you spend most of your time in recreational activity, then the paying for that travel is not permitted. That is the key distinction.

Mr. MURKOWSKI. I thank the Senator for that clarification. In all deference, I was not aware that was the case. When the bill was offered as a compromise, it specifically prohibited transportation and lodging for charitable events, as was so stated.

Mr. WELLSTONE. I say to my colleague, I would be very interested in the comments of the Senator from Michigan, but we may have just some confusion here which we may be able to clear up.

Mr. LEVIN. I wonder if the Senator from Minnesota will yield.

Mr. WELLSTONE. I will.

Mr. LEVIN. The language that is now in the substitute is that ''reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.'' And those standards are that it must be connected to your official duties and it must not be substantially recreational in nature.

So if a charitable event is connected to your official duties and is not substantially recreational in nature, then it is explicit, which I think was intended last year but perhaps was not clear enough, that reimbursement would be provided.

It is only for these charitable events or these recreational events, depending on how you describe them, which are substantially recreational that there is not the reimbursement for lodging and travel, because those are not your official duties. If they were, you could be reimbursed. It is when they are not connected to your official duties.

Mr. MURKOWSKI. I ask the floor manager, what official business would be considered charitable?

Mr. LEVIN. That is up to each of us. A lot of us go to charitable events connected to our official duties. I go to a tuberculosis dinner back home. If I decide as a Member of the Senate that it is connected to my official duties to be there, then that is connected to my official duties, and if it is not substantially recreational in nature, I can then be reimbursed for that transportation.

Mr. MURKOWSKI. So you would be reimbursed by the Government for that transportation.

Mr. LEVIN. By the private party. This is talking about when reimbursement is permitted by the private party.

Mr. MURKOWSKI. So you would be, in that case, reimbursed by the private party——

Mr. LEVIN. Could be.

Mr. MURKOWSKI. And even though the charity was not Senate business in a sense, you made a decision——

Mr. LEVIN. It has to be connected to your official business.

Mr. MURKOWSKI. In the particular case I am citing where I hold events in my State, I do not have the same opportunity of those who live in the areas surrounding the beltway. So I am just out in the harsh reality that I cannot get the attendance. That is the problem I have, and it is one of inequity.

Mr. LEVIN. It may be related to your official duties.

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

Mr. MURKOWSKI. What I proposed, and I hope you consider it, is let the Ethics Committee make that determination.

Mr. LEVIN. I heard the proposal. But the Senator going home to a charitable event may be related to his official duties, in which case you can be reimbursed by the private party, providing it is not substantially recreational.

Substantially recreational is the divide. Is it recreational or is it an event not substantially recreational or relevant to your official duties? If it is, you can then be reimbursed by that private party.

If I decide going to an event in Alaska or any other State, other than my own, is related to my official duties, and if it is not substantially recreational, then I could be reimbursed. That is a judgment I would make. That is the line which is drawn in the bill.

The effort is made to distinguish between the recreational trips and the trips which all of us make which are related to our official duties and which are not substantially recreational in nature. We all go to make a speech at some meeting. If that is related to our official duties and is not substantially recreational in nature, we can be reimbursed by the private party. That is a judgment each one of us makes in the bill, and that is very different, however, from the recreational trips where people, I think would agree, are not related to their official duties and where they are substantially recreational in nature.

If that is the judgment, we should not be taking money from private parties, in the opinion of those of us that have reached this conclusion.

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

Mr. MURKOWSKI. If I may respond, because I think there is a distinction here, and that is——

The PRESIDING OFFICER. Let me just announce to the Senate, the Senator from Minnesota still has the time.

Mr. WELLSTONE. Mr. President, the Senator from Delaware wants to put a question to the Senator from Michigan.

Mr. BIDEN. I would like to ask the Senator from Alaska.

Mr. WELLSTONE. Can I make this one comment and then yield the floor?

Mr. BIDEN. Sure.

Mr. WELLSTONE. Very quickly, I say to the Senator from Alaska that we have had this discussion, because this may just be some confusion. I do not know any other way but to say it straight. What we have tried to do, and what we have done in this coalition effort, is to just deal with what has gotten us into trouble, which is not what I think the Senator from Alaska is talking about, which is some of the ski and golf trips, and whatever. I think we should let go of that and end that practice.

When you go home, and as part of your official work, you go to a charitable activity, such as the Senator from Alaska cares fiercely about, and your activity there is not substantially recreation—you are not going there to ski all weekend, or whatever—that is permissible. Maybe we have cleared that up.

Mr. MURKOWSKI. I would like to pursue this, if I may, because while I do not disagree with the Senator relative to the concept of what we are trying to do away with here, we also have to keep in mind the basic function of a charitable event, and that is to raise money.

Now, the question of what kind of an atmosphere do you raise that money in is what we are debating at this current time. Clearly, there have been excesses relative to the recreational events associated with charitable fundraisers. I would be the first to acknowledge that. But what we have now is a proposal that is so stringent, in the sense that we are not allowing the Ethics Committee to review the legitimacy of the charity, we are simply saying if it is not connected with any activity associated with recreation.

I ask my friend from Minnesota what he might suggest to be the nucleus for the event, to bring those that will contribute to the charity, and that is the problem of the Senator from Alaska. I assume it would be determined that a fishing tournament, which is what I offer, would be a recreational event. It is not a skiing event, it is not a golf event. I would call it a fishing event. I think in the spirit of the debate it would be considered recreation.

Now, that venue, if you will, allows for the opportunity to raise the money for the charity. This Senator would be

very pleased to look at some other avenue, but I, very frankly, think it would be difficult to attract the Senators, the sponsors, and others to come to a luncheon in Fairbanks, AK, for a fundraiser for the Breast Cancer Detection Center because it will not have the same magnitude of my fishing event.

However, I am willing to leave that up to the Ethics Committee to make a determination of what the guidelines and rules are, how many hours of free time on the event, where the event is held, or whatever. Right now, this legislation basically puts me out of business of promoting major charities in my State. I understand the intent. But I implore my colleagues to perhaps pursue a little innovation so that we are simply not eliminated from what is a worthwhile endeavor funded by corporations that are willing to make a contribution.

I do not want to go into the other issue, but there is an inconsistency there, as my friend from Minnesota, I think, would recognize. While we do not address political activities, they are paid for by the same source—lobbyists, political action committees, and so forth. So I would rather not mix that area. I am looking for relief.

Mr. WELLSTONE. Let me say two things to my colleague from Alaska. First of all, if we want to talk about campaign finance reform, and if the Senator is concerned about people paying for trips that Senators take which raise money, introduce an amendment to deal with that problem. But that is not what we are talking about tonight. The Senator can introduce an amendment to deal with that. It is a matter of proportion.

I think every Senator should be aware of this. You can go to a charitable gathering. That can be part of your work. You should go, and it could be paid for by a private party. There is no question about that. The problem is, when it is substantially recreational, that is where the abuse comes in.

Mr. President, you cannot make a distinction between fishing trips, or tennis, or golf, or skiing. That is the problem. That is where we have gotten ourselves into trouble, no matter how good the cause is. When a particular lobbyist or interest pays for a Senator for a weekend, or several days of travel, and accommodations to go fishing or play golf or to go skiing, it is just inappropriate. I mean, what has to attract people to the gatherings is the cause itself. God knows what the MURKOWSKI's do is a very important cause. But we have to let go of these paid-for ski trips, golf trips, and tennis trips. We have to let go of it. It is not appropriate, and it does not look good. People do not want us to do it.

I urge my colleagues to let go of it. That is why I think this amendment must be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, who is controlling?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I yield whatever time the Senator from Michigan needs.

The PRESIDING OFFICER. There are 12½ minutes remaining for the Senator from Minnesota.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this is one of the basic reforms in this bill, because these recreational trips—and that is what they are—have created great difficulty for the U.S. Congress in terms of public confidence in this institution.

The public has seen over and over again the ski trips, the golf outings, the tennis trips, with our families, being put up at fancy lodges and being given fancy meals—and, yes, there is a charity which also benefits. But we get a big benefit from that. It is called recreational travel. There are two beneficiaries of this travel. One are the Members that take it; second is the charity that also benefits, because some of the contributions from the contributors go to the charity, and some go to us in the form of payment for our travel, our lodging, and our meals.

Now, a lot of the charities are noble—in fact, probably most are. I know the charities of the Senator from Alaska are noble. I think people should contribute to those charities, but in a way which does not undermine the confidence in this institution; the price that we pay for benefiting the charity in that case is too high. The price that we pay is that the public sees us at the outing, or on the slopes, with the special interests right there with us, paying for our recreation. If they are not there with us, they pay for our recreational travel.

It results in this kind of a TV show. I think all of us have seen these shows. This is from the Inside Edition of February 10:

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

Now, that is what the public sees. What they see is the benefit that we gain when we go on recreational travel. What they do not see, perhaps, is the benefit that the charity gets.

And so we have to make a decision—each one of us—as to whether or not, No. 1, we believe that when we go on recreational travel, we should be able to be reimbursed for that. This is a benefit for us. It is recreational travel, not related to our official duties of significant value. That troubles me.

The second issue that each Member must face, even though a charity also benefits along with Members, whether or not the price that is paid for that good cause, getting a benefit, is too high, in terms of this good institution being diminished in terms of public respect and in the public eye.

That is the decision we each should make. It is called recreational travel. We have seen it and read about it. Some Members have participated in it. We have to make a decision.

This bill significantly restricts gifts. It is long overdue. We are trying very hard to increase public confidence in this institution and in the Congress. It takes work. We have to change the way we do things, to accomplish that very important goal.

I believe for Members to permit recreational travel is going in exactly the opposite direction from the direction of this bill. This is why I hope that the Murkowski amendment would be defeated.

Mr. MURKOWSKI. Mr. President, I believe that we have 9 minutes remaining.

The PRESIDING OFFICER. Nine minutes and 30 seconds.

Mr. MURKOWSKI. It is the intention of the Chair after the time is expired to entertain other amendments tonight.

The PRESIDING OFFICER. That is the order.

Mr. LEVIN. I do not know what the Senator from Mississippi, the majority whip, has in mind. I think that what they have in mind, however, is that we proceed to other amendments after the time is expired or is yielded back on this amendment.

Mr. MURKOWSKI. I understand.

Mr. President, I have listened to the debate tonight. Clearly, the reference to eliminating any interpretation of recreation makes it very difficult to successfully hold a charitable event outside of the beltway, or certainly not further than a reasonable proximity.

I think that is unfortunate. If we were to leave the issue at that, I suppose the Senator from Alaska could reflect on the merits of simply an up-down vote on the issue and resolve it. But when the debate goes on and suggests that somehow, because it is a charitable event, that it is subject to charges that inappropriate or poor judgmental actions occurred on the part of Members. Yet when one looks at the source of support for the charitable event or the political event, we find the sources are the same. They come from fundraisers. And we can get full reimbursement for political events, transportation, and lodging from a source that also provides legitimate funds for the benefit of the charity. Funds are coming from the same place.

I seem to be the only one that is drawing any attention to that. If we are being critical of ourselves—as we are and as we should be from time to time relative to the appropriateness of accepting funds through PAC's, political organizations, lobbyists and others, for charitable events—and we absolutely ignore the fact that we accept it for political events for transportation and lodging, the same exact sources, I say that at the least we are being inconsistent.

No one in this body wants to make that connection because it is inconvenient. It is embarrassing. After all, we are politicians and politics and serving the people of our State is our business. I think to some extent, attendance at charitable activities, legitimate charitable activities, that would be subject to approval by the Ethics Committee and more or less reviewed by them as to their legitimacy, would be an appropriate measure of legitimacy.

Unfortunately, it appears that this particular proposal that has been structured is cast in concrete, and with the exception of the explanation the Senator from Alaska received a few moments ago, clearly charitable activities such as the one that I have discussed simply could not function under this narrow interpretation because it eliminates recreation activities.

As we wind down the debate and the time is about to expire, there is indeed a principle involved here, as we address the legitimacy of not only those who suggest that this compromise should be structured in the same way as the executive branch receives consideration for their extracurricular activities. Yet it does not recognize in the same breath that the executive office does not receive reimbursement or travel for appearance at political events. Yet we do. And that is the difference.

When we go to the legitimacy of charitable events, we say no, we cannot get reimbursement for travel and lodging, but we can get it for political events. Others say, well, just a minute, the Senator from Alaska does not understand the problem. We are talking about something other than political events now, so that should not be part of the discussion.

The Senator from Alaska, I think, would again remind all of my colleagues as to the source of these funds and the principle involved. If for some reason or another we find it unpalatable to accept funds from those who would fund charitable events, one wonders why we would be so eager to accept funds for travel to political events.

I encourage my colleagues to think on the merits of legitimate charitable activities which we all participate in, which will be substantially limited, in my opinion, under this very narrow interpretation. And I think that is indeed very unfortunate.

I have nothing further to say, Mr. President. I yield the floor. I yield back all time.

The PRESIDING OFFICER. The Senator from Alaska has yielded back his time. The time in opposition is 7 minutes.

Mr. LEVIN. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Michigan. I want to be sure that we remember why these provisions are in the bill. It has to do with the fact that if you had to pick one aspect of this whole issue of gifts that seem to have brought more perception problems for the Senate than any other, it is the problem with the so-called charitable events.

This is not to say that they do not have any merit—some of them. But the portrayals, particularly on some of the national television shows, have shown Members of this body and of the other body participating in events that were obviously dominantly recreational, that had to do with golf or tennis or whatever it might be. It was pretty obvious by the end of any one of these segments that the event was an opportunity for a Member of Congress to have an awfully good time on the ticket of whatever the organization that was promoting the event or the charity, whatever it was.

Yes, this may have some negative impact in terms of what the Senator from Alaska is trying to talk about. I think in his case the fact that he is referring primarily to what he wants to do in his home State suggests to me it probably would not be a problem.

The problem would occur more in the more publicized events—ski events in Utah, the golfing events in Idaho—that have nothing to do with our own home State. These are the ones that have caused a very serious problem.

I believe it is very appropriate that this bill sets forth that in the case of an event that is a charitable event and is not specifically within the person's role as a representation of the Senate, then those cases—the travel and the lodging—are really too much.

It has been abused. There are Members—I am not thinking of a Member of this body, but I am thinking of a case of a Member of the other body—who made a practice of going every week to these so-called charitable golfing events. I remember the Member got a $200 sweater at each event. The meals and everything went back to his district afterwards. It was a way of life. This is what we are trying to get at.

I think it has been reasonably crafted. I do think it addresses the concern of the Senator from Alaska, which obviously has to do more with his own home State. Whether or not he is going to be able to attract Members of this body to Alaska, given the fact that there is a problem with lodging and the travel—it may be difficult. I do not want to suggest it will not be, possibly, a problem. But I think the greater concern here is that we eliminate this overall practice. I think this is reasonably drafted to achieve that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, if I could just make one comment to my friend from Wisconsin, it looks like the only way out, there, is to attract the millionaires of the Senate who might be able to come to Alaska and attend a charity event. If it passes in its current form, I will advise the Senator from Wisconsin of my success in attracting the millionaires that are in the Senate to come up. We will have to see.

On the other hand, I hope my amendment will be adopted based on the merits of my presentation. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. No one else wants time on this side. I think, if all time has been yielded back by my friend from Alaska, then I will yield the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, on behalf of the majority leader, and after consultation with the minority leader, I ask unanimous consent that the cloture vote scheduled for Friday, with respect to foreign aid authorization, be vitiated.

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

Mr. LOTT. I further want to announce to the Members that at 10 a.m. on Monday, July 31, it will be the majority leader's intention to turn to the energy and water appropriations bill, and that no votes occur with respect to that bill before 6 p.m. on Monday.

I further ask unanimous consent that the cloture vote scheduled for Friday, with respect to the State Department reorganization, be postponed to occur following any stacked votes on Monday, which will not occur prior to the hour of 6 p.m.

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

Mr. LOTT. I yield the floor.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe other amendments are now in order for debate? I do not have a copy of the unanimous consent we are operating under.

Mr. LOTT. If the Senator will yield, I understand there are negotiations continuing on some of these amendments with the hope that maybe some agreement could be worked out and that we are prepared to go forward momentarily with the amendment concerning the limits in the bill. We will be ready to go with that in just a moment.

If the Senator would like to take up any other issue? If not, 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, I ask unanimous consent that the pending Murkowski amendment be set aside so we may proceed to the next amendment.

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

AMENDMENT NO. 1875 TO AMENDMENT NO. 1872

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1875 to amendment No. 1872.

On page 1, strike lines 9 through 12, and on page 2, strike lines 1 through 4; and insert the following:

''(2) No Member, officer, or employee of the Senate, shall knowingly accept, directly or indirectly, any gifts in any calendar year aggregating more than $100 or more from any person, entity, organization, or corporation unless, in limited and appropriate circumstances, a waiver is granted by the Select Committee on Ethics. The prohibitions of this paragraph do not apply to gifts with a value of less than $50.''

The PRESIDING OFFICER. Who yields time?

The Senator from Mississippi controls 30 minutes.

Mr. LOTT. Mr. President, I have not spoken today on the efforts that have been underway to come up with a reasonable, practical, and agreeable package that we could have in this area of gift rule reform. I understand that there is a need to tighten up on these rules and to clarify others so Members will know exactly what they can and cannot do under our rules of the Senate. But I also think we have to be very careful that we do not do it in such a way that we make it impossible for us to live within the rules and do our job. That is why I have been very interested in how it is developed.

I do think a lot of credit goes to the managers of this legislation. Senator MCCONNELL, from Kentucky, has really moved us toward serious agreement on lobby reform that is, I think, long overdue. It was needed. We got an agreement on that earlier this week. And by his continued efforts, I think we are getting close to gift reform that will change the rule of the Senate in such a way that we will all be better off.

His work with Senator LEVIN has produced a package with a lot more agreement than I ever thought we would be able to come to tonight. But they have provided real leadership. Senator MCCAIN has been involved, Senator WELLSTONE, Senator FEINGOLD, many others, Senator LIEBERMAN, Senator BREAUX, Senator FORD—there is a long list of people who have been involved and I think they all deserve a lot of credit.

The substitute we are working from is a major change from what we started out with, as the original Levin-Cohen bill. First of all, it is not a statute anymore. It will be a rule. And I think that is an important change.

There have been a lot of questions raised, a lot of concerns, about what we can and cannot do. What is a personal friendship? What is a widely attended event? What do you do about awards, mementos? So, many of those things have been clarified. I think we are working from a much better product than where we started.

Efforts are still underway to clarify what is the situation with regard to our spouses. I think we need to be very careful about that.

I want to also emphasize this, though. And others have said it. Most Senators do their job. They do not get a lot of gifts or expensive awards. It just does not happen. It has been implied here we can go to dinner every night. First of all, how? We are here almost every night. We are a nocturnal institution. We do not start work until the Sun goes down. I take my hat off to any Senator who can run downtown to some expensive, fancy dinner. I do not see how they do it and make all the votes. And with the average of voting of the U.S. Senators being 97 percent or better, they are not doing both of those.

So any impression that has been given that there is a cesspool of activity going on here, it is just not so. Yes, when the mayor of Buzzards Roost comes to my office, she gives me a cap from Buzzards Roost. I put it on my stand. Glad to have it. We do go to lunches with our constituents. We do have relationships with friends.

If we have to give all that up, then we might as well just go ahead and admit that we are not living a real human life around here. So we do not want to do that and I think, with the changes that have been made, the changes we are still working on, we can accomplish that. Every Senator on both sides of the aisle agrees that a reform of the Senate rules concerning gifts is overdue and is necessary. And I think that is why we are going to get it accomplished here. But sometimes in life you can agree on the general purpose but some of the specifics can cause a problem. That is the amendment that I am addressing here tonight. I think that it is very important that we do not put ourselves in the position where we cannot basically function without violating the rules.

So this amendment that I sent to the desk will change the limit in the base bill from the $20, with that being aggregated up to no more than $50, and replace that with a Senator being able to accept a meal or a gift under $50 but with an aggregation of no more than $100. That aggregation is very, very important because that means that you can go to a lunch with a person, a lobbyist, or a nonlobbyist if it costs less than $50, and you can do it a couple of times in a year, but it cannot exceed $100. So that addresses the problem that you go to a lunch or a dinner every night or every day like somebody implied. You are not breaking the rules. I think that is a significant change from our original bill that was offered on this side that only had the $100 figure without an aggregate of what that could add up to.

So we have made changes. But here is my problem. This also now includes meals. In the past, we did not have the meals included under those limits. Now even the meals would be affected by this $20 and $50. Most of us do not go to big, fancy lunches. But there are not even lunches that cost less than $20, and no dinners.

So the rule that is in the substitute, $20 and $50, would guarantee that you could not go to a dinner even with some constituents. As I understand the language in the bill, if the Chamber of Commerce in my hometown comes to Washington, and a group of eight of them want to take my wife, Tricia, and me to dinner, we can go. But if my part of the dinner is $30, then the group that invited me could not pay for that. I would have to pay for it.

And then there also have been questions about how does that affect your spouse? Is she treated separately or is that under the $20? In other words, what if they are $19 and $19. You get the point. It gets to be ridiculous.

I am not talking about, in this instance, some hifalutin lobbyist in Washington taking me out to dinner. I am talking about Jim Esterbrook from Esterbrook Ford from Pascagoula, MS along with a few other Chamber of Commerce or union members. I am a son of a pipefitter union member. The boilermakers come up here every year. I have never been to dinner with them. In fact, I would be happy if I would never have to go to another dinner in this city. I would rather have pork chops and turnip greens in Pascagoula than any dinner I have ever been to up here.

All I am advocating is a rule of reason—$50—who here could be bought for a $50 dinner? Not anybody. That is ridiculous.

Can we at least have a little reason? In other words, what we are saying is, under the $20 and $50, OK. You can go to a $19 lunch but you cannot go to a $31 dinner. Come now.

It will be said, well, you know, it applies to the Federal Government. It has applied to them for several years. They seem to have done all right with that. Well, that is a good point. But I mean we are not in the same role as they are. We do have a very active relationship with the constituents. People are interested in legislation. I think we ought to be able to go and have a hot dog or a cup of coffee without having to keep a running tab.

Now, to their credit, that has been changed in the substitute as I understand it now. Earlier there had even been the requirement that if you had a $7 lunch with a hot dog and potato chips and a Coke, you would have to keep a piece of paper, and that would be a running tab to make sure that did not exceed in aggregate in a year $50. But that shows you on its face how ridiculous some of this stuff has been.

Mr. LEVIN. Will the Senator yield on that point? That has been changed.

Mr. LOTT. That has been changed. I admit. It has been changed. That is the type of thing that we have been able to make improvements on. That is why we are here tonight in the role we are in. I thought 24 hours ago we would be here with two stark alternatives. That is not where we are. A lot of progress has been made. We have worked out things like this.

Senator LEVIN, Senator FEINGOLD, and Senator WELLSTONE have been willing to, as we talked about these things, make some changes. And Senator MCCAIN certainly has been very active in that.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am glad to yield to the Senator from Alaska.

Mr. STEVENS. I am worried about the dollar figure here also. As the chairman of the Rules Committee, I had the duty to close the Senate dining room. Most Members do not know why we closed it. But we closed it because we discovered that we were charging roughly $8.50 for a dinner that cost more than $20. This is in a room that is owned by the Federal Government, with heat, light and all the services provided. I am just talking about food service cost and the food itself was more than $20. But no one would pay more than $20 for it. So we closed that dining room.

I would be happy to have the sponsors put in this RECORD where we can get—when the chamber of commerce comes into town from Anchorage or Pascagoula, wherever you want, they want to take us to dinner with their wives. And they would like to have a tablecloth on the table and maybe some flowers and just a nice dinner in a quiet place. Tell me where you can get it for $20 a person here in town.

I think they ought to tell us where you can do that. I do not think we ought to have to go to places where families do not go but where people take their wives when we have our constituents in town. That $20 figure is really a very low figure. I do not think it is realistic in this town. This town now is more expensive than my hometown of Anchorage. At one time it was the highest priced town in the country. This town, Washington, is much more expensive than any town I know of in the country today for dinners.

But, again, I just think they ought to do something about it. Or maybe they ought to talk to their wives about it. It would be very interesting. Because I agree with the Senator from Mississippi. It just means that I do not have to go out as much any more if we put a $20 figure in there. I am sure the wives would love that. I really think the $20 figure needs a lot of thinking.

But I really am asking the Senator if he is ready for me to propose my amendment. I am ready to propose an amendment if he would like to have me do that. But I join him in really raising a serious question about their $20 figure.

Mr. LOTT. I thank the Senator from Alaska. I think we could all come up with a lot of stories. I think simply—without getting all riled up about the $20 figure—it is not a reasonable figure. It would be so delicate, so impossible and so embarrassing how you would handle that.

