United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, JANUARY 24, 1995 No. 14

Senate

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal.—I Corinthians 13:1.

Loving God, let Thy love be shed abroad in our hearts. Thy Word declares that love is the fulfilling of the law. Help us to love Thee with all our hearts and our neighbors as ourselves.

As the Congress settles down to the demanding work of legislation, energize them mentally and physically and emotionally. Deliver them from discouragement and frustration. Help them in their deliberations and debate to distinguish between substance and semantics—between rhetoric and reality. Free them from personal and partisan preoccupation that would defeat their aspirations and deprive the people of just and equitable solutions.

Lead us, O God of Love, in the way of peace and unity. Bind us together that we may be strong as a nation and provide for the world the leadership which the Divine economy intends. Guide us in Thy way and in Thy will.

We ask this for Thy glory in the name of Thy Son whose love and sacrifice encompasses all people. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the time for the two leaders has been reserved, and there will now be a period for the transaction of morning business until 10 a.m., with Senators permitted to speak for up to but not to exceed 5 minutes, with the following Senators recognized for up to the designated time: Senator GRASSLEY for up to 5 minutes; Senator ROTH for 5 minutes; Senator CAMPBELL, for up to 10 minutes.

At 10 a.m., the Senate will resume consideration of S. 1, the unfunded mandates bill, and the Senators will be on notice at this time that there are five consecutive rollcall votes scheduled to begin at 4 p.m. today. No further rollcall votes are anticipated after this series. Senators are reminded that we have until 3 p.m. today to offer their amendments for S. 1 to qualify under the unanimous-consent agreement.

The Senate will recess between the hours of 12:30 and 2:15 for the weekly party luncheons to meet. Also, a reminder to our colleagues that the Senators will assemble at 8:30 this evening in the Senate Chamber so we may proceed at 8:35 to the Hall of the House of Representatives for the State of the Union Address.

Mr. President, just one note. We will, as I indicated, be returning to the unfunded mandates bill at 10 a.m. this morning. There will not be any recorded votes until 4 o'clock. I hope the Senate will now really move forward in dispensing with amendments and getting to the point where we can pass this legislation this week, hopefully by Thursday night.

I think there is an outstanding bipartisan support for it. I think any further delays or unnecessary distractions would reflect very poorly on the Senate. I hope that we will move forward on this very important piece of legislation.

Mr. President, I yield the floor at this time.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Iowa is recognized to speak for up to 5 minutes.

Mr. GRASSLEY. Mr. President, I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 262 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CAMPBELL. Mr. President, I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 262 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

The Senator may proceed for 5 minutes.

UNFUNDED MANDATES BILL

Mr. THOMAS. Mr. President, I simply rise to express my concern about the lack of progress that we have made

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

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in the last several days on a bill that I think is generally supported in this body, certainly is supported by me and I know is supported by almost all of the leaders in local governments throughout the country.

I have watched the progress or, indeed, the lack of it on S. 1 for 7 or 8 days now. I have listened with a good deal of interest and watched the process, and I must tell you that it is an exasperating process. We have had, I think, more than 100 amendments, many of which were not germane to the issue that is before us. They certainly have to be considered as stalling tactics. I have heard Senators review endlessly the same kinds of issues on the floor which leads one to conclude that nothing more than stalling is happening.

We have heard discussions about previous years and the things that have happened in previous bills that have little, if any, relevance to what we are doing here.

I support the unfunded mandates bill. I think most people in the Senate support this bill, and I think the American people generally support this bill. I have come, as others have, from the House. I served in the Wyoming Legislature, and I have not seen a process which has no apparent purpose or goal be executed as has this one over the last several days.

I do not fully understand yet all of the intricacies, of course, of the U.S. Senate, but I do understand that there is a need to have a process by which people can insist upon more detail, can insist upon more time being taken so that everyone does understand, so that everyone has an opportunity.

But I must tell you that I have not been able to detect that there is any particular goal, that there is any particular purpose being served by the time we have taken here.

I think it is very important that we come to this place after having been through an election recently in which people in this country expressed themselves, I think, very clearly, expressed themselves in terms of wanting this Government to proceed, wanting this Government to move forward, wanting this Government to deal with the issues that are there, that are so apparent.

I think people are tired of unproductive maneuvers throughout the Congress, stalling tactics, and I think this is an example of that.

Mr. President, it seems to me that this delay over unfunded mandates is ultimately useless. The bill will ultimately pass. This will not change the outcome.

The bill is a flexible bill. It does not simply impose unfunded mandates on issues or on people, but it simply says there will be an accounting for what the impact of these proposals will be. It simply says that when there is an accounting that demonstrates an expenditure of over $50 million, that there will be cause for a point of order and a vote so that this Senate will take a look at it. Processwise, if the Senate continues to lag, action will be criticized.

Again, make no mistake, the bill will eventually pass. Changing Washington and changing the way we do business has been called for. It is a long process, but it is happening and it is happening now. Indeed, it should happen. Procedural changes such as a balanced budget amendment, such as limiting unfunded mandates, such as line-item veto, and, indeed, term limits are the kinds of procedural changes that will have an impact over time on the way we govern.

So we are witnessing the first protests of a huge change, and I understand that. Unfunded mandates will be banned. Washington will change. Some will not like it but the people in the country will. I urge us to move forward. I urge us to move forward and do the business of the people of this country.

I thank the Chair. I yield the remainder of my time.