If we are going to go with that figure, we ought to go to zero, absolute zero. Some Senators already do that. And that way you would understand no Coke, no coffee, no potato chips, no nothing. At least I will not have a recordkeeping nightmare. I will not have to be so nervous. Well, is this $19.50 or is this $21?

I think the little difference of $50 with a total for the year of not to exceed $100 from an individual is much more reasonable, and it would be a lot easier for the Members to comply with. I cannot believe anybody in America would question our integrity with those kinds of limits.

In view of the hour and the fact that there are others who want to speak on this, and we may want to rise to debate it a little bit after others speak, and the fact that Senator STEVENS is waiting now to offer an amendment which perhaps we can get an agreement on, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

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

Mr. LOTT. I would yield—how many minutes to the Senator from Arizona?

Mr. MCCAIN. Seven minutes.

Mr. LOTT. Seven minutes to the Senator from Arizona.

Mr. STEVENS. Mr. President, if the Senator will yield to me, I would be happy to yield time off this amendment if the Senator would like it because I am not going to use much time.

Mr. MCCAIN. Is the Senator suggesting that the pending amendment be set aside so the Senator could introduce the Senator's amendment which has been agreed to on both sides?

Mr. STEVENS. Yes. But the Senator can use some of the time off it.

Mr. MCCAIN. I thank the Senator.

Did the Senator want to do it at this time?

Mr. STEVENS. Whenever.

Mr. LOTT. Mr. President, if the Senator from Arizona, who has the time, would be agreeable to that, we could allow the Senator from Alaska to set aside this amendment for now and dispose of it, and then come back to the remarks of the Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent that the pending amendment be set aside in order that the Senator from Alaska may present his amendment, and following that we return to the pending Lott amendment and I may be granted my time at that time.

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

The pending amendment is now set aside.

AMENDMENT NO. 1876 TO AMENDMENT NO. 1872

Mr. STEVENS. Mr. President, I send an amendment to the desk. This is the amendment known as the spouse amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1876 to amendment No. 1872:

On page 2 of the amendment, strike lines 12 through 20 and insert in lieu thereof the following:

''(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.''

Mr. STEVENS. Mr. President, first let me apologize to my friend from Mississippi. I was off the floor and did not realize he had called up his amendment. I thought he was speaking in general about it when I came in, and I really did not intend to be so abrupt with my good friend.

Mr. President, as former chairman of the Ethics Committee, I have had many experiences about the reference in the ethics law pertaining to spouses. Spouses are not subject to the jurisdiction of the Senate. I applaud the way that the Senator from Arizona has prepared this amendment in several instances to avoid the implication in it of spouses, that merely because one is married to a Senator she or he is subject to the jurisdiction of the Senate. This is an attempt now to further continue what the Senator from Arizona has started, which I said I think is a very good trend.

What it really says is that a gift to any family member or person that has an individual relationship with a Member, officer, or employee shall be considered a gift to the Member if that Member has knowledge of it and has acquiesced in it and there is reason to believe it was given because of the Member's office.

I am hopeful this will remove some of the bad feelings that spouses of Members have had about the existing law and previous interpretations of the law pertaining to spouses and dependents. It does carry out the intent of what the Senator from Arizona had intended to do, and I understand it will be accepted.

I wish to say just briefly, our spouses, a lot of people do not realize the amount of time they really put in in terms of helping us with our constituents and with our problems. There was an assumption in the original ethics law—not this draft of the amendment of the Senator from Arizona, but there was an assumption there that the Senate could exert jurisdiction over a spouse or dependent who lived with a

Senator. That has led to a lot of conversations for this Senator, both in the time I was chairman of the Ethics Committee and since then, as to the propriety of that assumption.

I am pleased to see it totally eliminated now. If this amendment is adopted, I do not think there is a presumption in this bill of jurisdiction over a spouse or any family member. The jurisdiction is over the Member because of acquiescence and knowledge of a gift to any person that has been associated, or is associated with a Member and with the knowledge that that gift was given to that person because of the Member's official position. I think that is a correct way for this bill to address the problem. I am pleased to hear it will be accepted. I thank all concerned for giving us that consideration.

To me, to get back just for a minute to the overall problem, if I had my druthers, as I would have said years ago, I would rather see a full disclosure bill, a bill that requires us to disclose our activities with any person with regard to our official capacity and leave it there. I think once we start writing these detailed laws which try to convince people we are ethical; we have passed a new law, we lose a great deal of meaning for the Senate. We witnessed the respect that is held for the distinguished Member from West Virginia today. I think that those of us who are newcomers compared to Senator BYRD should realize that the respect that the Senate had in the days of the Russells and the Dirksens and those who have come before us were days when there was no ethics law at all. The respect was held for the body itself because the Members assured that that respect was maintained. It did not take a law. It did not take an ethics law. Mike Mansfield was not the majority leader that he was because of an ethics law. There was none at the time. It came in later. And when you really look at the great titans who have served on this floor—and I think there have been many—they were not guided by an ethics law. They were guided by their sense of right and wrong and by the mission that they had as Members of the Senate.

I would that we could return to that day, when we trusted the public to trust us.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. LEVIN. I wonder if the Senator from Arizona will yield briefly for a comment unless he is going to comment on the amendment of the Senator from Alaska.

Mr. MCCAIN. I have a brief comment if I could.

Mr. LEVIN. I will, of course, wait until after he is done.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I wish to express my appreciation to the Senator from Alaska for this amendment. Perhaps it would be more appropriate if I expressed my appreciation to his spouse, who obviously takes a keen interest in these issues. She hails from the State of Arizona, which I think accounts for most of the dynamic intelligence which she displays. I do understand her point, and I understand the point of the Senator from Alaska on this issue. We should not designate people simply by virtue of marriage. There should be a broader interpretation of this issue, and I appreciate not only the Senator from Alaska but his wonderful spouse as well.

I have no further comment.

Mr. LEVIN. I wonder if the Senator will yield to me 2 minutes without losing his right to the floor.

Mr. MCCAIN. I yield to the Senator.

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

Mr. LEVIN. I thank the Chair. Let me thank the Senator from Alaska. He has been in the forefront in fighting for the independence and the rights of our spouses not to be treated as though somehow or other they are covered by the rules of the Senate when they are not Members of the Senate. He has been very sensitive to that issue. As he pointed out, the intention of both the underlying bill and the substitute before us is not to include spouses in these rules because they are not Members of the Senate. He has identified some language which inadvertently might suggest to the contrary, and he has corrected that. And I think we are all in his debt, and I know our spouses are all very much in his debt. We thank him for that.

Mr. STEVENS. Mr. President, as the Senator from Arizona said, I will know when I get home whether I am right or wrong.

As Members have said to me quite often, I am one of the fortunate Senators in that I have married twice. Both of my spouses have been very committed to this institution and particularly paid a great deal of attention to the way that spouses and family members are treated in view of the obvious problem of being married to a Member of the Senate, but I am grateful for the comments he has made. We have made a small, but important, change to this bill with this amendment.

It really is in my opinion no change. It is just a proper definition of who we are addressing with regard to a gift that should be treated as being made because of the office of the U.S. Senator. And I think this will be sufficient. So I again thank the Senator from Arizona and the Senator from Michigan for accepting the amendment. I am prepared to yield back the balance of my time unless someone wants to use it.

The PRESIDING OFFICER. Is there further debate on this amendment? Is all time yielded back?

Mr. STEVENS. I yield back the time.

Mr. LEVIN. I yield back any time I might have under my control.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1876) was agreed to.

Mr. MCCAIN. 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. 1875

The PRESIDING OFFICER. Under the previous order the Senate will now return to the amendment offered by the Senator from Mississippi.

The Senator from Arizona is recognized for 7 minutes.

Mr. MCCAIN. Mr. President, I rise in opposition to the amendment of the Senator from Mississippi. We are in a very difficult area, Mr. President, because we are really looking in this entire bill at perception. It is all based on the perception of the American public as to what is acceptable in the form of what kind of favors, funds, gifts, gratuities, et cetera, that a Member of Congress should receive.

Mr. President, after long and arduous and labored deliberation, we arrived at the number that is in the substitute. It was not an easy decision to make. There were many who disagreed with it. There were some who wanted to go to zero. There were some who wanted to go much higher. And yet it was the consensus of those involved on both sides of the aisle that a $20 gift limit with a $50 aggregate was appropriate.

How did we arrive at that number, Mr. President? We looked at it as what most Americans might believe is a reasonable sum of money.

I have heard this argument about going back to zero, going to zero and not accepting anything. That certainly is a method or course that some might pursue. I think it would be a bit uncomfortable not to be able to accept a hat or some small memento.

But let me try to explain what $50—according to this amendment, prohibitions of this paragraph did not apply to gifts with a value less than $50. At $5 an hour $50 is a 10-hour day. And every single day a Member of Congress, Member of the Senate, could receive $50, and if that came out to 20 work days in a month, that is $1,000. Now, perhaps here in Washington, DC, in this very rarefied environment and atmosphere and expensive hotels and expensive restaurants and high cost of living $1,000 in 20 days or $50 a day is not a lot of money.

Mr. President, Arizona is not the poorest State in America. It is not the richest. But I will tell you what, if I talked to the men or women on the street in Arizona and said, ''Do you think I ought to be able to get $50 a day, or $49.95 a day off the cuff every day?'', I do not think they would agree with that, Mr. President. They would say, ''Why?'' They would say, ''Why do I get $50 a day in addition to the $139,000 a year that I make?''

Now, I do not believe, nor does anyone—and we have accepted here in this body that $5 and $50 and $500 and $5,000

and $5 million does not corrupt anyone. What we arrived at in the $20 individual and $50 aggregate was what we thought that the American people would believe is a reasonable amount of money, a reasonable gift, a reasonable kind of a situation which given the nature of our work would be understandable. But very frankly, I would have difficulty going back to Arizona and saying, ''By the way, I can accept gifts to the tune of $50 a day every single day of the week, day in, day out, month in, month out, and none of it aggregates.''

I have to say to my friend from Mississippi, the aggregation aspect of this of $100 is a little bit disingenuous. A little bit disingenuous, because anything just below $50 does not have to be aggregated. So we are really talking between $50 and $100.

I understand the argument of the Senator from Mississippi. I understand the argument of those who would like to see this higher. I understand the argument of those who would like to see it even much higher and have no limit whatsoever on the grounds that you cannot put a price tag on the vote of a Member of Congress. But I do believe that what we are trying to do here is convince the American people that we live basically on the same plane that they do. And I do not think they would think that the $50 a day, $49.95 a day we could receive in gratuities, gifts, other favors is something that they would ever have the ability to engage in. I am afraid that if we did that, it would be harmful rather than helpful in achieving the goal that this legislation contemplates.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

Mr. FEINGOLD. Mr. President, the Members of the Senate, this is not a minor adjustment. The Lott amendment in my view is the most important amendment we will be dealing with here. As the Senator from Arizona just pointed out, do not let anyone kid you about this one. It is not just moving up the executive standard from $50 in aggregate a year to $100 a year, it allows a person to take up to $50 a day from the same person at least every day of the year, I would say several times every day in the year, all year. How do you quantify that? It means one lobbyist or other individual could give every Member of the Senate $18,250 worth of stuff. And it would not even count. It would not even count toward the aggregation of the total of $100. This is a very major change from what I think is an excellent compromise.

I regret having to even say it, because the Senator from Mississippi has negotiated in good faith. But this amendment would be a major mistake. The Senator from Mississippi calls for a rule of reason. I think his amendment is just the opposite.

First of all, this is very different from the rule that the executive operates under very successfully. How different is a Cabinet Member in terms of the requests and entreaties they get from a Member of the Senate? I do not think that they are that different in that regard. And they live by this rule. And if one tries to argue that it is different for a legislative body, we in the Wisconsin legislature have lived with an even tighter rule than this for the last 20 years, Republicans and Democrats alike.

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

Mr. FEINGOLD. Yes.

Mr. MCCAIN. The executive branch, the entire executive branch rules are that it is $20 with an aggregate of $50?

Mr. FEINGOLD. I understand. And they count every penny. There is no de minimis. The de minimis notion is usually under $1 or $2. This proposal suggests up to $50 is de minimis. You should not even count it. So this does present a very different situation.

Mr. WELLSTONE. Will the Senator yield for a clarification?

Mr. FEINGOLD. I yield.

Mr. WELLSTONE. The way this amendment reads, the Senator from Arizona may be interested in this, the last sentence reads ''The prohibitions of the paragraph do not apply to gifts with a value of less than $50.''

Mr. FEINGOLD. That it is. Let me say, for example, if a lobbyist wanted to send one Senator a dozen roses every day all year, I think it would be legal. Certainly anything up to $50 in terms of roses. Every day, all year.

Let me give just a different kind of example. The Senator from Mississippi says it gets ridiculous to have these kinds of rules at this level. Well, I will tell you what is ridiculous. What is ridiculous is what would be allowed under this amendment. I will use an example from my office of one staff member's invitations that he has received if the same entity gave these. This is how his week would look. I think the average citizen would find this ridiculous.

On Monday, he could have accepted an invitation that was given on July 6 to take part in an event that has captured the imagination of the Washington region's tennis enthusiasts. This year's Washington Tennis Classic includes Andre Agassi and Stefan Edberg. A ticket to a tennis event, probably under 50 bucks.

Tuesday, from the same entity, he can attend a music event, Hootie and the Blowfish, a terrific group of artists recording on Atlantic RECORDS, at the Merriweather Post Pavilion. That would be allowed from the same entity.

Then on Wednesday, my staff member could go to the special screening of ''Don Juan DeMarco'' which includes a cocktail reception and dinner at 7 and then seeing the movie before everyone else in the country got to see it. That was April 11, 1995.

If he is not tired at this point of all the entertainment, the same lobbyist or individual on Thursday could then treat him to the Cubs versus the Phillies, including a special train departing from Union Station for Philadelphia and presumably back.

And then on Friday, winding down for the weekend, the same lobbyist then invites the staff member or the Senator to the ''Russian Roulette Vodka Tasting'' to kick off the weekend.

Mr. President, this is what the Lott amendment will allow, and I believe in almost every one of these instances, it could be up to $50 and not a dime or a shot of the vodka will count toward the $100 aggregate. Even though this is not quite as bad, certainly, as the original McConnell substitute, it still provides an enormous loophole that will preserve, in large part, this lifestyle we are trying to eliminate. I suggest the body soundly—soundly—reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

Mr. LEVIN. I will be happy to yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my good friend from Michigan, I do not know that I need that much time, because I feel, like the Senator from Wisconsin, covered the ground in a very thorough way.

Initially, we had in the original bill, the McConnell-Dole bill—what was the aggregate on the original version?

Mr. FEINGOLD. The amount was under $100. There was no aggregate under the original version.

Mr. WELLSTONE. Under $100, no aggregate.

Mr. FEINGOLD. No, that did not have to be counted.

Mr. WELLSTONE. Now we have this amendment which is just barely an improvement. My colleague from Wisconsin said the original proposal was under $100, no aggregate, all you can eat. This reads, ''The prohibitions of this paragraph do not apply to gifts with value of less than $50.''

Mr. President, Senators should be clear about the vote. What this is saying is that you would like for a lobbyist to be able to on any number of occasions——

Mr. MCCONNELL. Will the Senator yield for an observation?

Mr. WELLSTONE. I will be pleased to.

Mr. MCCONNELL. Let me say, I listened carefully to the suggestion from both the Senator from Wisconsin and the Senator from Minnesota as to what could arguably be under the amendment offered by the Senator from Mississippi with regard to $50–$100. Yes, I agree that is possible, but anyone who did that would be before the Ethics Committee and be in a lot of trouble.

The Ethics Committee has frequently acted against Senators who have engaged in improper conduct, even when it did not violate a specific provision of the rules of the Senate Committee on Ethics or, for that matter, the rules of the Senate.

So we do not fail to go forward if there is clear and obvious misconduct. I will concede to my friends from Wisconsin and Minnesota——

Mr. WELLSTONE. I was pleased to yield for a question. I think the Senator's comments are helpful. I wonder if I could get some time on the other side. We have little time left.

Mr. MCCONNELL. Since I was making a statement and not asking a question, I will let the Senator finish.

Mr. WELLSTONE. I think the Senator's comments are important. I do not want to cut him off, but I want to reserve what time I have left.

My point is really simple. I just think that this may be the most important vote of all because, again, we ought to just let go of this. And for people in Minnesota, it is just not credible to say, ''We passed important reform on the taking of gifts.'' ''What was it?'' ''Well, we could take a gift on many occasions from a lobbyist as long as it was under $50 and it would never apply to any limit.''

People will just laugh at that. That is not reform. That is my first point.

My second point, Mr. President, which may or may not move colleagues, but I would like to talk about the flip side of the coin. It does seem to me, Mr. President, that for a lot of people in Minnesota, a lot of hard-pressed people, we cut the low-income energy assistance in the House of Representatives. They eliminated it. There are a lot of wage earners, there are a lot of senior citizens, there are a lot of students, there are a lot of farmers, there are a lot of neighborhood people in the cities, there are a lot of regular people who cannot afford to take us out for $50. Where do they fit into this equation? Maybe they have a shot at taking us out for $20, so that we go out to dinner with them and not just with lobbyists. Let us have a little equality here, and that is the second part of my argument.

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

The PRESIDING OFFICER. The Senator has 1 minute left.

Mr. WELLSTONE. I yield the rest of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan has 13 minutes and 54 seconds; the Senator from Mississippi has 16 minutes and 10 seconds.

Mr. LOTT. Mr. President, how much time does the Senator need?

Mr. MCCONNELL. Five minutes.

Mr. LOTT. I yield 5 minutes, and more, if he needs it, to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I just want to make clear that any Member of the Senate who chose to take multiple gifts under $50, the hypothetical that my friends from Wisconsin and Minnesota could very legitimately claim is possible under a plain reading of the Lott amendment, would necessarily be in serious trouble before the Ethics Committee.

There is no question that under section 2(A)(1) of the rules of the Select Committee on Ethics that that would be considered improper conduct. Under the Senate Code of Conduct, subsection (A), I think it would clearly constitute misconduct.

I just want to assure my friend, reasonable people can differ about the propriety of this amendment, but I did not want it left unrebutted that one could engage in the kind of conduct that a plain reading of the Lott amendment might seem to permit when, in fact, it would be a clear violation of the kind of standards that we all know apply in the Senate.

I strongly recommend, as chairman of the committee, that whether the limit is put at $20 or whether it is put at $50, below which there is no aggregation, anybody who engages in that kind of blatant effort to circumvent the rule is going to have a very, very serious case before the Ethics Committee.

I suggest they get themselves a good lawyer because the chances are they are likely to get censured.

I thank the Chair very much. I thank my friend from Minnesota. I think it is important that we clear this up, that one could engage in this kind of conduct with impunity and expect not to be in deep, deep trouble.

Mr. LOTT. Absolutely, and if the Senator will yield, I appreciate him speaking up as chairman of the Ethics Committee in pointing this out. Also, I think it would be important that we note in the underlying bill that we are working on now, the substitute, a lot of discussion went into the fact that good faith is an important part of this. In fact, it talks about ''and in good faith believes to have a value of less than''; ''no formal recordkeeping is required, but a Member, officer, employee shall make a good-faith effort to comply with this paragraph.''

I think that language is very basic to what we are trying to do. If you really want to slight these rules, you probably can. We all ought to act in good faith. I know the Senate will do that. If we do some of the things outlined by some of the others, Senators will certainly have to answer to the Senate Ethics Committee.

I thank the Senator from Kentucky for his comments.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator from Louisiana, Senator BREAUX, be added as an original cosponsor of my amendment.

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

Mr. LEVIN. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to quickly respond to the statement of the Senator from Kentucky that the Ethics Committee certainly would take action against somebody who took a prime rib and a martini every day from the same individual. I do not understand that. This rule would simply say that that is fine. This rule would say that it does not come as a gift under the Senate rules if you took that for under $50 a day.

I cannot believe that there would be a very strong case before the Ethics Committee if that Senator were able to say: You voted and passed a rule that explicitly permits this. It is very unlikely that I or any member of the public is going to believe that that is sufficient. It is going to be legal under the Senate rules to have a very nice dinner, or at least a pretty nice dinner, and very nice lunch every single day of the year from the same lobbyist—actually, several times a day. This is completely unacceptable, in terms of what we can call reform. It is not sufficient to say the Ethics Committee is going to be able to slam the hammer down when all the Senator has to do is say the Senate expressly permitted it under this rule.

Mr. LEVIN. Mr. President, I yield myself 4 minutes.

First, let me comment on the point just made by the Senator from Wisconsin. I also do not understand how it can be argued in this amendment offered by my friend from Mississippi that gifts under $50 might somehow or other be limited, even though the amendment says there is no limit.

The amendment of the Senator from Mississippi says, ''The prohibitions of this paragraph do not apply to gifts with a value of less than $50.'' We talk about putting Members of the Senate in jeopardy with vague language. I do not know how it can then be argued by supporters of the amendment that, yes, maybe they do. Maybe the prohibitions of this paragraph do apply to gifts if given repeatedly in multiples, day after day. The language is pretty clear. You do not aggregate gifts. The prohibitions do not apply to gifts with a value of less than $50.

It seems to me that that is one of the fundamental flaws of this particular amendment—that the gifts are not aggregated, and that means you can have a gift each day of under $50 from the same source. And according to the language, the prohibitions of this paragraph do not apply.

Second, it seems to me we have a precedent for this $20 rule. That is the executive branch. And, by the way, the executive branch also aggregates gifts of under $20, as does the McCain substitute.

So we have a precedent in two ways. The executive branch rule reads as follows: ''An employee may accept unsolicited gifts having an aggregate market value of $20 or less per occasion''—That is the $20 rule—''provided that

the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed $50 in a calendar year.'' That is the $50 aggregate rule. So in the executive branch rules, which they have lived with successfully, we have precedent for both parts of this rule in the McCain substitute, both a $20 limit and the $50 aggregate.

Now, what we also do in the substitute is something very important. We avoid the recordkeeping. One of the problems with any aggregate is what about recordkeeping. Unless you say it is not necessary, you can run into a problem with recordkeeping because it simply is a cumbersome requirement if you have to keep records. So in the substitute it says, ''No formal recordkeeping is required by this paragraph, but a Member, officer, employee, shall make a good-faith effort to comply with the paragraph.'' We leave it up to the good faith of the Member to comply with the $50 aggregate rule.

Mr. President, this is a very significant change in the substitute. If this amendment passes, we are going to be pretty close to business as usual, because a $50 rule allows for the lunches and for the suppers, and if do you not aggregate gifts under $50, you have the situation where basically the gifts under $50 are unlimited. In both respects, it is much too close to business as usual.

Now, is it a change from $100? Yes, it is. I am the first to concede that. But does it come close to where we should be as an institution? I am afraid not. Therefore, I do hope that we will defeat this amendment.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, we are ready for another unanimous-consent agreement that is very important. I would like to do that at this point, and then Senator MCCONNELL and Senator MCCAIN may have some comments.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., and at 9 a.m., there be 10 minutes for debate, to be equally divided on the Murkowski amendment, and the Senate proceed to vote on or in relation to the Murkowski amendment No. 1874.

I further ask that following the Murkowski vote, there be 10 minutes for debate, to be equally divided, to be followed by a vote on or in relation to the Lott amendment regarding limits, and that following the conclusion of the vote on the Lott-Breaux limits amendment, Senator Byrd be recognized to offer his amendment, on which there will be 45 minutes, to be divided, with 40 minutes under the control of the Senator from West Virginia, Senator Byrd, and 5 minutes under the control of Senator MCCONNELL, with a vote to occur on the Byrd amendment following the conclusion of the debate.

I further ask that following the disposition of the Byrd amendment, Senator Rockefeller be recognized to offer his amendment, and, if offered, limited to 10 minutes, to be equally divided in the usual form; following that debate, the Senate proceed to vote on or in relation to the Rockefeller amendment.

I further ask that following the disposition of the Rockefeller amendment, Senator WELLSTONE be recognized to offer his amendment, on which there would be 1 hour of debate, to be equally divided, to be followed by a vote on or in relation to the Wellstone amendment.

I further ask that following the disposition of the Wellstone amendment, Senator DOLE be recognized to offer his amendment, on which there will be 5 minutes under the control of Senator DOLE and 30 minutes under the control of Senator LEVIN, to be followed by a vote on or in relation to the Dole amendment.

I further ask that following the disposition of the Dole amendment, the Senate proceed to the closing debate, to be followed by third reading and final passage, as provided in the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield 5 minutes to Senator MCCONNELL.

Mr. MCCONNELL. Mr. President, I probably will not take 5 minutes. Again, at risk of being redundant, I do not want to leave anybody in the Senate, or out in the country, who cares about this issue with the impression that one could accept repetitious meals or gifts of any sort, day after day after day, and not be in serious trouble.

In fact, Mr. President, it is interesting to note that some of the most famous ethics cases in recent years have not been a violation of Senate rules. The current case before us that everyone is quite familiar with—certainly, I am—with regard to the Senator from Oregon, some of the charges relate to allegations of sexual misconduct. In fact, those are not technically a violation of Senate rules. But I think we would all agree it is a very serious case. The Keating Five case involved largely no violations of Senate rules. In fact, the Senate adopted a new rule after the Keating case, rule 43.

So regardless of how people may feel about whether the limit should be set at $20 and $50, or $50 and $100, I want to assure the Senate and the public, as chairman of the Ethics Committee, that anybody who took repetitious gifts carefully crafted to circumvent the spirit of this limit, whether it is set at $20 or $50, is in a heck of a lot of trouble. And a candidate for censure. Certainly, the argument can be made that it is technically possible. But, as a practical matter, anybody who did that would be in very serious trouble and would have obviously violated the standards that we all accept as appropriate as behavior of Senators.

I just wanted to make certain that everybody had a clear understanding that nobody—certainly not Senator LOTT or Senator BREAUX—is suggesting that this is the kind of thing that would be tolerated by the adoption of the $50 to $100 option.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I am happy to yield the remainder of my time or any portion thereof that the Senator from Arizona needs.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. MCCAIN. Mr. President, I do not intend to take more than 2 or 3 minutes here.

Perhaps the Senator from Kentucky is correct in that if someone, day after day, week after week, took $50 or $49.95 from the same person, that would be viewed as conduct unbecoming to a Member of the U.S. Senate.

Now we will talk about reality, Mr. President. The reality now is, day in day out, week after week, month after month, people do take from different sources—from different sources—significant amounts, in favors, meals, et cetera. It goes on all the time. We know it.

No, I do not believe that someone would take $50 a day from the same person. But I sure as heck do believe that someone would take $49.95 from a whole lot of different people.

Mr. President, just look at the gifts that come into our office on a daily basis. Look at it at Christmas time. Federal Express finds the Capitol to be the busiest place for them to go. There are baskets and all kinds of things that come in.

What is wrong with that? Nothing, except that we live differently from the rest of the American people. And the American people want us to live like they do. I do not know any average citizen in the State of Arizona who gets gratuities or meals, or whatever it is, to the tune of approaching $50 a day. I do not know of any. Not even business executives. No one, except we here in Congress.

Mr. President, the American people want us to live like they do. Perhaps, as Senator STEVENS said, in the grand days of the U.S. Senate, when I was not here and there were not problems and people lived a certain way, that was a different era.

It was articulated again over in the 1994 election. Turn on your talk radio anywhere in America. They believe that the Congress lives differently than they do, that we do not understand their everyday problems and issues and challenges because we live differently. They want us to live like them.

Yes, as the Senator from Mississippi said, we could go to zero, I guess. That may be a move that would be made if this one is defeated. I do not think that is appropriate. I think that $20 with an aggregate of $50 is appropriate.

I think most Americans would think that was appropriate. I do not believe, I just do not believe, that $50 a day

unending, from different sources, is what the American people think they could ever attain, and they do not think that we should live in that fashion.

This is, as the Senator from Wisconsin, the Senator from Minnesota, and the Senator from Michigan said, this is a very, very important amendment, because if we do pass this amendment, then it is fundamentally business as usual.

I do not think that this whole exercise was about business as usual. I think that the 1994 election was about change. I think this is one of the changes. This is not the most earthshaking change. This is not up there with the balanced budget amendment. It will not be the end of the world if it fails.

But, Mr. President, there is an erosion in confidence on the part of the American people in Congress. I saw a poll not too long ago that 19 percent of the American people believe that Congress can be counted on to do the right thing some of the time—some of the time. I do not think it was an accident that the U.S. Senate—I believe the first act we passed was unfunded mandates; and the second was—what? Put Congress under the rules that the American people live by. The laws that we pass that apply to them apply to us.

It seems to me that this amendment again removes us from the average American into a rather rarefied stratosphere in which very few other Americans are able to circulate.

Mr. President, I hope we will defeat this amendment. I do not underestimate how important this amendment is. I thank the Senator from Michigan for yielding me time. I reserve the remainder of my time.

Mr. LOTT. Mr. President, I yield myself such time as may be consumed.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. LOTT. Mr. President, I think the Senate would function a lot better if, in fact, we did live more like ordinary citizens with families. Maybe it would be a good idea if we begin by being home at night. That is where most Americans are today. They are at home with their kids and their wives and their husbands. They are living like normal human beings. And here we are. Where were we last night? We were here. Where were we the night before? We were here.

Now, I want to meet the Senator that is having lunch and dinner every day of the week around here. It does not happen. We come back in here, most of us come flying in from Wisconsin, Minnesota, Kentucky, Mississippi, all the way from Arizona, we get here in the afternoon on Monday and gripe like the devil if we have a vote before 6 o'clock on Monday. It would be good enough if we worked on Monday morning like average citizens, instead of Monday night. So, we get here in the afternoon, and we are in session. We do not start voting until 5 o'clock or 6 o'clock.

When are Senators going to go to dinner? Senators are here voting. OK, Tuesday—Tuesday we have policy luncheons. We all eat together. Democrats eat at their policy luncheon, and we eat at ours. There ain't no luncheon.

And at night we are here. Maybe the average Member, at least in my case, I get roped or rooked into having to go to dinner maybe once a week. I am doing better now. It is more like once every 2 weeks. So I do not have lunches off of Capitol Hill hardly ever. I eat up here with my colleagues. A lot of the time we are doing business and enjoying each other's company a little bit.

The idea that we can be bought for a steak but not for a hamburger, I do not understand that. I like hamburgers better anyway. It is OK if Members go out to a luncheon and get hamburgers, but it is not OK if Members go to dinner and have a steak. Give me a break.

Again, I am arguing we should be reasonable and rational. This $20 limit is not rational. The inference is Members can go for steak for dinner every night. I guess Members could go out to an $18 chicken luncheon every day.

I realize the language has good faith in there. I think good faith applies to the $50 limit like it does to the $20 limit. We are not going to be going out pressing the limit every day. We are going to act in good faith. We are all acting in good faith.

I want to make this point. This amendment that would put the limit at $50 with the aggregate of $100 is different, fundamentally different, big time different from the existing law which says Members report if it is over $100 and the limit is $250, and meals are exempted always—which they should be.

Now, I do not believe anybody can be bought for a meal or a bunch of meals. That is ridiculous. So, we are making a big change from $100 and $250 limit, down to $50 and $100.

This amendment is not about business as usual. And business as usual around here is not that Senators go out and get bought for a $50 gift or a $50 or $60 steak dinner. We should have tight rules. We should be careful. We should watch out for the image and the perception of this institution, because we all are affected by the misconduct of only one. But we should not put ourselves in a position where we cannot comply with logical rules, and where we cannot have free and normal contact, at least with our constituents. Most people think you are talking about limiting all those big-time slick-suited Washington lawyer-lobbyists. This limits, also, how we can interact with our constituents from down home—or up home, if you are from up North.

We have made a lot of progress. I think we will be better off with this bill. But I think if we go with this $20 and $50 limit, it will be trouble.

Mr. President, I have no further requests for time. I believe all time is about expired or has been yielded back.

Mr. LEVIN. I have not yielded back my time.

The PRESIDING OFFICER. The Senator from Michigan has 3 minutes 27 seconds remaining, and the Senator from Mississippi has 2 minutes 3 seconds remaining.

Mr. LOTT. Mr. President, I reserve the remainder of my time unless we are ready to yield our time, I say to the Senator from Michigan.

Mr. LEVIN. Mr. President, I do not know of anybody on our side who wishes to use any of the time. I will just yield myself 30 seconds to say, wherever you draw a line, someone is going to argue that we cannot be bought for $20, we cannot be bought for $50, we cannot be bought for $100—wherever you draw the line. The question is, we have to draw a line and we have to draw it a lot lower than where the line is currently drawn because it is too loose. It is unlimited meals, it is unlimited tickets, it is recreational travel. We have to draw much tighter lines.

We have a precedent in the executive branch. There is a $20 gift rule. It has not created any big problems. It works. And they do aggregate. That means gifts under $20 count toward the aggregate limit of $50. That is our substitute. It is based on that pattern. It works. It has not gotten folks into trouble.

It seems to me, if the executive branch can function as they have with a $20 limit and gifts below $20 counting towards a $50 aggregate, we ought to be able to live under that limit as well.

I yield the remainder of my time and I do ask unanimous consent that Senator HARKIN be added as a cosponsor to the pending substitute.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

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

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

AMENDMENT NO. 1877

Mr. FORD. Mr. President, I have a technical amendment to change some language on page 16, line 25. I have cleared this with the majority leader, the majority whip, chairman of the Ethics Committee, all those who are cosponsors. I think I have cleared it.

So I ask unanimous consent that I might offer an amendment at this time.

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

Mr. FORD. 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 Kentucky [Mr. FORD] proposes an amendment numbered 1877.

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

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

The amendment is as follows:

On page 16 of the McCain substitute on line 25 insert after ''shall take effect on'' the following: ''and be effective for calendar years beginning on''.

Mr. FORD. Mr. President, this is just a technical amendment that changes the language on that line and page. I have cleared it all. I will not debate it.

The PRESIDING OFFICER. Is there further debate? The Senator from Mississippi.

Mr. LOTT. Has this been agreed to?

Mr. FORD. Not yet.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1877) was agreed to.

Mr. FORD. 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 Arizona.

Mr. MCCAIN. Mr. President, I wanted to thank the Senator from Kentucky and the Senator from Mississippi, my friends from Minnesota and Wisconsin as well as the Senator from Michigan. This is a very contentious issue. A great deal of emotion has been associated with it. I think we have addressed the issues tonight in an informative and not exactly emotionless, but certainly a professional, manner.

I thank all of them for their contributions. And I again thank the staff on both sides of the aisle for I think very important contributions.

I thank my friend from Mississippi for his indulgence.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO ORGANIZATIONS THAT THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 68

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to organizations that threaten to disrupt the Middle East peace process that was declared in Executive Order No. 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On January 23, 1995, I signed Executive Order No. 12947, ''Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process'' (the ''order'') (60 Fed. Reg. 5079, January 25, 1995). The order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the order. The order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the order (collectively ''Specially Designated Terrorists'' or ''SDTs'').

The order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the order are effective upon the date of determination by the Secretary of State or his delegate, or the Director of the Office of Foreign Assets Control (FAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On January 25, 1995, FAC issued a notice listing persons blocked pursuant to Executive Order No. 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 *Fed. Reg.* 5084, January 25, 1995). The notice identifies 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order No. 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition the notice provides 9 name variations or pseudonyms used by the 18 individuals identified. The FAC, in coordination with the Secretary of State and the Attorney General, will continue to expand the list of terrorist organizations as additional information is developed. A copy of the notice is attached to this report.

3. The expenses incurred by the Federal Government in the 6-month period from January 23 through July 21, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $55,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Justice.

4. Executive Order No. 12947 provides this Administration with a new tool for combatting fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations to preclude diversion of such donations to terrorist activities.

In addition, I have sent to the Congress new comprehensive counterterrorism legislation that would strengthen our ability to prevent terrorist acts, identify those who carry them out, and bring them to justice. The combination of Executive Order No. 12947 and the proposed legislation demonstrate the United States' determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism.

I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1995*.

MESSAGES FROM THE HOUSE

At 2 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. 2076. An act making appropriations for the Department of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House disagree to the amendments of the Senate to the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints Mr. PACKARD, Mr. YOUNG of Florida, Mr. TAYLOR of Mississippi, Mr. MILLER of Florida, Mr. WICKER, Mr. LIVINGSTON, Mr. FAZIO, Mr. THORNTON, Mr. DIXON, and Mr. OBEY as managers of the conference on the part of the House.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–248. A resolution adopted by the New Jersey State Federation of Women's Club relative to children; to the Committee on Finance.

POM–249. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Finance.

''SENATE JOINT RESOLUTION NO. 12

''Whereas, the Aquatic Resources Trust Fund (Wallop-Breaux) was enacted by the U.S. Congress so that the safety and education of the nation's boaters would receive funding similar to that provided for fish and wildlife programs; and

''Whereas, Aquatic Resources Trust Fund monies are not general funds, but rather trust funds derived from the tax boaters pay on marine fuel and, therefore, represent a prime example of the user fee concept, i.e. user pays, user benefits; and

''Whereas, in Tennessee, these funds have helped to steadily decrease boating fatalities so that the past three years have been the lowest on record; and

''Whereas, the loss of these funds will be devastating to Tennessee's boating program by reducing the education and enforcement programs by nearly half; and

''Whereas, the current administration did not ask for these funds as a part of the proposed federal budget, thereby ending an enormously successful program engineered through the cooperative efforts of the American League of Anglers and Boaters, Fish and Wildlife Agencies, Congress, and others; and

''Whereas, these funds cannot be used for budget deficit reduction but rather will transfer to the Sport Fisheries account of the Aquatic Resources Trust Fund, thereby bypassing the intent of the enabling legislation; and

''Whereas, there was bipartisan support in the 103rd Congress in the form of HR 4477 to reinstate this vital funding on a sustained basis; and

''Whereas, there appears to be movement to address this same boating safety funding dilemma in the early days of the 104th Congress: Now, therefore, be it

''*Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring*, That this General Assembly hereby memorializes the United States Congress to enact legislation which would reinstate Aquatic Resources Trust Fund (Wallop-Breaux) monies on a sustained funding basis to assure the continued proven success of Tennessee's, as well as other states', boating safety and education program, and be it further

''*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee Congressional Delegation.''

POM–250. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Finance.

''RESOLUTION 369

''Whereas, the health insurance benefits of nearly 100,000 retired coal miners, with an average age of 73, are in jeopardy due to pending bills in the United States Congress; and

''Whereas, the coal mining industry is vital to the economy of Alabama and other states threatened by these pending bills; and

''Whereas, these bills, if enacted, could relieve more than 400 corporations and companies from contributing into a health care fund established to replace several financially-troubled funds and would result in severe hardship to retired coal miners, imperil the economic stability of the communities in which these miners live, and would impose additional fiscal burdens on the social service systems of the various states: and

''Whereas, most of the retirees that would be affected worked their entire lives in appallingly dangerous and severe conditions, and to now deny benefits is unthinkable to fair-minded persons throughout the country: Now therefore be it

''*Resolved by the House of Representatives of the Legislature of Alabama*, That we hereby express our strongest opposition to the passage or consideration of any pending bills before the United States Congress that would eliminate or reduce benefits for coal miners and their widows.

''*Resolved further*, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation, and to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate as an expression of our opposition.''

POM–251. A resolution adopted by the Greater Miami Chamber of Commerce of the City of Miami, Florida relative to Cuba; to the Committee on Foreign Relations.

POM–252. A resolution adopted by the House of the Legislature of the State of Indiana; to the Committee on Foreign Relations.

''HOUSE RESOLUTION NO. 74

''Whereas, China has been a divided nation since 1949, and the governments of the Republic of China on Taiwan (hereinafter cited as ''Taiwan'') and the People's Republic of China on Mainland China (hereinafter cited as ''Mainland China'') have exercised exclusive jurisdiction over separate parts of China;

''Whereas, Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

''Whereas, Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994 balloting for local and provincial officials:

''Whereas, the 21 million people on Taiwan are not represented in the United Nations and their human rights as citizens of the world are therefore severely abridged;

''Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

''Whereas, Taiwan has much to contribute to the work and funding of the United Nations;

''Whereas, Taiwan has demonstrated its commitment to the world community by responding to international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by proving financial donations, medical assistance, and other forms of aid;

''Whereas, the world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as an observer at the General Agreement on Tariffs and Trade as the first step toward becoming a contracting party to the organizations;

''Whereas, the United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

''Whereas, Taiwan has repeatedly stated that its participation in international organization is that of a divided nation, with no intention to challenge the current international status of Mainland China;

''Whereas, the United Nations and other international organizations have established precedents concerning the admission of separate parts of divided nations, such as Korea and Germany; and

''Whereas, Taiwan's participation in international organizations would not prevent or imperil a future voluntary union between Taiwan and mainland China any more than the recognition of separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany: Now, therefore, be it

''*Resolved by the House of Representatives of the General Assembly of the State of Indiana:*

''Section 1. Taiwan deserves full participation, including a seat in the United Nations,

and the government of the United States should immediately encourage the United Nations to establish an ad hoc committee for the purpose of studying membership for Taiwan in that organization and its related agencies.

''Section 2. The principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, and the United States Senate Majority Leader.''

POM–253. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

''JOINT RESOLUTION NO. 30

''Whereas, The residents of the State of Nevada have enjoyed a sister-state relationship with the residents of the Republic of China on Taiwan for the past 10 years; and

''Whereas, the commercial interaction with the Republic of China on Taiwan has grown substantially in recent years to the benefit of the State of Nevada; and

''Whereas, the Republic of China on Taiwan has successfully established a democratic, multiparty political system; and

''Whereas, working in a cooperative atmosphere with the United States, the role of the Republic of China on Taiwan in international developmental programs and humanitarian relief operations has expanded significantly during the past decade; and

''Whereas, seven Central American countries have proposed to the Secretary General of the United Nations that a supplementary item be included in the provisional agenda of the 48th General Assembly session to consider the exceptional situation of the Republic of China on Taiwan in the international community, based on the principle of universality, and in accordance with the established pattern of parallel representation by divided countries in the United Nations: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That our ongoing commercial relationship with the people of the Republic of China on Taiwan be recognized as serving our mutual interest in an equitable and reciprocal manner; and be it further

''*Resolved,* That the contributions of the Republic of China on Taiwan in light of her democratic government and humanitarian service abroad, be accorded appropriate recognition by the residents of the State of Nevada; and be it further

''*Resolved,* That the Congress of the United States is hereby urged to give due consideration to the readiness of the people of the Republic of China on Taiwan for its further contributions to broaden participation in the international community, including the United Nations and such forums as multilateral trade associations and humanitarian relief organizations; and be it further

''*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and to Director General Jyhyuan Lo of the Taipei Economic and Cultural Office in San Francisco; and be it further

''*Resolved,* That this resolution becomes effective upon passage and approval.''

POM–254. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

''JOINT RESOLUTION NO. 38

''Whereas, a parent who disagrees with a court's decision relating to the custody of his child may choose to leave the United States with that child; and

''Whereas, international cases of parental abduction of children have increased dramatically; and

''Whereas, since 1977, the Office of Children's Issues of the United States Department of State has been notified in the cases of approximately 7,000 American children who were abducted from the United States or prevented from returning to the United States by one of their parents; and

''Whereas, the Office of Children's Issues has more than 1,200 unresolved cases of international abduction of children on file; and

''Whereas, the United States Department of State is not authorized to intervene in the private legal matters of parents or to enforce an agreement relating to the custody of a child who is living with a parent outside the United States: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Nevada Legislature hereby urges Congress to enact legislation which would require that any application for a passport for a child under the age of 16 years must be signed by: ''1. Both parents, if the parents and the child live together; 2. The parent or parents who has been awarded custody of the child; or 3. The surviving parent, if a parent is deceased; and be it further

''*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

''*Resolved,* That this resolution becomes effective upon passage and approval.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations, with amendments:

H.R. 1905. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–120).

By Mr. SHELBY, from the Committee on Appropriations, with amendments:

H.R. 2020. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30 1996, and for other purposes (Rept. No. 104–121).

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996'' (Rept. No. 104–122).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (1h) Kenneth Leroy Fisher, 000–00–0000, U.S. Naval Reserve.

Rear Adm. (1h) John Henry McKinley, Jr., 000–00–0000, U.S. Naval Reserve.

Rear Adm. (1h) John Francis Paddock, Jr., 000–00–0000, U.S. Naval Reserve.

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (1h) Roger George Gilbertson, 000–00–0000, U.S. Naval Reserve.

DENTAL CORPS OFFICER

To be rear admiral

Rear Adm. (1h) James Conley Yeargin, 000–00–0000, U.S. Naval Reserve.

SUPPLY CORPS OFFICER

To be rear admiral

Rear Adm. (1h) Robert Cameron Crates, 000–00–0000, U.S. Naval Reserve.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. George K. Muellner, 000–00–0000, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Jared L. Bates, 000–00–0000, U.S. Army.

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. James J. Hughes, Jr., 000–00–0000.
Brig. Gen. William D. Jones, 000–00–0000.
Brig. Gen. Melvin C. Thrash, 000–00–0000.

To be brigadier general

Col. John W. Hubbard, 000–00–0000.
Col. John D. Havens, 000–00–0000.
Col. Ronald D. Tincher, 000–00–0000.
Col. Peter B. Injasoulian, 000–00–0000.
Col. Alfred E. Tobin, 000–00–0000.
Col. James W. O'Toole, 000–00–0000.
Col. Francis D. Vavala, 000–00–0000.
Col. Michael H. Harris, 000–00–0000.
Col. Albert A. Mangone, 000–00–0000.
Col. David P. Rataczak, 000–00–0000.
Col. Thomas D. Kinley, 000–00–0000.
Col. Joseph J. Taluto, 000–00–0000.
Col. Norman A. Hoffman, 000–00–0000.
Col. Ewald E. Beth, 000–00–0000.
Col. Gene Sisneros, 000–00–0000.
Col. Gus L. Hargett, Jr., 000–00–0000.
Col. Harold J. Stearns, 000–00–0000.

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. Woodrow D. Boyce, 000–00–0000.
Brig. Gen. Robert J. Brandt, 000–00–0000.
Brig. Gen. Joseph H. Langley, 000–00–0000.
Brig. Gen. John B. Ramey, 000–00–0000.

To be brigadier general

Col. John D. Larson, 000–00–0000.
Col. Rosetta Y. Burke, 000–00–0000.
Col. Burney H. Enzor, 000–00–0000.
Col. Frank P. Baran, 000–00–0000.
Col. Robert M. Benson, 000–00–0000.
Col. Edward L. Correa, Jr., 000–00–0000.
Col. William R. Labrie, 000–00–0000.
Col. Namen X. Barnes, 000–00–0000.
Col. Randal M. Robinson, 000–00–0000.
Col. Paul D. Monroe, Jr., 000–00–0000.
Col. Lloyd D. McDaniel, Jr., 000–00–0000.

Col. Stanley R. Thompson, 000–00–0000.
Col. Holsey A. Moorman, 000–00–0000.
Col. Bradley D. Gambill, 000–00–0000.
Col. Harvey M. Haakenson, 000–00–0000.
Col. David T. Hartley, 000–00–0000.
Col. Donald F. Hawkins, 000–00–0000.
Col. Earl L. Doyle, 000–00–0000.
Col. David M. Wilson, 000–00–0000.
Col. James T. Carper, 000–00–0000.
Col. William T. Thielemann, 000–00–0000.
Col. Frederic J. Raymond, 000–00–0000.

The following U.S. Army Reserve officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of sections 3371, 3384, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. William J. Collins, Jr., 000–00–0000.
Brig. Gen. Joe M. Ernst, 000–00–0000.
Brig. Gen. Steve L. Repichowski, 000–00–0000.
Brig. Gen. Joseph A. Scheinkoenig, 000–00–0000.
Brig. Gen. James W. Warr, 000–00–0000.

To be brigadier general

Col. Stephen D. Livingston, 000–00–0000.
Col. Joseph L. Thompson III, 000–00–0000.
Col. Roger L. Brautigan, 000–00–0000.
Col. John G. Townsend, 000–00–0000.
Col. Michael L. Bozeman, 000–00–0000.
Col. William B. Raines, Jr., 000–00–0000.
Col. Jamie S. Barkin, 000–00–0000.
Col. John L. Anderson, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John A. Dubia, 000–00–0000, U.S. Army.

The following-named officer to be placed on the retired list of the U.S. Marine Corps in the grade indicated under section 1370, of title 10, United States Code:

To be lieutenant general

Lt. Gen. Robert B. Johnston, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsiblity under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Kenneth A. Minihan, 000–00–0000, U.S. Air Force.

(The above nominees were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of June 5, June 13, June 21, June 26, and July 12, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 5, 13, 21, 26 and July 12, 1995 at the end of the Senate proceedings.)

*In the Naval Reserve there are 6 promotions to the grade of rear admiral (list begins with Kenneth Leroy Fisher) (Reference No. 163).

*In the Army Reserve there are 20 promotions to the grade of major general and below (list begins with James J. Hughes, Jr.) (Reference No. 339).

*In the Army Reserve there are 26 promotions to the grade of major general and below (list begins with Woodrow D. Boyce) (Reference No. 369).

*In the Army Reserve there are 13 promotions to the grade of major general and below (list begins with William J. Collins, Jr.) (Reference No. 370).

**In the Air Force there are 12 appointments to the grade of second lieutenant (list begins with Ann M. Brosier) (Reference No. 421).

**In the Navy there are 282 appointments to the grade of captain and below (list begins with Mark A. Armstrong) (Reference No. 422).

**In the Navy and Naval Reserve there are 21 appointments to the grade of captain and below (list begins with Lawrence D. Hill, Jr.) (Reference No. 441).

**In the Air Force Reserve there are 22 promotions to the grade of lieutenant colonel (list begins with Gayle W. Botley) (Reference No. 442).

**In the Air Force there are 43 promotions to the grade of lieutenant colonel and below (list begins with Steven J. Austin) (Reference No. 458).

**In the Air Force and Air Force Reserve there are 33 appointments to the grade of colonel and below (list begins with Angelo J. Freda) (Reference No. 459).

**In the Air Force and Air Force Reserve there are 8 appointments to the grade of lieutenant colonel and below (list begins with Vincent F. Carr) (Reference No. 460).

**In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with Richard C. Beaulieu) (Reference No. 461).

**In the Navy there are 2 promotions to the grade of lieutenant commander (list begins with Kenneth V. Kollermeier) (Reference No. 462).

**In the Army there are 185 promotions to the grade of lieutenant colonel (list begins with Denise J. Anderson) (Reference No. 463).

*Maj. Gen. George K. Muellner, USAF to be lieutenant general (Reference No. 469).

*Maj. Gen. Jared L. Bates, USA to be lieutenant general (Reference No. 470).

*Maj. Gen. John A. Dubia, USA to be lieutenant general (Reference No. 471).

*Lt. Gen. Robert B. Johnston, USMC to be placed on the retired list in the grade of lieutenant general (Reference No. 473).

**In the Air Force Reserve there are 69 promotions to the grade of colonel (list begins with James W. Amason) (Reference No. 474).

**In the Army Reserve there are 21 promotions to the grade of colonel and below (list begins with Frank M. Hudgins) (Reference No. 475).

**In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with Robert D. Allen) (Reference No. 476).

*Maj. Gen. Kenneth A. Minihan, USAF to be lieutenant general (Reference No. 508).

**In the Army there are 222 promotions to the grade of lieutenant colonel (list begins with David C. Anderson) (Reference No. 509).

**In the Navy there are 484 promotions to the grade of commander (list begins with Jose A. Acosta) (Reference No. 510).

Total: 1,549.

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. FEINGOLD:

S. 1078. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational businesses located in rural communities eligible for loans under the business and industry loan program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COATS:

S. 1079. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for charitable contributions to organizations providing poverty assistance, to allow taxpayers who do not itemize to deduct charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. PRYOR, and Mr. ROTH):

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; to the Committee on Government Affairs.

By Mr. SIMPSON (for himself and Mr. BAUCUS):

S. 1081. A bill to terminate the application of title IV of the Trade Act of 1974 to Bulgaria; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1082. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Old State House of Connecticut; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS:

S. 1083. A bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1084. A bill to provide for the conveyance of the C.S.S. Hunley to the State of South Carolina, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. MCCONNELL, Mr. SIMPSON, Mr. KYL, Mr. BROWN, Mr. NICKLES, Mr. GRASSLEY, and Mr. SHELBY):

S. 1085. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. DOLE, Mr. ROCKEFELLER, Mr. FORD, Mr. THURMOND, Mr. LOTT, Mr. INOUYE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO,

Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 157. A resolution commending Senator Robert Byrd for casting 14,000 votes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1078. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational businesses located in rural communities eligible for loans under the business and industry loan program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL COMMUNITY TOURISM ACT OF 1995

● Mr. FEINGOLD. Mr. President, I rise today to introduce S. 1078, the Rural Community Tourism Act of 1995, and discuss an issue of importance to rural America and, in particular, to the economy of rural Wisconsin. This legislation would amend current law to allow the Secretary of Agriculture to promote tourism and recreation in rural communities. Specifically, it would amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational-type businesses located in rural communities eligible for guaranteed loans under the Rural Business and Cooperative Development Service's [RBCDS] Business and Industry [B&I] Loan Guarantee Program within 90 days after the enactment of this legislation. This is an issue that I became aware of and especially interested in after a constituent approached me last year at my Rusk County listening session held in Ladysmith, WI, to express his frustration at a problem tourist resort owners were having in securing financing for rural development. The constituent owns a tourist lodge in northern Wisconsin and was interested in obtaining funding from the RBCDS's B&I Program. The B&I program was established by the Rural Development Act of 1972 with the aim of improving America's rural economy by creating, developing, or financing business, industry, and employment in rural America. After inquiring about obtaining such funding, the constituent was informed that tourist resorts were prohibited from receiving funding under the B&I program.

That did not make too much sense to me especially since tourism can certainly play a significant role in the development of rural areas, so I contacted the agency about the program. When the B&I program was first established in 1972, no restrictions were placed on guaranteeing loans to tourist or other recreational-type businesses located in rural communities. However, on July 6, 1983, the Rural Development Administration revised its internal lending policy relative to the B&I Program and placed restrictions on the program's regulations by prohibiting such funding to tourist or recreation facilities.

I was advised that the agency was currently reviewing their loan guarantee policy. I urged them to consider changing their internal lending policy to allow guaranteed business and industry loans to be made to recreational-type businesses located in rural areas. In fact, a General Accounting Office report released in July 1992, on the patterns of use in the B&I Program came to the same conclusion. It suggests that the underutilization of the program is due, in part, to the restrictions placed on using B&I funds for activities related to tourism, and recommends revising the B&I Program regulations to allow the selective use of loan guarantees for these activities.

By all indications, the agency seems to be leaning in favor of making this change to the B&I Program—a change that would reflect the kind of rural development needs in communities such as those in northern Wisconsin, and indeed in communities across rural America. Although my office has been in regular contact with the agency about this policy change, I am told that they are still reviewing it—almost a year after we first contacted them about this matter. However, rural America and, in particular, rural Wisconsin communities simply do not have the luxury to wait until Federal agencies finally decide to act.

Mr. President, rural America is at a crossroads in terms of converting from traditional resource-based economies which are becoming less economically viable, to other types of activities which also make a substantial contribution to better living in these areas. Tourism can certainly play a major role in improving the quality of life in many rural communities and, in fact, rural tourism should be recognized for what it truly is—a legitimate means to enhance economic development in, and the competitiveness of, rural America. Nationally, tourism is a $400 billion a year industry, and is a $5.6 billion industry in Wisconsin alone.

Tourism can, and does, create jobs which help to improve the economic climate in rural communities and provide lasting community benefits. However, without economic assistance to help stimulate growth in rural development, successful transition to tourism may prove difficult.

Mr. President, I urge my colleagues to support this noncontroversial legislation. 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. 1078

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 ''Rural Community Tourism Act of 1995''.

SEC. 2. LOANS FOR TOURISM IN RURAL COMMUNITIES.

The first sentence of section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the period at the end the following: '', and (4) promoting the planning, development, or financing of tourist or recreational businesses located in rural communities''.

SEC. 3. REGULATIONS.

To carry out paragraph (4) of section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) (as amended by section 2), the Secretary of Agriculture shall publish—

(1) interim final regulations not later than 45 days after the date of enactment of this Act; and

(2) final regulations not later than 90 days after the date of enactment of this Act.●

By Mr. COATS:

S. 1079. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for charitable contributions to organizations providing poverty assistance, to allow taxpayers who do not itemize to deduct charitable contributions, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE CHARITY REFORM ACT

Mr. COATS. Mr. President, I rise today to introduce the Comprehensive Charity Reform Act. This legislation is designed to expand the ability of private and religious charities to serve the poor by making it easier for taxpayers to make donations to these organizations. It is an important, urgently needed reform, but it also symbolizes a broader point.

The Congress is currently focused on the essential task of clearing away the ruins of the Great Society. Centralized, bureaucratic antipoverty programs have failed—and that failure has had a human cost. It is measured in broken homes and violent streets. Our current system has undermined families and fostered dependence.

This is undeniable. But while our Great Society illusions have ended, the suffering of many of our people has not. Indifference to that fact is not an

option. We cannot retreat into the cocoon of our affluence. We cannot accept the survival of the fittest. No society can live without hope—hope that its suffering and anguish are not endless.

Mr. President, I was recently invited to attend a session designed to address some of the problems of homelessness and despair that was conducted by a mission organization here in Washington, DC. It is just blocks from the Federal effort at dealing with homelessness—the John L. Young Center, which has been the subject of extraordinary controversy, drug dealing, crime, management problems, and the subject of numerous investigative reports in some of our local media.

The Federal project stands in stark contrast to an organization called the Gospel Mission, a shelter and drug treatment center for homeless men in the same neighborhood.

At the Gospel Mission, I think we have seen the shape of hope. It is not found in the ivory towers of academia. It is not found in the marble temples of official Washington. I found it 5 blocks from here, in a place so distant from Congress it is almost another world.

The Reverend John Woods came to a desolate Washington neighborhood in 1990 to take over the Gospel Mission, a shelter and drug treatment center for homeless men. The day he arrived, he found crack cocaine being processed in the backyard. A few days later, the local gang fired shots into his office to scare him away. Instead of leaving, he hung a sign on the door extending this invitation: ''If you haven't got a friend in the world you can find one here. Come in.''

The Gospel Mission is a place that offers unconditional love, but accepts no excuses. Men in rehabilitation are given random drug tests. If they violate the rules, they are told to leave the program. But the success of the mission comes down to something simple: It does more than provide a meal and treat an addiction, it offers spiritual challenge and renewal.

Listen to one addict who came to Reverend Woods after failing in several governmental rehabilitation programs: ''Those programs generally take addictions from you, but don't place anything within you. I needed a spiritual lifting. People like Reverend Woods are like God walking into your life. Not only am I drug-free, but more than that, I can be a person again.''

Reverand Wood's success is particularly clear compared to Government approaches. The Gospel Mission has a 12-month rehabilitation rate of 66 percent, while a once heralded Government program just 3 blocks away rehabilitates less than 10 percent of those it serves—while spending 20 times as much as Reverend Woods.

This is just one example. It is important, not because it is rare, but because it is common. It takes place in every community, in places distant from the centers of Government. But it is the only compassion that consistently works—a war on poverty that marches from victory to victory. It makes every new deal, new frontier, and new covenant look small in comparison—a war against poverty that is not directed out of a Federal agency but by many individuals, by organizations, by communities, gathered together asking, How can we help in a more effective way?

Several months ago, I asked a question: How can we get resources into the hands of these private and religious institutions where individuals are actually being helped? And how can we do this without either undermining their work with restrictions or offending the first amendment?

This legislation is an answer. It is composed of six elements, designed to increase both the depth of charitable giving to poverty relief, and the breadth of charitable giving more generally:

First, a $500 charity tax credit—$1,000 for married taxpayers filing jointly—which will provide more generous tax benefits to taxpayers who decide to donate a portion of their tax liability to charities that focus on fighting or preventing poverty.

Second, I am advocating an above-the-line deduction for charitable contributions made by nonitemizing taxpayers. Significant amounts of funds are donated each year by those who do not itemize on their tax return and, therefore, do not take the charitable deduction available to them if they do itemize. I think those people ought to be encouraged and rewarded for their contributions.

So I am in this legislation expanding the base for charitable giving with an above the line for those who do not itemize.

Third, I want to remove the 3 percent floor on itemized deductions that currently exists in the Tax Code for taxpayers of a certain income level and higher because I think we ought to do everything we can to encourage private contributions to charity.

Fourth, I ask for an extension of the deadline for all charitable giving until April 15 to encourage giving up to the very date of filing.

Fifth, we are requiring that any Government poverty assistance program disclose the percentage of funds it actually spends on the poor rather than on administrative costs. Taxpayers will be able to see exactly how their tax dollars are actually being spent and compare that expenditure with operations, organizations, community service, outreach programs, and nonprofit programs. This will allow us to measure the actual assistance that reaches the poor through our Government spending on anti-poverty programs and compare it with private programs.

Finally, we have a provision that instructs the General Accounting Office to develop standards to determine the success rates and cost effectiveness of Government welfare programs.

Mr. President, the purpose of the legislation is twofold. First, we want to take a small portion of the welfare spending in America and give it through the Tax Code to private and religious institutions that effectively provide individuals with hope, dignity, help and independence. Without eliminating a public safety net, we want to focus some attention and resources where we believe it can make a difference.

Second, Mr. President, I would like to promote an ethic of giving in America. When individuals make these contributions to effective charities, it is a form of involvement beyond writing a check to the Federal Government. It encourages a new definition of citizenship in which men and women examine and support the programs in their own communities that serve the poor.

I hope that my colleagues will take a careful look at this new approach to compassion. It is important not only for us to spread authority and resources within the levels of Government, but I think we need to spread these resources to things beyond Government, the institutions that cannot only feed the body but can touch the soul.

Mr. President, we have had a nearly three-decade-long experiment with Government compassion. As I said, many programs that have been enacted by Congress were well intended, in an effort to reach out to people in need. But we have seen the bankruptcy of many of those programs in the lives of the individuals who were the recipients of those programs. We see a litany of broken families and broken homes, of hopeless people, of taxpayer funds eaten up in administrative costs, put into programs that are simply not making a difference in the lives of the people for whom they were intended.

We have also had the example of the contrast—local churches, local nonprofit charitable organizations. I could start naming a whole list of organizations that have said we are not going to wait for a Government program or Government bureaucrat to describe how we should reach out to those in our community that are in need. We are going to roll up our sleeves and design a program. And whether it is providing free medical care through a doctors' association or health clinic, whether it is providing food through a nutrition effort, or a food center, whether it is providing help to a welfare family or others in need, we have seen the effectiveness of these programs. We have seen rehabilitation rates for substance and drug abusers and others that far exceed those that the Federal Government programs can offer. We have seen this offered at a cost far less than what the taxpayers provide in Government programs.

Can private charity replace Government? I am not suggesting that Federal, State and local governments will not have to be involved in poverty relief. But private initiates can offer a

viable alternative that the Government can at least encourage. I believe a charity credit will go a long way toward nurturing and encouraging those private efforts that I think are going to be more and more important as we begin to reform and reduce the scope of the Government involvement, because government alone simply has not worked for the well being of our people.

Mr. President, I ask unanimous consent that additional material describing and explaining this proposal be included in the RECORD along with the text of the bill itself.

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

S. 1079

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 ''Comprehensive Charity Reform Act''.

SEC. 2. CREDIT FOR CHARITABLE CONTRIBUTIONS TO CERTAIN PRIVATE CHARITIES PROVIDING ASSISTANCE TO THE POOR.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

''SEC. 23. CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions which are paid by the taxpayer during the taxable year.

''(b) LIMITATION.—The credit allowed by subsection (a) for the taxable year shall not exceed $500 ($1,000 in the case of a joint return under section 6013).

''(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section, the term 'qualified charitable contribution' means any charitable contribution (as defined in section 170(c)) made in cash to a qualified charity but only if the amount of each such contribution, and the recipient thereof, are identified on the return for the taxable year during which such contribution is made.

''(d) QUALIFIED CHARITY.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified charity' means, with respect to the taxpayer, any organization which is described in section 501(c)(3) and exempt from tax under section 501(a), and—

''(A) which, upon request by the organization, is certified by the Secretary as meeting the requirements of paragraphs (2) and (3), or

''(B)(i) which is organized to solicit and collect gifts and grants which, by agreement, are distributed to qualified charities described in subparagraph (A),

''(ii) with respect to which at least 85 percent of the funds so collected are distributed to qualified charities described in subparagraph (A), and

''(iii) which meets the requirements of paragraph (5).

''(2) CHARITY MUST PRIMARILY ASSIST THE POOR.—An organization meets the requirements of this paragraph only if the Secretary reasonably expects that the predominant activity of such organization will be the providing of services to individuals and families which are designed to prevent or alleviate poverty among such individuals and families.

''(3) MINIMUM EXPENSE REQUIREMENT.—

''(A) IN GENERAL.—An organization meets the requirements of this paragraph only if the Secretary reasonably expects that the annual poverty program expenses of such organization will not be less than 70 percent of the annual aggregate expenses of such organization.

''(B) POVERTY PROGRAM EXPENSE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The term 'poverty program expense' means any expense in providing program services referred to in paragraph (2).

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) any management or general expense,

''(II) any expense for the purpose of influencing legislation (as defined in section 4911(d)),

''(III) any expense primarily for the purpose of fundraising, and

''(IV) any expense for a legal service provided on behalf of any individual referred to in paragraph (2).

''(4) ELECTION TO TREAT POVERTY PROGRAMS AS SEPARATE ORGANIZATION.—

''(A) IN GENERAL.—An organization may elect to treat one or more programs operated by it as a separate organization for purposes of this section.

''(B) EFFECT OF ELECTION.—If an organization elects the application of this paragraph, the organization, in accordance with regulations, shall—

''(i) maintain separate accounting for revenues and expenses of programs with respect to which the election was made,

''(ii) ensure that contributions to which this section applies be used only for such programs, and

''(iii) provide for the proportional allocation of management, general, and fundraising expenses to such programs to the extent not allocable to a specific program.

''(C) REPORTING REQUIREMENTS.—An organization shall not be required to file any return under section 6033 with respect to any programs treated as a separate organization under this paragraph, except that if the organization is otherwise required to file such a return, such organization shall include on such return the percentages described in the last sentence of section 6033(b) which are determined with respect to such separate organization.

''(5) ADDITIONAL REQUIREMENTS FOR SOLICITATION ORGANIZATIONS.—The requirements of this paragraph are met if the organization—

''(A) maintains separate accounting for revenues and expenses, and

''(B) makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

''(e) COORDINATION WITH DEDUCTION FOR CHARITABLE CONTRIBUTIONS.—

''(1) CREDIT IN LIEU OF DEDUCTION.—The credit provided by subsection (a) for any qualified charitable contribution shall be in lieu of any deduction otherwise allowable under this chapter for such contribution.

''(2) ELECTION TO HAVE SECTION NOT APPLY.—A taxpayer may elect for any taxable year to have this section not apply.''

(b) RETURNS.—

(1) QUALIFIED CHARITIES REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—Subsection (e) of section 6104 of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended by adding at the end the following new paragraph:

''(3) QUALIFIED CHARITIES REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—

''(A) IN GENERAL.—Every qualified charity (as defined in section 23(d)) shall, upon request of an individual made at an office where such organization's annual return filed under section 6033 is required under paragraph (1) to be available for inspection, provide a copy of such return to such individual without charge other than a reasonable fee for any reproduction and mailing costs. If the request is made in person, such copies shall be provided immediately and, if made other than in person, shall be provided within 30 days.

''(B) PERIOD OF AVAILABILITY.—Subparagraph (A) shall apply only during the 3-year period beginning on the filing date (as defined in paragraph (1)(D) of the return requested).''

(2) ADDITIONAL INFORMATION.—Section 6033(b) of such Code is amended by adding at the end the following new flush sentence:

''Each qualified charity (as defined in section 23(d)) to which this subsection otherwise applies shall also furnish each of the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services; management and general; fundraising; and payments to affiliates.''

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 22 the following new item:

''Sec. 23. Credit for certain charitable contributions.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the 90th day after the date of the enactment of this Act in taxable years ending after such date.

SEC. 3. DEDUCTION FOR CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—In the case of an individual who does not itemize deductions for the taxable year, the amount allowable under subsection (a) for the taxable year shall be taken into account as a direct charitable deduction under section 63.''

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 of such Code is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end thereof the following new paragraph:

''(3) the deduction for charitable contributions under section 170(m).''

(2) CONFORMING AMENDMENT.—Subsection (d) of section 63 of such Code is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the deduction for charitable contributions under section 170(m).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 4. CHARITABLE CONTRIBUTION DEDUCTION NOT SUBJECT TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Subsection (c) of section 68 of the Internal Revenue Code of 1986 (relating to overall limitation on itemized deductions) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end thereof the following new paragraph:

''(4) the deduction under section 170 (relating to charitable, etc., contributions and gifts).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

SEC. 5. CHARITABLE CONTRIBUTIONS MADE BEFORE FILING OF RETURN.

(a) IN GENERAL.—Subsection (a) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TIME WHEN CONTRIBUTIONS DEEMED MADE.—The taxpayer may elect to treat any charitable contribution which is made not later than the time prescribed by law for filing the return for the taxable year (not including extensions thereof) as being made on the last day of such taxable year. Such an election, once made, shall be irrevocable.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 6. FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS.

(a) IN GENERAL.—Each applicable welfare program shall publish in the Federal Register and other publications generally available to the public within a reasonable period of time following the end of a fiscal year the following information for the fiscal year:

(1) Information required to be included on a return under section 6033 of the Internal Revenue Code of 1986 by an organization described in section 501(c)(3) of such Code, including expenses for program services, administrative and general costs, and fundraising.

(2) The percentages determined by dividing the following categories of the program's expenses for the year by its total expenses for the year: program services; management and general; and fundraising.

(b) ADDITIONAL AVAILABILITY.—Each applicable welfare program shall make the information described in subsection (a) available at its principal office and at any of its regional or district offices. Upon request of an individual made at any such office, the program shall provide a copy of the information to such individual without charge other than a reasonable fee for any reproduction and mailing costs. Such request shall be met within 30 days (or immediately if made in person).

(c) APPLICABLE WELFARE PROGRAM.—For purposes of this section, an applicable welfare program is a Federal, State, or local welfare or public assistance program for which Federal funds are appropriated.

SEC. 7. STANDARDS FOR DETERMINING SUCCESS OF GOVERNMENTAL WELFARE PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study with respect to applicable welfare programs to develop standards to determine—

(1) whether such programs meet the needs for which the programs were established, and

(2) if such programs meet such needs, whether they do so in a cost-effective manner.

For purposes of this subsection, the term ''applicable welfare program'' has the meaning given such term by section 6(c).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Congress the results of the study conducted under subsection (a), including the standards described therein.

COMPREHENSIVE CHARITY REFORM ACT

SECTION I. CHARITY TAX CREDIT

Provides a $500 tax credit ($1,000 for married persons filing jointly) for taxpayers who make charitable contributions to organizations focused on fighting or alleviating poverty.

Organizations must spend 70% of their total expenses on poverty program expenses in order to qualify for the credit.

Multi-faceted organizations or churches that might not be entirely focused on poverty have the flexibility to elect to treat a poverty program as a separate organization provided that 70% of the program's aggregate expenses go toward poverty program services.

Organizations that take the election must maintain separate accounting for the program, ensure that contributions are only used for the program, and provide information regarding the allocation of funds.

Organizations that are organized for the purpose of soliciting and collecting funds can raise funds on behalf of qualified charities provided that at least 85% of the funds collected go directly to qualified charities and these organization comply with the reporting requirements in the bill.

Organizations that currently file tax form 990 must make their returns available to the public. In addition, these organizations must break down their program services; management and general; fundraising; and payments to affiliates as a percentage of total expense.

Taxpayers must take the credit in lieu of a deduction for the same contribution.

SECTION II. DEDUCTION FOR CHARITABLE CONTRIBUTIONS FOR NON-ITEMIZERS

Allows individuals who do not itemize on their taxes to take a deduction for all charitable contributions.

SECTION III. REMOVE CHARITABLE CONTRIBUTIONS FROM 3% FLOOR

Allows individuals to exclude charitable donations from the overall limitation on itemized deductions (the 3% floor).

SECTION IV. EXTEND THE DEADLINE FOR CHARITABLE DONATIONS UNTIL APRIL 15

Extends the deadline for making tax-deductible charitable donations until April 15th.

SECTION V. FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS

Requires that any government poverty assistance program that receive federal funds make available to the public an accounting of their budget broken down on a percentage basis of program services, administrative, general, and fundraising costs so that taxpayers will be able to see how their tax dollars are actually being spent.

SECTION VI. GAO STANDARDS FOR DETERMINING SUCCESS OF GOVERNMENTAL WELFARE PROGRAMS

Instructs the GAO to develop standards to determine the success rates and cost effectiveness of government welfare programs.

The ''Comprehensive Charity Reform Act'' has several elements.

CHARITY TAX CREDIT

The charity tax credit recognizes that society has a responsibility to help the most needy. Organizations that focus on providing poverty relief can elect to receive special treatment under the tax code for some of their contributions. Reform of antipoverty efforts should not just focus on federal, state, and local government programs but on encouraging the antipoverty efforts of private charities who often times have a much better success rate. The charity tax credit will allow taxpayers to choose for themselves who should receive a portion of their tax dollars—traditional government programs OR nonprofit charities who generally are more efficient and have a much better sense for what their local population needs.

As the current welfare debate shows we as a society are tired of the government monopoly in this area. The welfare system we have today is expensive, bureaucratic, impersonal and generic.

Private nonprofit and religious organizations take a holistic approach to rehabilitating a person who has temporarily found themselves in a very difficult situation. The emphasis here is on temporary—antipoverty assistance is not intended to be a way of life but rather a tool by which to change behavior and encourage personal responsibility for one's own life.

The charity tax credit will empower all taxpayers to take a role in how poverty relief efforts are structured. Currently, only about 28% of taxpayers itemize their tax returns and therefore, are eligible for favorable tax treatment for charitable giving. This bill will allow all taxpayers, whether they itemize or not, to receive a dollar for dollar credit for contributing to poverty fighting organizations. Inspiring more taxpayers to contribute to charities, will make people more aware of antipoverty efforts in their community, and may inspire them to volunteer their time as well.

This legislation would allow nonprofit poverty fighting organizations to qualify for charity tax credit contributions provided that these organizations spend at least 70% of their total expenses on program services focused on poverty efforts. Multi-faceted organizations or churches that might not be entirely focused on poverty have the flexibility to elect to treat a poverty program as a separate organization provided that 70% of the program's expenses go toward poverty program services. Organizations that take the election must maintain separate accounting for the program, ensure that contributions are only used for the program and provide information regarding the allocation of funds.

Determining what constitutes poverty fighting or alleviating poverty, is not intended to require soup kitchens or homeless shelters to ask for income statements from individuals seeking assistance from these types of programs. The Secretary in drafting regulations can use common sense discretion in determining if a program or organization focuses on poverty relief. Obviously, if an individual is standing in line for food then that person is poor and needs assistance.

In addition, qualified charities who currently file IRS form 990 must take their annual returns available to the public and calculate the breakdown of program services, management and general costs, fundraising expenditures and payment to affiliates as a percentage of total expenses. Nonprofits are already reporting this information on the IRS tax form 990. A great effort has been made to ensure that the reporting requirements necessary for enactment of this legislation would comport with the current requirements. And, the legislation does not expend the current scope of which nonprofits must file 990s. However, it will require that organizations that are currently exempt from filing the 990 such as churches to file the appropriate financial information about the poverty fighting program that is eligible for charity tax credit funds. However, it is important to emphasize that organizations do not automatically qualify for this treatment they must decide for themselves that they want to participate in the charity tax credit program and therefore adhere to the requirements of the program.

ABOVE THE LINE CHARITY TAX DEDUCTION

For taxpayers who do not itemize deductions on their tax returns (non-itemizers), this bill allows those taxpayers to deduct their charitable contributions before determining their Adjusted Gross Income (AGI).

The most recent figures available (1992) find that non-itemizers account for over 70% of those who file tax returns—81 million taxpayers. Of this group, 95% have incomes less than $50,000. According to figures from a group which tracks such information, Independent Sector, low and middle income Americans, give as a percentage of income, 30% more to charity than the average American.

While donations to charity are primarily motivated by altruistic concerns, it is clear that nonitemizers who give to charity are sensitive to tax considerations. Experience from the period of time when nonitemizers were permitted to take a charitable deduction exemplifies this point. In 1985, nonitemizers could deduct 50% of their contributions and, according to the IRS, they gave $9.5 billion. In 1986, when taxpayers could deduct a full 100% of their contributions, they gave $13.4 billion—a 40% increase.

The loss of this tax incentive translated into nonitemizers giving significantly less to charity than itemizers. Clearly, we should empower everyone—not just people of means to give back to their community through charitable donations.

CHARITABLE CONTRIBUTIONS NOT SUBJECT TO ITEMIZED LIMIT

This bill would remove charitable contributions from what is known as the ''3% floor.'' The 3% floor was enacted as part of the 1990 tax bill and was intended to reduce the amount of itemized deductions for those earning in excess of $100,000 (this figure was indexed and will be $114,700 for 1995). For these taxpayers, itemized deductions (including charitable contributions) are reduced by 3% of adjusted gross income in excess of the threshold amount. By taking charitable contributions out of this formula we offer individuals in this category a greater incentive to give.

EXTENSION OF CHARITABLE GIVING DEADLINE

This bill extends the deadline for making tax-deductible charitable donations until April 15th. Most taxpayers start taking note of allowable deductions when they start to fill out their tax returns, only to realize all too late that they could have given more to charity in the previous year and lower their tax liability. Current law already allows deductions for contributions to IRAs and Keogh plans up until filing time. By extending similar treatment to charitable contributions we can (1) assist with taxpayer's planning (2) increase the incentive for taxpayers facing penalties for underwitholding, and (3) help advertise the value of charitable giving tax incentive. We can also encourage those whose giving is curtailed at the end of the year by the holiday cash crunch.

FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS

This section of the bill requires that all poverty/welfare assistance government programs (federal, state, and local) that receive any federal funding to disclose and make available to the public how the program dollars are spent by outlining as a percentage of total expenses program services, administrative, general costs and fundraising (if applicable). With billions dollars being spent on government poverty fighting programs, taxpayers deserve to know exactly where their dollars are going. All too often key figures are buried in the trenches never to see the light of day.

GAO STANDARDS FOR GOVERNMENT WELFARE PROGRAMS

In order to hold government welfare programs more accountable for the taxpayer dollars they are spending, this legislation instructs the GAO to develop success and cost effectiveness standards. This will enable taxpayers as well as elected officials to evaluate if the government programs are actually accomplishing their stated purpose and doing so in a cost effective manner.

CONCLUSION

I believe this legislation will make great strides in ensuring that nonprofit private organizations take a much greater role in caring for our society's ailments. It is time that we recognize that government is not the answer to our social failings—its clearly too big and too bureaucratic to address these concerns. However, smaller private nonprofit organizations and religious organizations can have a tremendous influence the way we care for the downtrodden of our society.

By Mr. STEVENS (for himself, Mr. PRYOR, and Mr. ROTH):

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the thrift savings plan; to the Committee on Governmental Affairs.

THE THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1995

Mr. STEVENS. Mr. President, the thrift savings plan, TSP, was created in 1986 as one of three tiers of a new Federal employees' retirement system. I was the original sponsor of the Senate bills which led up to the passage of this landmark legislation. From all accounts, the TSP has proven to be a valuable retirement tool for all Federal employees.

Current law limits TSP investments to three options—the Government securities investment (G) fund, the common stock index investment (C) fund, and the fixed income investment (F) fund. This limitation was the result of a compromise in conference—the Senate-passed bill allowed additional funds at the discretion of the Federal Retirement Thrift Investment Board.

For some time now, Federal employee participants in the TSP have requested additional investment opportunities. In 1992, the Board began to look into the possibility of expanding into additional funds. As a result of that review, the Board recently recommended the addition to two funds—a small capitalization stock index investment fund and an international stock index investment fund.

Today I introduce legislation to authorize these two additional investment funds for the thrift savings plan. I am pleased to note that Senators PRYOR and ROTH have agreed to cosponsor this bill. I ask unanimous consent that the text of the bill and a section-by-section analysis prepared by the Federal Retirement Thrift Investment Board be reprinted in the RECORD.

Mr. President, I congratulate the Federal Retirement Thrift Investment Board for their decision to increase the investment opportunities for Federal employee investors and urge them to move quickly with their computer redesign program so that these new funds, once approved by Congress, can be available as soon as possible.

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

S. 1080

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 ''Thrift Savings Investment Funds Act of 1995''.

SEC. 2. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

''(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);'';

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out ''and'' at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out ''paragraph (7)(D)'' in each place it appears and inserting in each such place ''paragraph (8)(D)''; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and ''and''; and

(E) by adding at the end thereof the following new paragraph:

''(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D).''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out ''and'' at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

''(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

''(E) an International Stock Index Investment Fund as provided in paragraph (4).''; and

(B) by adding at the end thereof the following new paragraphs:

''(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

''(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

''(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

''(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio

shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.''.

SEC. 3. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3),'' and inserting in lieu thereof ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),''.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, and the Funds established under this Act shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

SECTION-BY-SECTION ANALYSIS

The proposed legislation would add two new investment funds to those currently offered by the Thrift Savings Fund: a Small Capitalization Stock Index Fund and an International Stock Index Investment Fund.

Section 1 of the proposed legislation designates its title as the ''Thrift Savings Investment Funds Act of 1995.''

Section 2 of the proposed legislation makes changes to section 8438 of title 5, U.S.C., which are necessary to authorize the addition of the two new investment funds. The legislation generally tracks the language currently found in section 8438 with respect to the Common Stock Index Investment Fund, to which the two new funds bear the greatest resemblance. Like that fund, the two new funds are required to be index funds which invest in indices that represent certain defined sectors of the equity markets.

Subsection (1) of section 2 adds the two new funds to the list of definitions found in subsection (a) of section 8438.

Subsection (2)(A) of section 2 makes changes necessary to add the two new funds to the list of those the Federal Retirement Thrift Investment Board is authorized to establish by subsection (b)(1) of section 8438. This is consistent with the statutory treatment of the current investment funds. That is, the Board is given the responsibility to choose indices and establish investment funds that fall within the parameters for each fund as set forth in the statute.

Subsection (2)(B) of section 2 adds two new paragraphs to section 8438(b) which describe the parameters of the two new investment funds.

New paragraph (3) of section 8438(b) describes the requirements for the Small Capitalization Stock Index Investment Fund. Under subparagraph (A) of paragraph (3), the Board must choose a commonly recognized index that represents the market value of the United States equity markets, but excluding that portion of the equity markets represented by the common stocks included in the Common Stock Index Investment Fund. It is intended, therefore, that the Small Capitalization Stock Index Investment Fund will be designed to replicate the performance of an index representing small capitalization stocks not held in the Common Stock Index Investment Fund. Subparagraph (B) of paragraph (3) requires the Board to invest the fund in a portfolio designed to replicate the performance of the index established in subparagraph (A).

New paragraph (4) of section 8438(b) describes the requirements for the International Stock Index Investment Fund. Under subparagraph (A) of paragraph (4), the Board must choose a commonly recognized index that is a reasonably complete representation of the international equity markets. The term ''international equity markets'' excludes the United States equity markets, which are represented by the other funds. Subparagraph (B) of paragraph (4) requires the Board to invest the fund in a portfolio designed to replicate the performance of the index established in subparagraph (A).

Section 3 of the proposed legislation amends section 8439(d) of title 5, U.S.C., to add a reference to the two new investment funds in the section requiring that each Thrift Savings Plan participant who invests in one of the enumerated funds sign an acknowledgement stating that he or she understands that the investment is made at the participant's own risk, that the Government will not protect the participant against any loss on such investment, and that a return on the investment is not guaranteed by the Government. As is the case with the Common Stock Index Investment Fund and the Fixed Income Investment Fund, the Small Capitalization Stock Index Investment Fund and the International Stock Index Investment Fund each carry the risk that an investment therein may lose value. Therefore, it is appropriate to require the participant to sign the same acknowledgement of risk statement prior to investing in either of these funds.

Section 4 provides that the amendments made by this legislation will become effective immediately. The additional funds will be offered to participants for investment in the soonest practicable TSP election period as determined by the Executive Director in regulations. By law, election periods are conducted every six months. The Board has recently determined to develop an entirely new computer software system, entailing uncertain lead times for procurement decisions and development processes. The new system's development will dictate the timeframe for the offering of new funds, which will be coordinated with its implementation.

By Mr. DODD (for himself, and Mr. LIEBERMAN):

S. 1082. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Old State House of Connecticut; to the Committee on Banking, Housing, and Urban Affairs.

THE CONNECTICUT OLD STATE HOUSE COMMEMORATIVE COIN ACT

Mr. DODD. Mr. President, today I am pleased to introduce the Connecticut Old State House Bicentennial Commemorative Coin Act.

The Old State House sits in the very center of Hartford, CT, and it is one of the single most important buildings in the entire State. It stands as a shining example of 18th century architecture and has been designated a Registered National Landmark by the Secretary of the Interior. In May 1996, the Old State House will celebrate its 200th birthday.

The Old State House is steeped in tradition and history. It is on this site that the Colony of Connecticut was actually founded. In May 1796, the State House opened its doors, and it was there that General Washington first met Comte de Rochambeau to begin the Yorktown strategy to end the Revolutionary War.

The Old State House served as a seat of government until 1878, and numerous historical figures have visited the building, including Mark Twain, Harriet Beecher Stowe, Lafayette, and Presidents Monroe, Jackson, Johnson, Ford, Carter, and Bush.

Since 1979, the Old State House has become a thriving landmark—a cultural and historical mecca for tourists and residents alike. Years of wear and tear have taken their toll on this magnificent structure, however, and a complete restoration project is ongoing. The Old State House hopes to expand its educational, cultural, and recreational services once it finishes a complete renovation.

Underway are plans to make the entire landmark accessible to the handicapped and the elderly. A full center and museum of Connecticut history will be created on-site, and there is to be a park and outdoor market adjacent to the Old State House.

The new Old State House is set to be rededicated on its 200th birthday in May 1996, when it will once again become a meeting place and focal point for the city of Hartford and the entire New England community.

The bill I am introducing today would authorize the issuance of 700,000, $1 silver coins, which would be emblematic of the Old State House and its role in the history of the city of Hartford, the State of Connecticut, and the United States. Funds raised through the sale of the coins would be spent on both the construction, renovation and preservation of the Old State House and on the educational programs about its historic significance.

This cost-neutral bill would raise up to $7 million to help underwrite the cost of the Old State House project. I urge my colleagues to join me in cosponsoring this bill and help preserve a piece of history.

By Mr. THOMAS:

S. 1083. A bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes; to the Committee on Finance.

THE NEW YORK CONVENTION COMPLIANCE ACT

● Mr. THOMAS. Mr. President, I introduce the New York Convention Compliance Act of 1995, a bill designed to protect the investments of U.S. companies overseas.

The New York convention refers to the Convention on the Recognition and Enforcement of Foreign Arbitral

Awards, a multilateral international treaty drafted in New York in 1958 which the United States joined in 1970. Binding arbitration clauses are frequently used in international business contracts to provide prompt and inexpensive dispute resolution. Signatories to the convention commit themselves to enforcing judgments of foreign arbitration panels in their domestic courts. Failure to enforce an arbitration judgment, unless based on one of the defenses specified under the convention, in my opinion raises an obligation on the part of the offending signatory to satisfy the debt at issue.

Arbitration clauses such as those governed by the convention are especially important in countries without a tradition of adhering to the rule of law. There, if a conflict arises triggering arbitration a neutral third-country forum provides for a resolution free from the possible xenophobic biases of local courts and the vagaries of an unresponsive judiciary.

One case in particular of which I am aware illustrates why adherence to the convention is so important to stable international trade. On June 4, 1988, Ross Engineering Co. of Florida, entered into an agreement with the Shanghai Far East Aero-technology Import & Export Co. [SFAIC] pursuant to which the latter was to manufacture industrial batteries for Ross' subsidiary Revpower with machinery, equipment, raw materials and engineering expertise supplied by Revpower. Some time afterwards, SFAIC breached two provisions of the agreement and effective January 1990 Revpower notified SFAIC that it was cancelling the agreement. Revpower then entered into negotiations with SFAIC to try to resolve the dispute, with no success.

Having exhausted its attempts to salvage the agreement, Revpower filed an arbitration claim against SFAIC with the Stockholm Chamber of Commerce as provided in the agreement. Despite foot-dragging and dilatory tactics on the part of SFAIC, on July 13, 1993, a unanimous arbitral panel ruled in Revpower's favor and granted it an award of US $6.6 million plus interest from 1991. SFAIC has refused to honor the award, however, despite its binding agreement to do so. Attempts to satisfy the judgment in the Shanghai Intermediate People's Court have proved similarly futile, the Court refusing to abide by its own regulations and take up the case. Attempts by Secretary Brown, Secretary Christopher, the USTR, myself, Senator CONNIE MACK, and countless others to try to get the Chinese to live up to their obligations under the convention have proved similarly fruitless. When asked directly by our Ambassador to China whether China would honor it, Minister Wu Yi replied flatly, ''No.''

While relatively small in the scheme of the full United States-Sino trade relationship, Revpower's award—which has now grown to almost $9 million—means a great deal to that company and its investors. More importantly, perhaps, I believe that it means a great deal more for the large number of other American and foreign firms that do business in China. Most, if not all, of those companies have arbitration clauses in their contracts with the Chinese identical to the one that Revpower had. If, as Revpower's experience suggests, foreign companies cannot rely on these clauses to resolve disputes effectively and equitably, then they and a stable business environment are all at risk. I have heard this concern voiced by a growing number of United States businessmen, and not just in relation to China but in several other countries not presently members of the WTO.

Mr. President, I invite my colleagues to join me in supporting this bill, and thereby recognize the close relationship between a country's respect for the rule of law and international treaty obligations and the prospects for its successful participation in the fledgling WTO.

Yet while on one hand these countries fail to honor the convention, on the other they clamor for accession to the World Trade Organization [WTO]. But Mr. President, how can they be relied upon to uphold the responsibilities incumbent on members if they have shown themselves unwilling to live up to the terms of the convention? WTO members have a profound and direct interest in ensuring that fellow members fulfill their voluntarily-assumed obligations under both the convention and GATT. Arbitration clauses such as those contemplated by the convention are one of the pillars of international commerce and trade. Its observance should be one of the minimum requirements for any nation seekins to become a full and equal partner in the international trade regime. This bill would provide, therefore, that before the United States will support membership for a particular country in the WTO, the President must certify that the petitioning country is living up to its obligations under the convention.●

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1084. A bill to provide for the conveyance of the C.S.S. *Hunley* to the State of South Carolina, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE C.S.S. ''HUNLEY'' CONVEYANCE ACT OF 1995

Mr. THURMOND. Mr. President, I rise today to introduce legislation that would provide for the conveyance of the Civil War submarine, the C.S.S. *Hunley*, to the State of South Carolina.

On February 17, 1864, powered by a hand cranked propeller, the *Hunley* sank a frigate of the Union blockade, the U.S.S. *Housatonic*, by torpedoing a wooden spar loaded with 100 pounds of black powder into her side. This marked the first time in history that a warship had been destroyed by a submarine. The *Hunley* vanished following its victory, possibly from leaks created by the force of the blast.

Over 131 years later, the *Hunley* has been found intact, lying on its side, and covered in silt off the coast of Charleston, S.C. There is no question that, when raised from its current resting place, this national treasure should be displayed in South Carolina. Not only should it be made available to the public as the earliest example of successful submarine warfare, but also because of its place in southern history. The *Hunley* serves as a memorial to the nine men who perished on board fighting passionately for what they believed.

This legislation simply transfers the title of the *Hunley* from the Federal Government to the State of South Carolina. It is my understanding that the State will develop a program to ensure that research can be conducted on this historical military relic and that it will be properly preserved, stabilized, and displayed.

Over 30 men died in service to the *Hunley*. With the exception of the nine crew members that went down on that fateful day, all are buried in Magnolia Cemetery in Charleston. The Palmetto State would also like the honor of burying these nine valiant men, with full distinction, next to their compatriots.

Mr. President, the C.S.S. *Hunley* has spent the last 131 years off the coast of South Carolina. Passing this legislation will make this Civil War treasure a proud and permanent part of our State.

I ask unanimous consent that the full text of this measure be printed in the RECORD.

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

S. 1084

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

SECTION 1. CONVEYANCE OF C.S.S. HUNLEY TO STATE OF SOUTH CAROLINA.

(a) CONVEYANCE REQUIRED.—The President shall direct the appropriate Federal official to convey to the State of South Carolina, without consideration, all right, title, and interest of the United States in and to the C.S.S. Hunley, a sunken Confederate submarine located in a harbor in close proximity to Charleston, South Carolina.

(b) TERMS AND CONDITIONS.—The official under subsection (a) may require such terms and conditions in connection with the conveyance under that subsection as the official considers to be necessary to ensure the proper preservation of the C.S.S. Hunley.

By Mr. DOLE (for himself, Mr. MCCONNELL, Mr. SIMPSON, Mr. KYL, Mr. BROWN, Mr. NICKLES, Mr. GRASSLEY, and Mr. SHELBY):

S. 1085. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on Governmental Affairs.

THE EQUAL OPPORTUNITY ACT 1995

Mr. DOLE. Mr. President, earlier this year, I promised to introduce legislation to get the Federal Government out of the business of dividing Americans, and into the business of uniting Americans.

Today, I am fulfilling this commitment.

The Equal Opportunity Act of 1995, which I introduce today, stands for a simple proposition: The Federal Government should not discriminate against, nor should it grant preferences to, any individual because of that individual's race, color, ethnic background, or sex.

Whether it is employment, or contracting, or any other federally conducted program, our Government in Washington should work to bring its citizens together, not divide us. Our focus should be protecting the rights of individuals, not the rights of groups through the use of quotas, set-asides, numerical objectives, and other preferences.

Let me be frank. While I have questioned and opposed group preferences in the past, I have also supported them. That is my record, and I am not hiding from it.

But many of us who supported these policies never imagined that preferences would become a seemingly permanent fixture in our society. They were designed to be temporary remedies, targeted at specific problems suffered by specific individuals.

Unfortunately, during the past 25 years, we have seen the policies of preference grow, and grow, and grow some more. Pitting individual against individual, group against group, American against American.

For too many of our citizens, our country is no longer the land of opportunity—but a pie chart, where jobs and other benefits are often awarded not because of hard work or merit, but because of someone's biology.

We have lost sight of the simple truth that you do not cure discrimination with more discrimination.

I fully expect that the professional civil rights establishment in Washington will be out in force denouncing this initiative, defending the status quo, and claiming that we are somehow ''turning back the clock'' and unraveling decades of civil rights progress.

And no doubt about it, great progress has been made in the four decades since the civil rights revolution began with the landmark Brown versus Board of Education decision.

Countless young men and women of all races attend and graduate from our finest universities. Thousands of African-Americans have been elected to public office—in Congress, in State legislatures, as mayors of our Nation's largest cities, as Governor of Virginia. And Colin Powell has inspired us all, rising from the ranks of the ROTC to become our Nation's top military official, Chairman of the Joint Chiefs of Staff.

But for the millions of Americans who each day evade the bullets, send their kids to substandard schools, and wade through the dangerous shoals of our Nation's underclass, progress seems to be nothing more than a mirage. A mirage that fades away, leaving the stark realities of life behind.

And what are those realities?

The reality is that the national assessment of educational progress has released its findings on the reading ability of America's graduating high school seniors for 1994. According to the study, only 12 percent of black high school graduates are proficient in reading. Fully 54 percent have below basic reading skills, which means they are condemned to 50 more years of life on the bottom rung of the economic ladder.

These children do not need preferences. They need schools that work.

The reality is that the U.S. Justice Department estimates that 1 out of every 21 black men in America today can be expected to be murdered, a death rate double that of U.S. soldiers during World War II.

Last week, 12-year-old Quinton Carter of Queens Village, New York, was shot dead in a dispute over 25 cents with a 16-year-old. The viciousness of this senseless act is no longer shocking to us because children killing other children in arguments over sneakers or other items of clothing have become all too commonplace.

These young men and women—the victims of violence—do not need preferences. They need more police, more protection from the scourge of crime, and laws that keep violent criminals behind bars.

And, Mr. President, the reality is that millions of children today are born into homes without fathers. In some neighborhoods, the out-of-wedlock birthrate has climbed to a staggering 80 percent. And study after study has concluded that children of single parents are far more likely than those in two-parent homes to fail in school, or to be a victim or perpetrator of crime.

Again, these children do not need preferences. They do not need a set-aside. They need homes, and families and communities that care.

Mr. President, it is time to stop making government policy by race because making government policy by race is a diversion from reality, an easy excuse to ignore the problems that affect all Americans, whatever their race or heritage may be.

We must begin by ending the ridiculous pretense of quota tokenism—special contracts, a set-aside there, a couple of TV stations, a seat or two in the Cabinet. This is a band-aid. A diversion. A corruption of the principles of individual liberty and equal opportunity upon which our country was founded.

This legislation may not be perfect. And it certainly will not solve all our problems. But it is a starting point—a starting point in a national conversation, not just on the future of affirmative action, but on the future of American.

Mr. President, 12 years ago it was my privilege to serve as floor manager for the legislation marking Martin Luther King, Jr.'s, birthday as a Federal holiday.

And in leading off the final debate on that bill, I said these words: ''A nation defines itself in many ways; in the promises it makes and the programs it enacts; the dreams it enshrines or the doors it slams shut.''

A nation also defines itself by how it treats its citizens. Does it divide them by focusing on the policies of the past? Or does it unite them by focusing on the realities of the present?

The choice is ours.

Mr. President, I ask unanimous consent that the full text of the Equal Opportunity Act, a section-by-section summary, and statements by Dr. William Bennett of Empower America; Milton Bins, chairman of the Council of 100; Linda Chavez of the Center for Equal Opportunity; and Brian Jones, president of the Center for New Black Leadership, be reprinted in the RECORD immediately after my remarks.

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

S. 1085

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 ''Equal Opportunity Act of 1995''.

SEC. 2. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, neither the Federal Government nor any officer, employee, or department or agency of the Federal Government—

(1) may intentionally discriminate against, or may grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex, in connection with—

(A) a Federal contract or subcontract;

(B) Federal employment; or

(C) any other federally conducted program or activity;

(2) may require or encourage any Federal contractor or subcontractor to intentionally discriminate against, or grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex; or

(3) may enter into a consent decree that requires, authorizes, or permits any activity prohibited by paragraph (1) or (2).

SEC. 3. RECRUITMENT AND ENCOURAGEMENT OF BIDS.

Nothing in this Act shall be construed to prohibit or limit any effort by the Federal Government or any officer, employee, or department or agency of the Federal Government—

(1) to recruit qualified women or qualified minorities into an applicant pool for Federal employment or to encourage businesses owned by women or by minorities to bid for Federal contracts or subcontracts, if such recruitment or encouragement does not involve using a numerical objective, or otherwise granting a preference, based in whole or in part on race, color, national origin, or sex,

in selecting any individual or group for the relevant employment, contract or subcontract, benefit, opportunity, or program; or

(2) to require or encourage any Federal contractor or subcontractor to recruit qualified women or qualified minorities into an applicant pool for employment or to encourage businesses owned by women or by minorities to bid for Federal contracts or subcontracts, if such requirement or encouragement does not involve using a numerical objective, or otherwise granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any individual or group for the relevant employment, contract or subcontract, benefit, opportunity, or program.

SEC. 4. RULES OF CONSTRUCTION.

(a) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Nothing in this Act shall be construed to prohibit or limit any act that is designed to benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(b) INDIAN TRIBES.—Nothing in this Act shall be construed to prohibit or limit any action taken—

(1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes; or

(2) under a treaty between an Indian tribe and the United States.

(c) BONA FIDE OCCUPATIONAL QUALIFICATION, PRIVACY, AND NATIONAL SECURITY CONCERNS.—Nothing in this Act shall be construed to prohibit or limit any classification based on sex if—

(1) sex is a bona fide occupational qualification reasonably necessary to the normal operation of the Federal Government entity or Federal contractor or subcontractor involved;

(2) the classification is designed to protect the privacy of individuals; or

(3)(A) the occupancy of the position for which the classification is made, or access to the premises in or on which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any Act or any Executive order of the President; or

(B) the classification is applied with respect to a member of the Armed Forces serving on active duty in a theatre of combat operations (as determined by the Secretary of Defense).

SEC. 5. COMPLIANCE REVIEW OF POLICIES AND REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the head of each department or agency of the Federal Government, in consultation with the Attorney General, shall review all existing policies and regulations that such department or agency head is charged with administering, modify such policies and regulations to conform to the requirements of this Act, and report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the review and any modifications to the policies and regulations.

SEC. 6. REMEDIES.

(a) IN GENERAL.—In any action involving a violation of this Act, a court may award only injunctive or equitable relief (including but not limited to back pay), a reasonable attorney's fee, and costs.

(b) CONSTRUCTION.—Nothing in this section shall be construed to affect any remedy available under any other law.

SEC. 7. EFFECT ON PENDING MATTERS.

(a) PENDING CASES.—This Act shall not affect any case pending on the date of enactment of this Act.

(b) PENDING CONTRACTS, SUBCONTRACTS, AND CONSENT DECREES.—This Act shall not affect any contract, subcontract, or consent decree in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) FEDERAL GOVERNMENT.—The term ''Federal Government'' means the executive and legislative branches of the Government of the United States.

(2) GRANT A PREFERENCE.—The term ''grant a preference'' means use of any preferential treatment and includes but is not limited to any use of a quota, set-aside, numerical goal, timetable, or other numerical objective.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SECTION-BY-SECTION SUMMARY—THE EQUAL OPPORTUNITY ACT OF 1995

The purpose of this Act is to ensure that all Americans are treated equally by the Federal government in Federal employment, Federal contracting and subcontracting, and Federally-conducted programs. This Act furthers the cause of equal opportunity and non-discrimination by embracing the view that rights inhere in individuals, not in groups.

This Act endorses those Federal ''affirmative action'' programs that are designed to recruit broadly and widen the opportunities for competition, without guaranteeing the results of the competition or resorting to preferences on the basis of race, color, national origin, or sex. However, the Act would prohibit those Federal ''affirmative action'' programs that seek to divide Americans through the use of quotas, set-asides, timetables, goals, and other preferences.

Section 1. Short Title. Section 1 provides that the Act may be cited as the ''Equal Opportunity Act of 1995.''

Section 2. Prohibition against Discrimination and Preferential Treatment. Section 2 prohibits the Federal government or any officer, employee, or agency of the Federal government from intentionally discriminating against, or granting a preference to, any individual or group, in whole or in part, on the basis of race, color, national origin, or sex. This prohibition applies to Federal employment, contracting, subcontracting, and the administration of Federally-conducted programs. The use of race, color, national origin, or sex ''in part'' (*i.e.,* as one factor) in a hiring or promotion decision, a contract or subcontract award, or a decision to admit a person to a Federal program, is forbidden by Section 2. When race, ethnicity, or sex is used as a so-called ''plus'' factor in determining the outcome of a decision, that is a preference.

Section 2 also explicitly prohibits the Federal government or any officer, employee, or agency of the Federal government from requiring or encouraging any Federal contractor or subcontractor intentionally to discriminate against, or grant a preference to, any individual or group, in whole or in part, on the basis of race, color, national origin, or sex.

As originally conceived, Executive order 11246 equated ''affirmative action'' with the principle of non-discrimination. Pursuant to Executive Order 11246, each Federal contractor is required to agree that it ''will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin'' and that the contractor ''will take affirmative action to ensure that applicants are employed . . . without regard to their race, color, religion, sex, or national origin.'' Unfortunately, bureaucratic implementation of the Executive Order over a period of years has converted it from a program aimed at eliminating discrimination to one which relies on it in the form of preferences. Section 2 aims not to overturn Executive Order 11246, but to restore its original meaning and purpose.

Section 2 also forbids the Federal government from entering into a consent decree that requires, authorizes, or permits any preferences otherwise forbidden by this Act.

Section 2(1)(c) applies to programs wholly administered by the Federal government. Nothing in Section 2, nor anything in this Act, affects programs or activities merely receiving Federal financial assistance. For example, Title IX of the Education Amendments of 1972, prohibiting discrimination in Federally-assisted education programs, is unaffected by this Act. In addition, this Act does not affect the Voting Rights Act or its enforcement.

Section 2 does not forbid preferences on any basis other than race, color, national origin, or sex. Thus, a preference in contracting based on economic criteria, the size of the company seeking the contracting business, veteran's status, or some other neutral social criteria is not forbidden by this Act, so long as every American has an equal opportunity to meet the criteria without regard to race, color, national origin, or sex.

In addition, Section 2 does not forbid state and local governments or private entities, including Federal contractors or recipients of Federal financial assistance, from voluntarily engaging in racial, ethnic, or gender preferences that are otherwise permitted by law. Moreover, nothing in this Act affects a court's remedial authority under any other statute. Although this Act aims at reforming only the executive and legislative branches of the Federal government, it should not be construed as expressing implicit approval of preferences granted by other entities or in remedial court orders.

Section 3. Recruitment and Encouragement of Bids. Section 3 provides that nothing in the Act shall be construed to prohibit or limit any effort by the Federal government 1) to recruit qualified members of minority groups or women, so long as A) no numerical recruitment goals are set, and B) there is no preference granted in the actual award of a job, promotion, contract, or other opportunity, or 2) to require the same recruitment of its contractors and subcontractors, so long as the Federal government does not require numerical recruitment goals or preferences in the actual award of the benefit.

All affirmative steps required by Federal agencies of their contractors and subcontractors, otherwise authorized by law and consistent with this Act, remain lawful under this Act. For example, Federal agency requirements that contractors cast their recruiting nets widely remain valid, so long as such agencies do not require contractors to set numerical racial, ethnic, and gender objectives for recruitment and do not require actual hiring or other employment decisions to be made, in whole or in part, with regard to color, ethnicity, or sex. Consistent with these conditions, for example, Federal agencies can require a contractor to: send notices of its job opportunities to organizations, if available, with large numbers of minorities or women in their membership; include educational institutions with large numbers of

minorities and women among the educational institutions at which the contractor recruits; and spend a portion of the budget it uses to advertise its job opportunities with media outlets, if available, that are specially targeted to reach minorities and women.

Section 4. Rules of Construction. Section 4(a) provides that nothing in the Act shall be construed to prohibit or limit Federal assistance to a historically Black college or university on the basis that the institution is an historically black college or university.

Historically Black colleges and universities were founded as a response to the intentional exclusion of African-Americans from institutions of higher learning, both public and private. These institutions are open to students of all races on a non-discriminatory basis. Thus, Federal assistance to historically Black colleges and universities is not a ''preference'' for purposes of this Act.

Section 4(b) provides that nothing in this Act shall be construed to prohibit or limit any action taken (1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes, or (2) under a treaty between an Indian tribe and the United States.

Section 4(c) provides that nothing in the Act shall be construed to prohibit or limit gender classifications that are bona fide occupational qualifications reasonably necessary to the normal operation of the Federal government entity or Federal contractor involved. The courts have determined that bona fide occupational qualifications may apply to jobs such as prison guards or occupations raising similar privacy concerns.

Section 4(c) also provides that nothing in the Act shall be construed to prohibit or limit gender classifications that (1) are designed to protect the privacy of individuals, (2) are adopted for reasons of national security, or (3) involve combat-related functions.

Section 5. Compliance Review of Policies and Regulations. Section 5 establishes a compliance review procedure: Within 1 year of the date of enactment, the head of each department and agency of the Federal government, in consultation with the Attorney General, must (1) review all existing policies and regulations for which the department or agency head is charged with administering, (2) modify those policies and regulations to conform to the requirements of this Act, and (3) report to the Committee on the Judiciary of the Senate and House of Representatives the results of the review and any modifications to the policies and regulations.

Section 6. Remedies. Section 6(1) outlines the remedies for those who have been aggrieved by violations of the Act. These remedies are limited to injunctive or equitable relief (including but not limited to back pay), a reasonable attorney's fee, and costs. Section 6(2) provides that nothing in this section shall be construed to affect any remedy available under any other law.

Section 7. Effect on Pending Cases. Section 7(a) provides that nothing in this Act affects any case pending on the date of enactment of this Act. Section 7(b) provides that nothing in this Act shall affect any contract, subcontract, or consent decree in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

Section 8. Definitions. Section 8(1) defines the term ''Federal Government'' to mean the executive and legislative branches of the Government of the United States.

Section 8(2) defines the term ''grant a preference'' to mean use of any preferential treatment and includes the use of a quota, set-aside, numerical goal, timetable, or other numerical objective.

''Numerical objectives'' have an inherently coercive effect. They exert an inevitable pressure to take into consideration the characteristic which is the subject of the numerical objective. The degree of pressure or coercion turns in part on the consequences that may follow, or may reasonably be expected to follow, the failure to achieve the objective. When established or induced by the government, these consequences can include increased government scrutiny or the threat of it, more paperwork, on-site investigations, the inability to bid for a contract, or financial or other penalties.

Consequently, it is not enough to oppose ''quotas,'' as if the label itself is the offending practice. It is the practice and mechanism of racial, ethnic, and gender preference, not its particular label in a given circumstance, that is objectionable.

Moreover, preferences can consist of other practices not tied to numerical objectives. For example, if a Federal agency were to advise its supervisors that proposing to hire a person not in a designated racial, ethnic, or gender group will subject that proposed hiring decision to closer scrutiny than the proposed hiring of a member of such designated groups, this act would be a preference.

Section 8(3) defines the term ''historically Black college or university'' to mean a Part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

WRITTEN STATEMENT OF WILLIAM J. BENNETT, THE EQUAL OPPORTUNITY ACT OF 1995

I congratulate Senator Dole and Congressman Canady for their introduction of ''The Equal Opportunity Act of 1995.''

This legislation is both significant and morally serious. It re-dedicates this country to the noble proposition that America ought to be a color-blind society. Racism and discrimination are still ugly stains on the American landscape, and where they occur, we need to use existing laws to stamp them out. Republicans need to be principled, not politically opportunistic, when addressing the issue of race. And race should never be used as a ''wedge issue'' in any campaign.

That said, Republicans should be confident and unambiguous in articulating the case for a color-blind society and against race-based preferences. Counting by race is noxious. It has divided and balkanized this country. If we continue to count by race, hire by race, admit by race, and keep calling attention to race, we will divide by race. Since the implementation of preference programs, we have moved away from Martin Luther King, Jr.'s vision of a society where we are judged by the ''content of our character'' and not by the ''color of our skin.'' It is time to return to the American ideal that we are one people. The best way to achieve a color-blind society is actually to be a color-blind society, in law and spirit.

The Dole-Canady legislation puts the federal government on the moral high ground on civil rights. If this legislation passes, the federal government can no longer engage in preferential-treatment practices that result in reverse discrimination. The federal government can no longer take race, gender, or ethnicity into account in its employment or contracting practices, or in the implementation of any federally-conducted program or activity. Instead, all people, regardless of race or gender, will be guaranteed justice and equal protection when dealing with the federal government.

There is still more work to be done. But the Dole-Canady bill is a very good start. It is consistent with American principles. This is important legislation; it deserves to be passed.

CENTER FOR EQUAL OPPORTUNITY,
July 26, 1995.

Hon. ROBERT DOLE,
U.S. Capitol, Washington, DC.

DEAR SENATOR DOLE: After 25 years of racial and gender preferences for minorities and women, the time has come to begin treating Americans as individuals rather than as members of groups. Most Americans now reject the specious categorization and double standards so pervasive in public employment, government contracting, and university admissions. They want a return to the simple principle of non-discrimination embedded in the 1964 Civil Rights Act: ''Nothing . . . shall be interpreted to require . . . preferential treatment [be granted] to any individual or any group because of the race, color, religion, sex, or national origin on such individual or group.''

Americans have waited long enough for non-discrimination on the basis of race and sex to mean exactly what it says. Your longstanding commitment to colorblind equal opportunity provides me with great hope that we will soon see this day, and your bill is an important first step in this fight. I applaud your courage and know that you will continue to apply your leadership on this important issue.

Sincerely,

LINDA CHAVEZ.

STATEMENT OF MILTON BINS, CHAIRMAN, COUNCIL OF 100

The Council of 100, a national network of African American Republicans founded in 1974, applauds the leadership and measured approach taken by Sen. Bob Dole today in introducing the ''Equal Opportunity Act of 1995.'' This act provides a unifying and coherent framework in which to foster inclusion and equal opportunity for all Americans without discriminating against any American on the basis of race, color, national origin or sex.

The long-delayed national conversation about the role of the federal government in promoting equal opportunity will now take place where it should: in the Congress of the United States. It is time for the American people to speak through their elected representatives as we build a new national consensus in support of inclusion, fairness and equal protection of the law.

A fair reading of the act will allay concerns that the legislation represents the ''opening salvo'' of a Republican-led assault on affirmative action, and is part of a plan to roll back the gains African Americans in particular have made over the past 30 years. Rather, its purpose is to remove a major roadblock—group preferences—that divide and Balkanize Americans along racial, ethnic and gender lines as we struggle to build an opportunity society for all of us.

The act calls for vigorous enforcement of nondiscrimination laws. It leaves in place remedies to redress discrimination available under any law, including the Civil Rights Act of 1964. It does not prohibit voluntary efforts such as minority outreach and recruitment. In fact, casting a wider net to increase the pool of qualified applicants is expressly encouraged. The act also exempts historically black colleges and universities in recognition of their unique role in fostering educational opportunities for all Americans.

The myopic fixation on past wrongs that can never be righted and on remedies that have had limited impact on expanding employment and business opportunities keep African Americans looking backwards. While we ''cannot escape history,'' we do not have to be trapped by our history. As Frederick Douglass said, ''We have to do with the past only as we can make it useful to the present

and to the future.'' We believe the future will belong to those who are prepared and who are willing to compete in a knowledge-based, global economy.

Today begins the hard work of formulating a new paradigm for equal opportunity for all Americans. The Council of 100 looks forward to working with Sen. Dole as he points us toward the future with the ''Equal Opportunity Act of 1995.''

CENTER FOR NEW BLACK LEADERSHIP,
Washington, DC, July 27, 1995.

EQUAL OPPORTUNITY ACT OF 1995

Senator Dole's introduction of the Equal Opportunity Act of 1995 is an important first step in restoring the nondiscrimination principle to American civil rights law.

Racially preferential public policy is not only unfair to members of nonpreferred groups but also to many of its ostensible beneficiaries. When our public policy suggests that members of certain races, taken as an undifferentiated whole, are incapable of competing without the helping hand of the state, our leaders send a dangerously stereotypical message to the larger society.

To be sure, state-sanctioned categorization of people based upon race and gender may once have been a practical tool for remedying manifest disadvantage resulting from systematic exclusion of groups from the American mainstream. Today, however, race and gender are simply insufficient proxies for disadvantage. To suggest otherwise is disingenuous and destructive.

We can restore the moral foundation of civil rights policy in two ways. First, by confronting and punishing acts of discrimination where they exist. The acknowledgment that discrimination remains a factor of life for too many Americans must stiffen our resolve to deal with the problem constructively. However, such an acknowledgment need not inevitably lead to categorical racial and gender preference.

Instead, our leaders must deal forthrightly with the very real economic and cultural problems confronting many of America's poorest communities today. The tragic circumstances of the truly disadvantaged should be acknowledged and accommodated when appropriate. However, the suggestion that race and disadvantage are inextricably linked is insidious in its effect.

American public policy must move beyond the era of stereotypical racial and gender categories, toward an era that demands that similarly situated individuals, regardless of race or gender, compete under the same standard. Senator Dole's bill quite rightly moves us in that direction by removing federal policy from the thicket of racial and gender double standards.

BRIAN W. JONES,
President.

INDEPENDENT WOMEN'S FORUM,
July 27, 1995.

Hon. ROBERT J. DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The Independent Women's Forum commends you and Congressman Canady for your action today. The Equal Opportunity Act of 1995 will insure an historic debate about how to expand the economy and create opportunities for all Americans. Preferences, set-asides, and quotas do not create jobs or opportunities—they create bitterness, division, hostility and disrespect. The Independent Women's Forum has long realized that, although women have benefited by so-called affirmative action, at many times it was at the expense of minorities, our brothers, husbands, and other loved ones. The time has come to rethink whether the social implications of these programs have not done more damage than good. The Independent Women's Forum looks forward to engaging in this discussion.

Most respectfully,

BARBARA J. LEDEEN,
Executive Director for Policy.

ADDITIONAL COSPONSORS

S. 143

At the request of Mrs. KASSEBAUM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of 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.

S. 256

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 284

At the request of Mr. DOLE, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Missouri [Mr. BOND], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 284, a bill to restore the term of patents, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 641, supra.

S. 885

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. GORTON] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 885, a bill to establish United States commemorative coin programs, and for other purposes.

S. 1061

At the request of Mr. LEVIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1061, a bill to provide for congressional gift reform.

SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 133

At the request of Mr. HELMS the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

AMENDMENT NO. 1859

At the request of Mrs. KASSEBAUM the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Amendment No. 1859 proposed to S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE RESOLUTION 157—COMMENDING SENATOR ROBERT C. BYRD FOR CASTING 14,000 VOTES

Mr. DASCHLE (for himself, Mr. DOLE, Mr. ROCKEFELLER, Mr. FORD, Mr. THURMOND, Mr. LOTT, Mr. INOUYE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr.

HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas, the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas, he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas, his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas, he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas, he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

CHAFEE AMENDMENTS NOS. 1861–1870

(Ordered to lie on the table.)

Mr. CHAFEE submitted 10 amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

AMENDMENT NO. 1861

On page 8, strike paragraph (4) (lines 11 through 13) and insert the following:

''(4) an explanation of the factual conclusions upon which the rule is based; and''.

AMENDMENT NO. 1862

On page 11, strike lines 2 through 10 and insert the following: ''give an interested person the right to petition for the issuance, amendment, or repeal of a rule.''.

AMENDMENT NO. 1863

On page 30, at the end of line 22, add the following: ''The court shall, to the extent practicable, consolidate all petitions with respect to a particular action into one proceeding for that action.''.

AMENDMENT NO. 1864

On page 34, strike subsection (i) with respect to termination of rules (lines 20 through 25) and insert the following:

''(i) COMPLETION OF REVIEW.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).''.

AMENDMENT NO. 1865

Beginning on page 35, strike subsections (a), (b) and (c) of section 624 (page 35, line 10, through page 38, line 5) as modified by the Dole Amendment No. 1496 and insert the following:

''(a) CONSTRUCTION WITH OTHER LAWS.—The requirements of this section shall supplement, and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law both with a requirement of this section and any requirement of the statute authorizing the rule, such requirement of this section shall not apply to the rule.

''(b) REQUIREMENTS.—Except as provided in subsection (c), no final major rule subject to this subchapter shall be promulgated unless the agency head publishes in the Federal Register a finding that—

''(1) the benefits from the rule justify the costs of the rule;

''(2) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

''(3) the rule adopts the alternative with greater net benefits than the other reasonable alternatives that achieve the objectives of the statute.

''(c) ALTERNATIVE REQUIREMENTS.—If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection (b), the agency head may (and if the agency head has a nondiscretionary duty to issue a rule, shall) promulgate the rule, if the agency head finds that—

''(1) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

''(2) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.''.

AMENDMENT NO. 1866

On page 39, lines 12 and 13, strike ''may be considered by the court solely for the purpose of'' and insert in lieu thereof the following: ''may not be considered by the court except for the purpose of''.

AMENDMENT NO. 1867

On page 39, strike subsection (e) with respect to interlocutory review (page 39, line 18, through page 40, line 7) as modified by the Nunn Amendment No. 1491.

AMENDMENT NO. 1868

Strike section 636 with respect to deadlines for rulemaking (page 40, line 8 through page 41, line 12) and insert the following:

''§ 626. Deadlines for Rulemaking

''(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

''(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.''.

AMENDMENT NO. 1869

On page 68, line 3, insert after ''subchapter'' the following: ''and the requirements of section 624''.

AMENDMENT NO. 1870

Beginning on page 74, strike subparagraphs (E), (F), and (G) (page 74, line 22, through page 75, line 8) and insert the following:

''(E) unsupported by substantial evidence in a proceeding subject to section 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

''(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.''.

THE HANFORD LAND MANAGEMENT ACT

GORTON (AND OTHERS) AMENDMENT NO. 1871

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. GORTON (for himself, Mrs. MURRAY, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment intended to be proposed by them to the bill (S. 871) to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhanced Environmental Cleanup and Management Demonstration Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress hereby finds that—

(1) Defense Nuclear Facilities were used to produce nuclear weapons materials to defend the United States in World War II and thereafter. These facilities played a critical role in securing the defense and overall welfare of the country.

(2) Defense Nuclear Facilities are now among the most contaminated sites in the country. Many are listed on the National Priorities List compiled pursuant to the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Contamination and inadequate waste management practices at Defense Nuclear Facilities pose threats to workers, surrounding communities, and the environment.

(3) Although the Department has begun to address the contamination and manage its waste, it has achieved too little progress for the significant amount of money spent.

(4) Problems with environmental restoration and waste management at Defense Nuclear Facilities are attributable to a number of factors. Among these is inefficient management by the Department at headquarters and at the Defense Nuclear Facilities, including outmoded contracting procedures, lack of competition, cumbersome bureaucratic processes, and the lack of a clear chain of command. All of these things have contributed to confusion and inefficiency at many Defense Nuclear Facilities.

(5) Internal orders issued by the Department of Energy often hinder compliance with environmental laws and add unnecessary cost to environmental restoration.

(6) Regulatory requirements applicable to Defense Nuclear Facilities can be complex and, at times, redundant. Frequently, the Department is accountable to several regulatory agencies.

(7) Cleanup decisions are often made without consideration of the future land uses.

(b) PURPOSES.—The purposes of this Act are to require significant regulatory reform measures, and to require that Defense Nuclear Facilities be managed more efficiently.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''adjoining State'' means any State other than a host State, the border of which is located within 50 miles of a Defense Nuclear Facility.

(2) The term ''Defense Nuclear Facility'' means a former or current Defense nuclear production facility now owned and managed by the Department of Energy.

(3) The term ''Department'' means the Department of Energy.

(4) The term ''environmental agreement'' means an agreement, including an interagency agreement, between the department of Energy and/or the Environmental Protection Agency that sets forth requirements and schedules for achieving compliance with Federal or State environmental laws.

(5) The term ''Hanford Reservation'' means the Defense Nuclear Facility located in southeastern Washington owned and managed by the Department of Energy.

(6) The term ''host State'' means a State with a Defense Nuclear Facility located within its boundaries that is subject to this Act.

(7) The term ''interagency agreement'' means an agreement entered into pursuant to the provisions of section 120(e) of the Comprehensive Environmental, Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(e)).

(8) The term ''Land Use Council'' means, with respect to a Defense Nuclear Facility, a congressionally chartered council with the authority to develop a future land use plan at such facility.

(9) The term ''Secretary'' means the Secretary of Energy.

(10) The term ''Site Manager'' means a presidentially appointed Department of Energy official delegated with full authority from the Secretary to oversee and direct all operations at a Defense Nuclear Facility.

(11) The terms ''TPA'' and ''Tri-Party Agreement'' mean the Hanford Federal Facility Agreement And Consent Order as amended among Washington State, the Department, and the Environmental Protection Agency.

SEC. 4. APPLICABILITY.

(a) HANFORD RESERVATION.—The Department's Hanford Reservation in southeastern Washington shall be subject to this Act.

(b) OTHER DEFENSE NUCLEAR FACILITIES.—A Governor of a State hosting a Defense Nuclear Facility the fiscal year 1995 environmental management budget of which was $500,000,000 or more may submit a request to the President that the facility be covered by the terms of this Act. Within 60 days after receipt of such a request, the President shall, unless the President determines that such application is not in the national interest, appoint a Site Manager for the facility pursuant to section 5. Thereafter, such Defense Nuclear Facility shall be subject to this Act.

SEC. 5. SITE MANAGER.

(a) POLICY.—The President shall appoint, within 60 days after enactment of this Act, a Site Manager for the Hanford Reservation. For other Defense Nuclear Facilities, the President shall appoint a site manager, within 60 days of receipt of a request from the Governor of a host State submitted pursuant to section 4(b). The Site Manager shall be appointed from a list of 3 candidates for such position to be provided by the Secretary.

(b) SCOPE.—In addition to other authorities provided for in this Act, the Site Manager for a Defense Nuclear Facility shall have full authority to oversee and direct all operations at the facility including the authority to—

(1) enter into and modify contractual agreements to enhance environmental cleanup and management at the Defense Nuclear Facility;

(2) manage congressionally appropriated environmental management funds allocated to the Defense Nuclear Facility, with the ability to transfer funds among accounts in order to facilitate the most efficient and timely cleanup of the Facility;

(3) negotiate amendments to the Tri-Party Agreement or other environmental agreements for the Department;

(4) manage Department personnel at the Facility; and

(5) carry out recommendations of the Department of Energy Office of Environmental Health and Safety where the Site Manager determines that those recommendations are consistent with the goals set forth in this Act, except that if the Site Manager elects not to carry out such recommendations, the Site Manager shall provide to the Governor of the host State and the Secretary a statement of the reasons therefor.

Decisions by the Site Manager to disregard recommendations made by the Department of Energy's Office of Environmental Health and Safety shall take effect unless the President determines within 21 days of implementation of the issuance of the decision that the particular decision is not in the national interest and where the State concurs with the President's opinion. In such cases, the President and the host State shall certify within such 21-day period that the recommendation does not add prohibitively to costs at the site and that the alternative meets important environmental or human health or safety concerns.

(c) ADDITIONAL DUTIES.—The Site Manager for any Defense Nuclear Facility subject to this Act shall prepare the following for each remedy selected under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 at such facility if the cost of the remedy exceeds $25,000,000:

(1) An analysis of the incremental costs and incremental risk reduction or other benefits associated with the selected remedy

(2) An assessment of the costs and risk reduction or other benefits, including protection of human health or the environment, or the fostering of economic development, associated with implementation of the selected remedy.

(3) A certification of each of the following:

(A) That the assessment under paragraph (2) is based on an objective and unbiased scientific and economic evaluation.

(B) That the remedy will substantially advance the purpose of protecting human health or the environment against the risk addressed by the remedy.

(C) That there is no alternative remedy that is allowed by the statute that would achieve an equivalent reduction in risk in a more cost-effective manner.

The assessments and certifications required under this paragraph may be set forth in several documents or a single document, as determined by the Site Manager. Completion of such assessments and certifications shall not delay selection or implementation of a remedy and shall be completed prior to or concurrent with the selection of a remedy.

(d) CLEANUP STANDARDS.—The Site Manager shall select remedial actions for a Defense Nuclear Facility in accordance with the provisions of section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)), except that the remedial actions need not attain any relevant and appropriate standard, requirement, criteria, or limitation.

(e) METRIC SYSTEM.—The Site Manager for any Defense Nuclear Facility subject to this Act may exempt the facility from the requirements of the Metric System Conversion Act of 1975 (15 U.S.C. 205a and following).

SEC. 6. DEPARTMENT ORDERS.

(a) EXISTING ORDERS.—The internal orders of the Department of Energy, whether or not they have been adopted as regulations, shall not apply at a Defense Nuclear Facility subject to this Act 60 days after the confirmation of the Site Manager except for those orders that the Site Manager deems essential for the protection of human health or the environment, or to the conduct of critical administrative functions.

(b) NEW ORDERS.—The Site Manager of a Defense Nuclear Facility subject to this Act may adopt a new order only after finding that the order is essential to the protection of human health or the environment, or to the conduct of critical administrative functions, and, to the extent possible, will not unduly interfere with efforts to bring the Defense Nuclear Facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 7. STATE EXERCISE OF REGULATORY AUTHORITY.

(a) STATE EXERCISE OF AUTHORITIES UNDER CERCLA.—(1) Notwithstanding any other provision of law, a host State may exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at any Defense Nuclear Facility subject to this Act if the host State complies with the provisions of this section.

(2) A host State that elects to exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 shall notify the Administrator in writing. Within 60 days of the Administrator's receipt of the State's notification, the Administrator shall provide for the orderly transfer of her authorities at the Defense Nuclear Facility to the host State. The host State and the Department shall amend any existing interagency agreement to reflect the transfer of authorities at the Defense Nuclear Facility.

(3) A host State that elects to exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 shall retain its authority under section 310 of that Act (42 U.S.C. 9659) to enforce compliance with any requirement of an interagency agreement with the Department, including the authority to compel implementation of a remedy selected by the State and shall have the authority granted under section 109 of that Act (42 U.S.C. 9609(a)(1)).

(4)(A) At a Defense Nuclear Facility where the Administrator's authorities under section 120(e)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(e)(4)) have been transferred to the host State pursuant to this section, and the host State does not concur in a remedy proposed by the Site Manager, the parties shall enter into dispute resolution as provided in their interagency agreement.

(B) The final level of such disputes shall be to the Site Manager and the Governor of the host State, and if the Site Manager and the Governor do not reach agreement, the host State shall select the final remedy: *Provided, however,* That before reaching the final level of dispute, the remedy selection dispute shall be reviewed by a mediator selected by the host State and the Site Manager. The mediator shall be experienced in contaminated site remediation, and radionuclide exposure issues. The mediator may consult with representatives of the National Academy of Sciences, and other qualified experts as the mediator deems necessary. If the mediation does not result in the parties reaching agreement, the mediator shall recommend the remedy he deems appropriate. The mediation process shall be completed as quickly as possible, and in no event shall take more than 90 days to complete. If the Governor disagrees with the mediator's recommendation, the host State shall issue the final determination on the dispute, with a written rationale for such determination.

(C) In selecting a remedy, the Site Manager, the mediator, and the host State shall consider the remedy selection criteria in section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621), and in the National Contingency Plan, the provisions of this Act, and the assessment and the certification prepared by the Site Manager under section 5(c) of this Act.

(5) Remedial actions selected for Defense Nuclear Facilities or portions thereof shall be consistent with the Future Land Use plan developed by the Land Use Council. Remedial actions, including cleanup standards, shall be selected using reasonable maximum exposure scenarios that are consistent with the future land uses set forth in the Future Land Use plan. Appropriate institutional controls shall be implemented whenever the concentration of hazardous substances remaining after completion of the remedial action would pose a threat or potential threat to human health under a residential use exposure scenario.

(b) REDUNDANCIES.—The host State shall integrate, to the maximum extent possible, the requirements of applicable laws over which it has jurisdiction, to eliminate redundancies that do not contribute to the environmental management program.

(c) ADJOINING STATES.—(1) The Site Manager shall provide to any adjoining State those opportunities for review and comment regarding any response action at a Defense Nuclear Facility that are provided pursuant to section 121(f)(1)(D),(E),(G), and (H) by the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(f)(1)(D),(E),(G), and (H)).

(2) A host State shall enter into negotiations with, and is authorized to enter into a Memorandum of Understanding with, an adjoining State addressing issues of mutual concern regarding a Defense Nuclear Facility. Nothing in this paragraph shall delay implementation of this section.

(3) If a host State brings an action to compel implementation of a remedial action pursuant to this section, an adjoining State may intervene as a matter of right in such action.

(d) PENALTIES.—All funds collected by the host State from the Federal Government as penalties or fines imposed for the violation of any environmental law at a Defense Nuclear Facility shall be used by the host State only for projects to protect the environment at or near the facility from threats resulting from the facility or to remedy contamination associated with the facility.

SEC. 8. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

The Site Manager shall integrate, to the maximum extent possible, the requirements of the National Environmental Policy Act (42 U.S.C. 4321) with other applicable State and Federal regulatory requirements. Where an analysis of environmental impacts and public comment process has been completed under other applicable law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following) or State environmental laws, for any decision, project, or action conducted at a Defense Nuclear Facility, and the Site Manager determines that the analysis and process are substantially equivalent to that required by the National Environmental Policy Act, the Site Manager need not conduct another environmental analysis or public comment process under the National Environmental Policy Act.

SEC. 9. LAND USE COUNCIL.

(a) COUNCIL ESTABLISHED.—There is hereby established a Land Use Council for each Defense Nuclear Facility for which a Site Manager has been appointed under this Act. Each Land Use Council shall develop a future land use plan for all lands within the Defense Nuclear Facility boundaries that are managed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and are listed on the National Priorities List. The Council shall not specify future land use for lands outside National Priority List site boundaries. At the Hanford Reservation, the Council shall not specify future land use for the Fitzner-Eberhardt Arid Lands Ecology Reserve or the Wahluke Slope. The plan shall be given full consideration in developing and selecting remedial actions for the Defense Nuclear Facility.

(b) MEMBERSHIP.—Each Land Use Council shall make decisions by majority vote. The members of the Council for a Defense Nuclear Facility shall include the Site Manager for the Defense Nuclear Facility who shall be a voting member and the following additional members appointed by such Site Manager:

(1) One voting member nominated by the Governor of the host State.

(2) One voting member nominated by the elected officials of counties and cities contiguous to or within 15 miles of a Defense Nuclear Facility.

(3) One nonvoting member consisting of the chair of the site advisory board, established by the Department at the Defense Nuclear Facility or such members designee.

(4) One nonvoting member appointed by the national laboratory in closest proximity to the Defense Nuclear Facility.

(c) PLAN ADOPTION.—The Land Use Council shall adopt, within 24 months after confirmation of the Site Manager, a Future Land Use plan for the Defense Nuclear Facility. To support remedial action decisions, the Council shall use a phased approach in developing a future land use plan. Prior to completion of the full plan, but no later than 9 months after the Site Manger's confirmation, the Council shall adopt land use plans for portions of the Facility to support scheduled remedial action decisions as requested by the Site Manager.

(d) CONTENT OF THE PLAN.—The Future Land Use Plan for a Defense Nuclear Facility shall include—

(1) lands that should be retained by the Department for its use or for the maintenance of institutional controls needed to protect the public or environment from hazardous substances or radioactive materials;

(2) lands designated for industrial use;

(3) lands designated for commercial use;

(4) lands designated for residential use;

(5) lands designated for agricultural use;

(6) lands designated for recreational use; and

(7) lands designated for open space.

(e) PLAN CRITERIA.—In developing the Future Land Use Plan, the Land Use Council shall consider information it deems appropriate, including—

(1) the degree to which lands within the Defense Nuclear Facility could be reasonably remediated given technological considerations;

(2) the cost of remediation;

(3) the risks to human health and the environment;

(4) the land use history of the facility and surrounding lands, current land uses of the facility and surrounding lands, recent development patterns in the proximity of the facility, and population projection for the area;

(5) land use plans prepared for adjacent lands and for the facility, including for the Hanford reservation, the report of the Future Site Working Group;

(6) Federal or State land use designations, including Federal facilities and national parks, State groundwater or surface water recharge areas, recreational areas, wildlife refuges, ecological areas, and historic or cultural areas;

(7) the proximity of contamination to residences, sensitive populations or ecosystems, natural resources, or areas of unique historic or cultural significance;

(8) the potential for economic development; and

(9) recreation, open space, cultural, and other noneconomic values.

(f) CONSULTATION.—In preparing the land use plan, the Council shall consult with—

(1) adjoining States,

(2) affected Indian Tribes,

(3) affected local governments,

(4) appropriate State and Federal agencies, and

(5) the public.

All Council meetings shall be open to the public and shall be scheduled and conducted to promote public participation. Adjoining States, affected Indian Tribes, affected local governments, appropriate State and Federal agencies, and the public shall be given an opportunity to comment on the land use plans prior to their adoption. The Council shall advise commentors of the disposition of their comments.

SEC. 10. TECHNOLOGY DEMONSTRATIONS.

(a) IN GENERAL.—The Site Manager shall promote the demonstration, certification, verification, and implementation of new environmental technologies at Defense Nuclear Facilities.

(b) CRITERIA.—The Site Manager shall establish a program at the Defense Nuclear Facility for testing environmental, waste characterization and remediation technology at the site. In establishing such a program, the Site Manager is authorized to—

(1) establish a simplified, standardized and timely process for the testing and verification of new technologies;

(2) solicit and accept applications to test environmental technology suitable for waste management and environmental restoration activities at Defense Nuclear Facilities, including prevention, control, characterization, treatment, and remediation of contamination; and

(3) enter into cooperative agreements with other public and private entities to test environmental technologies at the Defense Nuclear Facility.

(c) SAFE HARBORS.—At the request of the Site Manager, the Secretary shall seek to provide regulatory or contractual ''safe harbors'' to limit liability of companies using technology approved for use at a Defense Nuclear Facility for use at other Department of Energy facilities.

(d) NUCLEAR MATERIAL.—When source, special nuclear, or by-product materials are involved, agreements with private entities under section 9, subsection (b), shall—

(1) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(2) indemnify, protect, and hold harmless the contractor from and against all liability, including liability for legal costs, for any preexisting conditions at any part of the Defense Nuclear Facility managed under the agreement;

(3) indemnify, protect, and hold harmless the contractor from and against all liability to third parties (including liability for legal costs and for claims for personal injury, illness, property damage, and consequential damages) arising out of the contractor's performance under the contract, unless such liability was caused by conduct of the contractor which was grossly negligent or which constituted intentional misconduct; and

(4) provide for indemnification of subcontractors as described in subparagraphs (1), (2), and (3).

SEC. 11. CONTRACT REFORM AND FEDERAL GOVERNMENT OVERSIGHT.

(a) CONTRACTING STRATEGIES.—The Site Manager, in entering into and managing all contracts at Defense Nuclear Facilities (including contracts for design, construction, operation and maintenance of treatment, storage and disposal facilities), may ensure effective, efficient and consistent implementation of the Federal Acquisition Regulation (hereinafter in this section referred to as ''FAR'') and the Federal Acquisition Streamlining Act (hereinafter in this section referred to as ''FASA'') requirements and shall—

(1) encourage market-based management and practices;

(2) maximize competition in new procurements;

(3) maintain an effective capability to recompete existing contracts;

(4) maximize efficient and effective use of multiyear contracting practices that enhance commercialization and privatization;

(5) maximize use of incentives and performance guarantees;

(6) assure coordination and integration of all contractor-developed designs, plans, and schedules;

(7) maximize application of best commercial standards and specifications in all contracts;

(8) consult to maximum extent possible, the host State regarding contracting strategies and oversight, including project plans, facility designs, and schedules and cost estimates; and

(9) maximize use of fixed-price contracts in lieu of cost-plus reimbursement contracts.

(b) MULTIYEAR CONTRACTING.—The Site Manager is authorized to enter into and implement multiyear contracts, in accordance with FAR and FASA requirements and the provisions of this Act for the design, construction, operation and maintenance of treatment, storage and disposal facilities by private entities. The Site Manager shall do so when the Site Manager determines that such a contract will maximize public resources and result in efficient and timely environmental improvements. In entering into such a contract, the Site Manager shall not jeopardize the funding of environmental agreement obligations. The Site Manager may use Department of Defense FAR multiyear funding and termination liability procedures in lieu of civilian agency FAR procedures if the Site Manager demonstrates this to be beneficial to the United States.

(c) ASSISTANCE IN IMPROVING CONTRACTING STRATEGIES AND GOVERNMENT OVERSIGHT.—The Site Manager shall obtain the expertise necessary to implement performance oriented incentive based contracting and procurement practices. To accomplish this, the Site Manager may obtain the involvement of qualified representatives from other Federal agencies in—

(1) developing improved contracting strategies, and participating in selection of contract sources; and

(2) the oversight and administration of contracts.

The Secretaries of involved agencies shall ensure selection of qualified and knowledgeable representatives to assist and advise the Site Manager. The Site Manager may also, to the extent allowed by the FAR separately consult with the private sector.

SEC. 12. ENVIRONMENTAL AGREEMENTS NOT AFFECTED.

Nothing in this Act shall impair the force or effect of any environmental agreement, except to authorize re-negotiation to incorporate the changes required to comply with provisions of this Act.

SEC. 13. REPORT TO CONGRESS.

Two years after the effective date of this Act, and every two years thereafter, the Site Manager for each Defense Nuclear Facility subject to this Act shall submit to Congress a report evaluating progress or cleanup made under the provisions of this Act. The report shall identify efficiencies achieved and moneys saved through implementation of this Act and shall identify additional measures that would increase the pace and lower the cost of environmental management activities at the facility. The Site Manager shall also report specific actions undertaken to implement business and contracting strategies that maximize the use of fixed price and incentive based contracting in lieu of cost reimbursement contract arrangements. The Site Manager shall also specify in his report the utility of commercial standards, specifications and practices, as well as improvements in the effectiveness and efficiency of Federal contract oversight and administration activities within his purview.

SEC. 14. NATIONAL HISTORIC PRESERVATION ACT.

Federal structures at a Defense Nuclear Facility smaller than 100,000 square feet shall be exempt from the National Historic Preservation Act (16 U.S.C. 470 and following) unless the Site Manager deems these structures appropriate for National Historic Preservation Act protection, and deems that such action will not delay cleanup activities or increase cleanup costs at the facility. National Historic Preservation Act review for structures larger than 100,000 square feet shall be limited to no more than 30 days.

SEC. 15. ENVIRONMENTAL HEALTH AND SAFETY.

The Department of Energy Office of Environmental Health and Safety shall enforce safety and health activities at Defense Nuclear Facilities.

SEC. 16. PRIVATIZATION OF WASTE CLEANUP AND MODERNIZATION ACTIVITIES OF DEFENSE NUCLEAR FACILITIES.

(a) CONTRACT AUTHORITY.—Notwithstanding any other law, the Site Manager may enter into 1 or more long-term contracts, with a private entity located within 75 miles of a Defense Nuclear Facility, for the procurement of products or services that are determined by the Site Manager to be necessary to support environmental management activities at such facilities, including the design, construction, and operation of treatment, storage, and disposal facilities.

(b) CONTRACT PROVISIONS.—A contract under subsection (a)—

(1) shall be for a term of not more than 30 years;

(2) may include options for 2 extensions of not more than 5 years each;

(3) when source, special nuclear, by-product, hazardous materials are involved, shall include an agreement to—

(A) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(B) indemnify, protect, and hold harmless the contractor from and against all liability (including liability to 3rd parties for legal costs and for claims for personal injury, illness, property damage, and consequential damages) relating to pre-existing conditions at any part of the Defense Nuclear Facility arising out of the contractor's performance under the contract unless such liability was caused by conduct of the contractor which was negligent or grossly negligent or which constituted intentional misconduct; and

(C) provide for indemnification of subcontractors as described in subparagraphs (A) and (B);

(4) shall permit the contractor to obtain a patent for and use for commercial purposes a technology developed by the contractor in the performance of the contract;

(5) shall provide for fixed or performance based compensation; and

(6) shall include such other terms and conditions as the Site Manager considers appropriate to protect the interests of the United States.

(c) PREFERENCE FOR LOCAL RESIDENTS.—In entering into contracts under subsection (a), the Site Manager shall give preference, consistent with Federal, State, and local law, to entities that plan to hire, to the maximum extent practicable, residents in the vicinity of the Defense Nuclear Facility who are employed or who have previously been employed by the Department of Energy or a private contractor at the facility.

(d) PAYMENT OF BALANCE OF UNAMORTIZED COSTS.—

(1) DEFINITION.—For purposes of this subsection, the term ''special facility'' means land, a depreciable building, structure, or utility, or depreciable machinery, equipment, or material that is not supplied to a contractor by the Department.

(2) CONTRACT TERM.—A contract under subsection (a) may provide that if the contract is terminated for the convenience of the Government, the Secretary shall pay the unamortized balance of the cost of any special facility acquired or constructed by the contractor for performance of the contract.

(3) SOURCE OF FUNDS.—The Secretary may make a payment under a contract term described in paragraph (2) and pay any other costs assumed by the Secretary as a result of

the termination out of any appropriations that are available to the Department of Energy for operating expenses, not including funds allocated to environmental management activities at the site, for the fiscal year in which the termination occurs or for any subsequent fiscal year.

(e) LIMITATION.—Funds appropriated pursuant to this or any other Act enacted after the date of enactment of this Act may be obligated for a contract under this section only—

(1) to the extent or in such amounts as are provided in advance in an appropriation Act, and

(2) if such contract contains each of the following provisions:

(A) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that contract.

(B) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for such contract for such fiscal year.

(C) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

(f) LEASE OF FEDERALLY OWNED LAND.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Site Manager may lease federally owned land at a Defense Nuclear Facility to a contractor in order to provide for or to facilitate the construction of a facility in connection with a contract under subsection (a).

(2) TERM.—The term of a lease under this paragraph may be either the expected useful life of the facility to be constructed, or the term of the contract.

(3) TERMS AND CONDITIONS.—A lease under paragraph (1) shall—

(A) require the contractor to pay rent in amounts that the Site Manager considers to be appropriate; and

(B) include such other terms and conditions as the Site Manager considers to be appropriate.

(g) COMMERCIAL STANDARDS.—The Site Manager shall, whenever practicable, apply commercial standards to contractors used in the performance of a contract under subsection (a).

SEC. 17. PREFERENCE AND ECONOMIC DIVERSIFICATION FOR COMMUNITIES AND LOCAL RESIDENTS.

(a) PREFERENCE.—In entering into a contract or subcontract with a private entity for products to be acquired or services to be performed at a Defense Nuclear Facility, the Site Manager and contractors under the Site Manager's supervision shall, to the maximum extent practicable, give preference to an entity that is otherwise qualified and within the competitive range (as determined under section 15.609 of title 48, Code of Federal Regulations, or a successor regulation, as in effect on the date of the determination) that plans will—

(1) provide products and services originating from communities within 75 miles of the facility;

(2) avert, to the maximum extent practicable, the dismissal of employees employed by the Department or a private contractor at the facility, and protect, to the maximum extent possible, the continuity of service and benefits of such employees;

(3) hire residents living in the vicinity of the facility, especially residents who have previously been employed by the Department or its contractors at the facility, to perform the contract; and

(4) invest in value-added activities in the vicinity of the facility to mitigate adverse economic development impacts resulting from closure or restructuring of the facility.

(b) APPLICABILITY.—Preference shall be given under subsection (b) only with respect to a contract for an environmental management activity that is entered into after the date of enactment of this Act.

SEC. 18. JURISDICTION.

The United States District Court for the district in which a Defense Nuclear Facility is located shall have exclusive jurisdiction over any claims arising under this Act with respect to such facility.

SEC. 19. STABLE FUNDING.

It is the sense of the Senate that stable levels of funding are essential to carry out this Act. The Site Manager and the President are encouraged to seek funding levels not lower than that allocated during fiscal year 1996

SEC. 20. EXPIRATION.

The provisions of this Act shall expire 10 years after its enactment, but Congress may review and revoke any provisions of this Act after 5 years if Congress determines that enactment of this Act has not accelerated cleanup or reduced costs at the Defense Nuclear Facility.

Mr. GORTON. Mr. President, the Department of Energy's defense nuclear complex—and Hanford in particular—has been maligned and criticized long enough. Today, in a truly bipartisan spirit, my colleagues and I are offering substantive, workable, and dramatic solutions to the Nation's Environmental and Waste Management Program. Congressman HASTINGS and I have worked with Senator MURRAY, the State of Washington, and with the support of our delegation, to forge a creative new course for the Department of Energy and its massive cleanup operations. The old paradigm of bureaucratic cleanup is being tossed. Accountability and responsibility are the new standards to be employed at Hanford and other DOE sites. As most of us know, Hanford is no small problem—in complexity or cost. This amendment's foundations lie in four areas: Leadership, future land use, regulatory reform, and privatization. Those ideas have been cooperatively crafted into the legislation being introduced today. Let me emphasize some of Hanford's shortcomings, and how we have set out to correct them.

LEADERSHIP

DOE is plagued with a gaping absence of firm, decisive leadership. Likewise, Hanford and its communities suffer from an overabundance of committees, review processes, open-ended debates and rule by consensus, rather than decision. This process simply has not worked. Paper-shuffling bureaucrats in Washington, DC try to manage, direct, and understand paper shuffling bureaucrats in Richland. Part of this is simply fear: Third party lawsuits, disproportional stakeholder influence, and uncertainty over DOE's future has driven management into circular uncertainty. If Richland can't do it, DC will—if DC is not to blame, then the field staff is at fault. Accountability seems to be lost and cleanup ultimately is left in a vapid holding pattern.

This amendment changes the nature of leadership at Hanford and puts complete authority for cleanup decisions—and all other site operations—under the site manager's purview. To emphasize the importance of the task, and the quality of the person in charge, the President shall appoint the site manager for Hanford, with the advice and consent of the Senate. With this step, DOE headquarters is tacitly removed from the decisionmaking process. Accountability and responsibly are focused locally. There will be no room for excuses if the job is not being done promptly and properly.

LAND USE

Any attempt to deal with Hanford's cleanup problems must tackle the enigmatic, yet important, issue of how clean is clean. To determine how clean certain portions of land will be, you must decide thresholds of cleanliness, and ultimately determine what those lands will be used for once the job is finished. This amendment invests proportional authority for these decisions into local voices, as these are the people most affected by cleanup and future land use issues. Today the Federal Government has complete authority for the use, and final disposition, of 562 square miles in Washington State. We wanted to give local imput some teeth—more than merely an advisory role. To do that, we established a process that enables State and local representatives to be on equal footing with the Federal Government in land use decisions. In that vein, this amendment establishes a land use council to make difficult, yet essential, decisions on how clean portions of the site will be. Our amendment does not address final disposition of land, and specifically exempts the Hanford ALE and REACH from the land council's purview. This is a bold attempt to tackle what is perhaps the most contentious, and difficult, issue to address at Hanford and our other defense nuclear facilities.

REGULATORY REFORM

Like the proverbial kitchen with too many cooks, DOE's defense nuclear facilities suffer from an overabundance of regulators—each with an agenda and each with the potential to make a job significantly more cumbersome than it needs to be. Contrary to rumors and unfounded, naive speculation, we are not gutting environmental or safety laws at Hanford. Indeed, we are streamlining the process. Under this amendment, Washington State becomes the sole regulator at Hanford—a job it is prepared, and capable, to do. We have worked closely with the Governor and attorney generals' offices to ensure the conditions under which Washington will accept these new responsibilities. Currently, three regulators govern site cleanup at Hanford: EPA, DOE, and Washington State. EPA, for example, has only 8 employees at Hanford. A surprising statistic, yet its influence is disproportional to the role it plays.

The added presence of another regulator, however, forces DOE to follow many of the same regulations and processes Washington State already requires. One regulator simplifies the oversight role, and arguably increases safety, saves money, and assures compliance.

PRIVATIZATION

As I have said many times in the past, engaging private sector know-how will make for better, cheaper, quicker cleanup. He have included the major portions of the privatization bill I sponsored with Congressman HASTINGS. Privatization is not the only solution for Hanford's problems, as the rest of this amendment demonstrates. it is, however, a significant portion of how we are going to expedite fast cleanup for lower cost. There have been numerous statements of general support for privatization—this amendment codifies those abstract thoughts into concrete legislation. Provided it thinks clearly before it acts, DOE will truly benefit from the enhanced privatization tools it receives under the provisions of this Act.

Mrs. MURRAY. Madam President, today I am pleased to submit a substitute amendment with my colleagues, Senators GORTON, HATFIELD, and PACKWOOD, that I believe will dramatically improve the way business is done at the Hanford Reservation in Washington State.

Hanford is the biggest, most toxic defense nuclear facility in the United States. Its recent annual budgets have cost American taxpayers almost $2 billion per year. Hanford is home to 80 percent of this Nation's spent plutonium. Its radioactive and other toxic materials are being stored in dangerous conditions and/or are already seeping into the ground water, toward the Columbia River. In other words, Hanford is a costly mess.

Earlier this year, Senators JOHNSTON and MURKOWSKI introduced their vision of how to improve cleanup at Hanford. In S. 871, which this amends, they suggest abandoning the environmental agreement between the Federal Government and the State of Washington and allowing the Department of Energy to establish its own cleanup agenda and environmental standards. We cannot support that approach because we believe the people of the region must have a say in the way cleanup is conducted. The people of the Tri-Cities proudly built Hanford; they deserve a role in restoring Hanford.

So, we take a different approach and offer a comprehensive bill addressing many issue impacting the cost and speed of cleanup at Hanford. The most fundamental and sweeping concept of the bill is its emphasis on increasing the role of the State in regulating cleanup. We create a single regulator primarily applying a single law: The State assumes jurisdiction of CERCLA, or Superfund. The amendment also reaffirms the Tri-Party Agreement, ensuring the people of the Tri-Cities and Washington State continue to have a voice in Hanford cleanup and restoration.

Anther important aspect of this amendment is its emphasis on the adjacent community and its stability. The people of the Tri-Cities have worked hard to help America win the cold war. They have sacrificed their environment and given of their working lives. This amendment encourages new companies to provide a continuity of benefits and preferential hiring to former site employees. It urges private contracts to be let to companies based in the area. It also encourages greater privatization and commercialization of new technologies in order to attract new businesses to the area—and then keep those companies there after cleanup is completed.

The amendment contains several other concepts I would like to emphasize. It streamline decisionmaking by giving a presidentially-appointed site manager significantly more authority to make decisions, transfer money, negotiate contracts, waive duplicative regulations, manage personnel, and select cleanup remedies. The amendment also establishes a land use council to help define cleanup objectives and standards for areas on the Superfund national priorities list. Finally, it urges a stable level of funding for cleanup to allow long-term planning.

I want to conclude by saying that this truly is a bipartisan amendment. We elected officials, Democrats and Republicans representing both State and Federal Government, put our energy together to find solutions to the problems facing Hanford. We worked long and hard and none of us got everything we wanted. Had I been the sole author of this amendment, it would have been a different bill. However, I strongly support most of this amendment and believe it will hasten cleanup and benefit the people we represent—and the people who elected us and this Nation's taxpayers. I look forward to continuing to work with my colleagues in the Senate and with Representatives HASTINGS and DICKS, Governor Lowry, and Attorney General Gregoire to push this amendment and make it the law.

THE CONGRESSIONAL GIFT REFORM ACT OF 1995

MCCAIN (AND OTHERS) AMENDMENT NO. 1872

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, Mr. GRAMS, Mr. BURNS, Mr. ABRAHAM, Mr. WARNER, and Mr. HARKIN) proposed an amendment to the bill (S. 1061) to provide for congressional gift reform; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except in conformance with this rule.

''(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $20, and a cumulative value from one source during a calendar year of less than $50. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

''(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2)(A) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

''(c) The restrictions in subparagraph (a) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

''(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

''(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered such as:

''(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

''(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

''(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

''(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is

otherwise lawfully made, subject to the disclosure requirements of Select Committee on Ethics, except as provided in paragraph 3(c).

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

''(14) Bequests, inheritances, and other transfers at death.

''(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

''(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

''(19) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

''(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

''(22) Food or refreshments of a nominal value offered other than as a part of a meal.

''(23) an item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

''(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

''(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

''(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

''(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(1) the name of the employee;

''(2) the name of the person who will make the reimbursement;

''(3) the time, place, and purpose of the travel; and

''(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

''(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

''(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

''(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

''(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

''3. A gift prohibited by paragraph 1(a) includes the following:

''(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

''(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

''(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

''(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

''4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

''(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

''(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

''(2) the date and amount of the contribution; and

''(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

''5. For purposes of this rule—

''(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

''(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

''6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.''.

SEC. 2. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on January 1, 1996.

BROWN AMENDMENT NO. 1873

Mr. BROWN proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

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

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

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

''(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000, or

''(2) greater than $5,000,000.

''(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000;

''(2) greater than $5,000,000 but not more than $25,000,000;

''(3) greater than $25,000,000 but not more than $50,000,000; and

''(4) greater than $50,000,000.

''(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

(b) Blind Trust Assets.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

''4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

MURKOWSKI AMENDMENT NO. 1874

Mr. MURKOWSKI proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. . TRAVEL AND LODGING TO CHARITABLE EVENTS.

Notwithstanding any provision of the Rule, The term ''gift'' does not include permissible travel, lodging, and meals at an event to raise funds for a bona fide charity, subject to a determination by the Select Committee on Ethics that participation in the charitable event is in the interest of the Senate and the United States.

LOTT (AND BREAUX) AMENDMENT NO. 1875

Mr. LOTT (for himself and Mr. BREAUX) proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

On page 1, strike lines 9 through 12, and on page 2, strike lines 1 through 4; and, insert the following:

''(2) No Member, officer, or employee of the Senate, shall knowingly accept, directly or indirectly, any gifts in any calendar year aggregating more than $100 or more from any person, entity, organization, or corporation unless, in limited and appropriate circumstances, a waiver is granted by the Select Committee on Ethics. The prohibitions of this paragraph do not apply to gifts with a value of less than $50.''

STEVENS AMENDMENT NO. 1876

Mr. STEVENS proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

On page 2 of the amendment, strike lines 12 through 20 and insert in lieu thereof the following:

''(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.''

FORD AMENDMENT NO. 1877

Mr. FORD proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

On page 16 of the McCain substitute on line 25, insert after ''shall take effect on'' the following: ''and be effective for calendar years beginning on''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Wednesday August 2, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the implementation of Public Law 103–176, the Indian Tribal Justice Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, July 27, 1995 session of the Senate for the purpose of conducting a hearing on spectrum reform.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 27, 1995, for purpose of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nomination of John Garamendi to be Deputy Secretary of the Interior.

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

COMMITTEE ON FINANCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, July 27, 1995 beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the Medicaid Distribution formula.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, July 27 at 9:30 a.m. for a hearing on S. 929, the Department of Commerce Dismantling Act.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 27, 1995 at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 27, 1995, at 10:00 p.m. to hold a hearing on ''Prison Reform: Enhancing the Effectiveness of Incarceration''

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

ADDITIONAL STATEMENTS

NOTICE OF INTENTION TO AMEND SENATE RULE 34

• Mr. BROWN. Mr. President, I submit the following notice in writing:

''In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34.''

I ask that the amendment be printed in the RECORD.

The amendment follows:

At the appropriate place, insert the following:

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

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

''3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

''(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000, or

''(2) greater than $5,000,000.

''(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

''(1) greater than $1,000,000 but not more than $5,000,000;

''(2) greater than $5,000,000 but not more than $25,000,000;

''(3) greater than $25,000,000 but not more than $50,000,000; and

''(4) greater than $50,000,000.

''(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

''4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.•

LEGISLATING PRAYER IN SCHOOLS TRIVIALIZES WHAT PRAYER IS ABOUT

• Mr. SIMON. Mr. President, Dr. Paul Jersild is a professor of theology and ethics at Lutheran Theological Southern Seminary in Columbia, SC.

Recently, I had a chance to read a column he wrote for the Columbia newspaper, the State, on the issue of prayer in the schools.

At a time when there is much political malarkey being spread about this issue and a lot of concerned people on both sides, I think it is worthwhile to listen to a voice of reason.

I have known Paul Jersild for many years and trust his instinct and good judgment.

I ask that his column be printed in the RECORD.

The column follows:

[From the Columbia (SC) State, June 2, 1995]

LEGISLATING PRAYER IN SCHOOLS TRIVIALIZES WHAT PRAYER IS ABOUT

[By Paul Jersild)

South Carolinians—and the South in general—tend to be ''more religious'' than the rest of the nation. What that means can be debated, but one thing is clear enough: Residents of this state are more likely to support a constitutional amendment which would legalize prayer in the public schools.

What is it, exactly, that we would accomplish by such an amendment?

The recent debate on NBC's ''Meet the Press'' between Ralph Reed, executive director of the Christian Coalition, and White House adviser George Stephanopoulos brought out an important point in answering this question. Stephanopoulous noted that under present law, students can pray before meals in school, express their religious views in classroom discussions or even gather at the flagpole before school begins to start off the day with a prayer.

It is the advocacy of religion on the part of government that is at issue here. No one denies that students can pray, and, in that sense, prayer is not the real issue. What Mr. Reed argued is that an amendment is needed in order to reverse what he sees as a climate of hostility toward expressions of religious faith in public life. The question in my mind—and it is shared by many Christians—is whether an amendment is the appropriate solution to the kind of problem posed by Mr. Reed.

Here I see a disturbing aspect to religion in the South. Baptists make up the vast majority of church members in this region, and they represent one of the most revered and important traditions in American religious and political history. From their beginnings, Baptists have been known for their vigorous advocacy of separation of church and state in order to assure their own freedom and that of others to practice the religion of their choice.

But now, with their majority status in the South, Baptists seem to have forgotten this honored tradition. Many of them have become more concerned with politically enforcing a religious practice which they regard as essential to maintaining their version of civic religion. Concern for minority religious groups and non-believers has disappeared as they insist on the ''rights'' of the majority.

The irony of this situation is obvious, for it is largely their own notable history that has taught us to beware of majoritarian attempts to enforce religious views and practices on the rest of the population.

This whole development carries an important lesson concerning the vagaries and pitfalls of trying to politically shape the practice of religion.

There is, indeed, a proper role for religious ceremony in the public realm, and separation of church and state should not be understood as the elimination of all religious expression in public life. But when prayer is used as a political weapon to counteract what is perceived as a hostile environment, it is being grossly misused. Passing a law does not create a community of faith where, alone, prayer is both vital and necessary. Enforcing prayer in the classroom (or a silent moment for prayer) turns it into a symbolic act for the sake of a political purpose, which destroys or, at least, trivializes what prayer is about.

Since Christians disagree among themselves about the wisdom of a prayer amendment, it should be clear that this is not an issue of the church against the state or the rest of society. It is an ideological battle being waged by certain Christians who want to implement their particular vision of a ''Christian'' society. If we can actually legislate that goal, it is not worth achieving.●

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

● Mr. SANTORUM. Mr. President, 2 days ago in Bosnia and Herzegovina, the town of Zepa, the second safe haven fell to the Bosnian Serbs, lending increasing urgency to the need to pass S. 21, the Dole-Lieberman bill. Mr. President, the U.S. Congress has voted on the issue of the arms embargo many times, but the fall of two U.N. safe havens has dramatically highlighted this ill-fated policy as never before. The failure of the U.N. peacekeepers to protect the enclaves and themselves is coupled with the knowledge that the Bosnian Government troops have been effectively rendered useless by their lack of heavy weaponry. As the fighting continues to escalate in Bihac, a third U.N. safe haven, it is time for the Clinton administration to abandon this doomed policy, accept that UNPROFOR must be withdrawn, and lift the arms embargo on the Bosnian Government.

We have been warned many times by the Clinton administration that this bill would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict. Mr. President, the conflict has already escalated. More U.N. troops are being deployed, and as the United States and European leaders issue more empty threats, the reality is that the indecisiveness and ineffectiveness of the West has invited the Serbs to step up their assaults. As of this week, two safe havens have fallen, a third is under siege, and in the past 4 days in Sarajevo, at least 20 people have been killed, while more than 100 people have been wounded. The U.N. mission has failed and has been declared more of a hindrance than a help by the Bosnian Prime Minister. The peace talks have failed because the Bosnian Serbs have determined that, judging by their recent military success, they have more to gain by fighting than by negotiating a peace settlement. The Bosnian Serbs already have control of 70 percent of Bosnia-Herzegovina due in large part to a near monopoly of heavy weapons.

This situation in Bosnia, particularly the ''dual key'' approach has eroded United States credibility and undermined NATO cohesion while contributing to the decline of the effectiveness of the U.N. peacekeepers. Mr. President, this is not a partisan issue, I am not blaming the Clinton administration, many of the problems with our policy in Bosnia began with the previous administration. This is a moral issue. The U.N. peacekeepers have not been able to achieve their mission. They are no longer capable of delivering humanitarian supplies to the enclaves, they are no longer capable of protecting the safe havens, and judging by the ease with which the peacekeepers have been killed and taken hostage, they are no longer capable of protecting themselves. Mr. President, this is not the fault of the troops in Bosnia. They were sent into a situation as noncombatants though they were seen as combatants by Serbs. UNPROFOR went to Bosnia to protect civilians, but they were never given the mandate, the equipment, or the rules of engagement to do the job. It was unconscionable to inject U.N. peacekeepers into a war where there is no peace to keep and without adequate means to defend themselves. The United Nations and NATO have been humiliated and weakened as Serb violations of U.N. resolutions were met with silence and empty promises.

The arms embargo against Bosnia was adopted by the Security Council of the United Nations in 1991 when Yugoslavia was still intact. It was requested and supported by the then Government of Yugoslavia in Belgrade, the Milosevic government. It is a cruel twist of fate that the results of this arms embargo has hurt the very people who have been the victims of the war. This embargo has had no effect on the Bosnian Serbs who have inherited the powerful former Yugoslav army but has devastated the Bosnian Moslems. We can no longer stand by helplessly and watch as a country, recognized by the United Nations, is promised assistance that is too little, too late.

Two days ago, Bosnian Serb leaders Karadzic and his military chief of staff, Ratko Mladic, were charged with genocide, war crimes, and crimes against humanity by the U.N. International Criminal Tribunal. Mr. President, the world has recognized the atrocities of this tragic situation. Let us finally act to give the Bosnian Moslems the capacity to fight back and to defend themselves. Let us stop punishing these helpless civilians for the error of our policy.

A TOOL FOR A COLORBLIND AMERICA

● Mr. SIMON. Mr. President, there is a great deal of nonsense in the political oratory on affirmative action. Like policies on education, religion or any other good thing, it can be abused.

But fundamentally, it will make America a better place. It has made America a better place and is making America a better place.

We still have a long way to go before we are a nation without prejudices and without the discrimination that comes from prejudices.

Chancellor Chang-Lin Tien of the University of California-Berkeley had an op-ed piece in the Los Angeles Times that I think provides a needed balance.

I urge my colleagues to read it.

At this point, I ask that the op-ed piece be printed in the RECORD.

The material follows:

[From the Lost Angeles Times, July 18, 1995]

A TOOL FOR A COLORBLIND AMERICA

(By Chang-Lin Tien)

As an Asian American, I have endured my share of affirmative action ''jokes.'' Even when I became chancellor of UC Berkeley, I was not spared teasing about how affirmative action was the reason I landed this coveted post at one of America's great universities.

Opponents of affirmative action use examples like this to argue that affirmative action tars all minorities with the same brush of inferiority—whether or not we benefit directly.

Affirmative action is not the source of the problem. As much as America would like to believe otherwise, racial discrimination remains a fact of life. Whether we preside over major universities or wash dishes, people of color confront discrimination.

In my first months as chancellor, I was encouraged by friends to get coaching to eliminate my accent. While a European inflection conjures up images of Oxford or the belles-lettres, Asian and Latino accents apparently denote ignorance to the American ear.

Our nation is far from fulfilling the Rev. Martin Luther King Jr.'s dream of a country where people are judged on the content of their character, not the color of their skin.

King's immortal words challenged America to live up to its founding principle—that all men are created equal. It is an ideal all Americans embrace. Yet it has needed redefining as America has struggled to broaden its concept of democracy to include women and races other than Caucasian.

King's challenge is especially relevant today as this country undergoes a phenomenal demographic transformation. His challenge will resonate on Thursday when the UC Board of Regents considers eliminating race and ethnicity in admissions and hiring.

As an educator, I know that America's demographic shift poses tremendous challenges. American universities must educate more leaders from all racial and ethnic groups so they can succeed in a diverse environment.

How can America's educators accomplish this? Affirmative action has been an effective tool for diversifying our student body while preserving academic excellence. Yet its opponents argue that affirmative action runs counter to the principle of individual rights on which this country was founded. Affirmative action, they believe, is based on the ''group rights'' of racial and ethnic groups.

I agree that affirmative action is not a panacea. It is a temporary measure that can be eliminated when we have forged a color-blind society. That time has not yet come. It's painfully clear that equal opportunity is still a dream for many Americans.

Although colleges and universities cannot correct the nation's inequities, we can be a beacon of hope by offering an education to help minority youth realize the American dream.

It is here where a fair, carefully crafted affirmative action process comes into play. At Berkeley and many other universities, in addition to strict academic criteria, student admissions policies take into account special circumstances that minority students have confronted.

Critics accuse us of bestowing special ''group rights'' to these minorities. They argue that the process should be devoid of such group considerations and that students should be judged solely as individuals.

This argument, however, does not take into account what I call ''group privileges''—advantages that certain groups of students accrue by virtue of birth, not by hard work. After all, the contest between white suburban students and minority inner-city youths is inherently unfair. Inner-city students struggle to learn in dilapidated schools where illegal drugs are easier to find then computers, while suburban students benefit from honors classes and Internet access.

Ultimately, we must rebuild America's public schools. Yet until America reverses the precipitous decline of its schools, we have to give special consideration to young people who have overcome countless obstacles to achieve academically.

Diversity benefits all students. It is critical to academic excellence. Only by giving students opportunities to interact and learn about one another will we prepare America's leaders for success in today's global village.

How else can universities prepare tomorrow's teachers for working with youngsters whose families come from nations around the world? How else can universities prepare business leaders to succeed in the international market?

Berkeley's experience discredits the persistent myth that affirmative action lowers academic standards. Our fall 1994 freshman class, in which no racial group constitutes a majority, is stronger academically than the freshman class of 10 years ago. Our graduation rates have climbed steadily. Today, 74% of our students graduate within five years. In the mid-1950's, when the student body was overwhelmingly white, 48% graduated within five years. We have diversified while strengthening our role as a premier university.

If America ends affirmative action before addressing the underlying causes of inequality of opportunity, racial divisions will deepen. Opportunities to dispel ingrained beliefs about different races through interaction and discussion will be lost. Many promising minorities will never have the opportunity to excel as academic, cultural, business and political leaders.

Most important for me as an educator, excellence in academic institutions that must prepare leaders for a diverse world will be jeopardized.

Instead of threatening the progress we have made, let us address the problems that foster unequal opportunity and racial strife. Only then can we look forward to the day when affirmative action can be eliminated and the vision of our founders will be fulfilled—that all Americans are created equal.●

ORDERS FOR FRIDAY, JULY 28, 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 Friday, July 28, 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 resume S. 1061, the gift ban rule as under the previous order.

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

SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will resume consideration of the gift ban rule tomorrow at 9 a.m. Approximately at 9:10 there will be two consecutive rollcall votes on or in relation to the gift ban rule.

Under the unanimous-consent agreement reached earlier, additional rollcall votes can be expected, and the Senate will complete action on the gift ban bill on Friday, as the leader promised we would do.

Also, Senators should be aware the cloture vote on the motion to proceed to the State Department reorganization bill has been postponed until Monday, and the cloture vote on the motion to proceed to the foreign assistance authorization bill has been vitiated.

The majority leader also announced the first rollcall vote on Monday will not occur until the bewitching hour of 6 p.m.

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, 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 9:55 p.m., recessed until Friday, July 28, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1995:

DEPARTMENT OF ENERGY

CHARLES B. CURTIS, OF MARYLAND, TO BE DEPUTY SECRETARY OF ENERGY, VICE WILLIAM H. WHITE, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES ALLAN HURD, JR., OF THE VIRGIN ISLANDS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF 4 YEARS, VICE JAMES W. DIEHM, RESIGNED.

DEPARTMENT OF STATE

DON LEE GEVIRTZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

JOAN M. PLAISTED, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

ELISABETH GRIFFITH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 1996, VICE JOAN R. CHALLINOR, RESIGNED.

MARC R. PACHECO, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2000, VICE BETTY SOUTHARD MURPHY, TERM EXPIRED.

LOUISE L. STEVENSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 1999, VICE A.E. DICK HOWARD, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES R. CLAPPER, JR., 000–00–0000