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. KEMPTHORNE. 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.

DEATH OF THOMAS YAGI

Mr. INOUYE. Mr. President, I want the people of this Nation to know about the passing of Thomas Yagi, a caring and passionate man who sparked Maui's labor movement nearly a half century ago. He was a good friend and one of Hawaii's great native sons. I ask unanimous consent that the following editorial from the Maui News, dated January 12, 1995, entitled ''Tom Yagi: A True Giant of His Times,'' be submitted for inclusion in the RECORD.

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

[The Maui News, Jan. 12, 1995]

TOM YAGI: A TRUE GIANT OF HIS TIMES

In the past decade alone Maui County's population has grown by more than 40 percent, which means a good many people living here now don't know just how big a figure Tom Yagi was in Hawaii's labor movement. Without question, he was as big as they come.

Mr. Yagi, who died Monday at the age of 72, remains unchallenged as Maui's most esteemed labor leader. Through sweat, persistence and undying commitment to his cause in the face of powerful opposition, he rightfully earned that status. No part of his struggle came easy.

Back in the 1940's the word ''union'' was a dirty word to the owners of the giant plantations and their pawns in state government. Tom Yagi was a plantation warehouseman with a young family determined to make a better life for himself and those workers like him. He knew that wasn't going to happen on paychecks of a dollar a day.

He linked up with the International Longshoremen's and Warehousemen's Union and began to organize meetings, although most had to be held in secret, shielded from the vengeful plantation supervisors. The enemies of labor tried to equate the word ''union'' with the word ''communist,'' and congressional committees attempted to summon Hawaii's ILWU leaders to testify about their ''subversive'' activities. Tom Yagi, like his union colleagues, refused.

The success of the labor movement in Hawaii stands among the most significant social revolutions in this country's history, and it's not possible to overstate the role Tom Yagi played in it. For 30 years he led the Maui division of the ILWU, and never during that time did he change the focus of his mission—better wages, better health care, better education and a better life for the working class.

And he did it all in a rather mysterious fashion, commanding respect even from those on the opposite side of the table from him. While many union activists embraced militancy, Mr. Yagi somehow managed to achieve his objectives more so with diplomacy. He never shied from confrontation, no. But most often his keen ability to see more than one side to every dilemma led to solutions that averted conflict. For this he was as revered by those he fought against as by those he fought for.

Despite all his many accomplishments in the labor movement, the greatest source of pride for Tom Yagi was his family. In addition to his wife Miye, he also leaves behind two sons, six daughters, 22 grandchildren and two great-grandchildren. That the Yagi family has long been synonymous with community service on Maui is yet another testimony to the greatness of the man, Thomas Seikichi Yagi.

Maui has truly lost one of its most favorite sons.

SPEECH OF JACK VALENTI

Mr. COHEN. Mr. President, I recently read a speech that I believe deserves the attention of all Senators. Jack Valenti, the president and chief executive officer of the Motion Picture Association of America, a former aide to President Lyndon B. Johnson, and one of the most articulate and thoughtful people I know, delivered the speech in New York City, as the first in the Louis Nizer lecture series.

Jack Valenti's words that evening carry a special resonance for me and I think they will for others. They are words of optimism about our future, in a time when too many in our country do not feel optimistic. But they are also words of caution, directed toward all of us in this body and all of us in this city, who create the policies under which Americans live. They stress the importance of the family, of education, of appropriate moral conduct, of individual—not governmental—responsibility.

They are words to which we should all give careful consideration.

I ask unanimous consent that, following my remarks, the full text of Jack Valenti's speech be included in the CONGRESSIONAL RECORD.

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

WILLIAM FAULKNER'S OLD VERITIES: IT'S PLANTING TIME IN AMERICA!

(By Jack Valenti)

The issues of liberty and the replenishment of community values stirred restlessly within Louis Nizer. He and I talked often about the compass course of the society. We both had read the purifying speech of William Faulkner when he received the Nobel Prize for Literature, on December 10, 1950. Like me, Louis found in Faulkner's words a dark punishing wisdom, a plain, spare design for civic conduct. It is from Faulkner's vision that what I say tonight has taken wings. I think Louis would approve. Let me begin, then, by admiring this man, Louis Nizer, who has drawn so many of you here tonight.

In the muscular and musical English language which Louis knew so well, loved so much and illuminated so elegantly, there exits two words which perfectly describe him.

They are ''polymath'' and ''fidelity.''

Polymath means an artisan of immense learning in many fields.

Francis Bacon once said he had taken all knowledge to be his province. For Bacon it was not an immodest objective. But such were Louis Nizer's vast and diverse talents, he is the only man I know or knew who could come close to matching Francis Bacon. Lawyer, courtroom genius, public speaker, best selling author, painter, composer, lyricist, historian, counselor to presidents and public officials, he was all of these and more. And in each he performed with excelling intellect and ascending success.

Fidelity means faithfulness to obligations and observances.

Louis Nizer gave special meaning to the word ''fidelity.'' In his binding to the law, fidelity took on a richer meaning. The law in all its glory was the core of his life. It was the reservoir from which his daily tasks drew nourishment.

I first met Louis Nizer almost twenty-nine years ago when he came to visit with me in my office in the White House. I was about to resign as Special Assistant to the President, to become the President of the Motion Picture Association of America. He was to become the MPAA general counsel. Our paths that day not only crossed, but became intimately interwoven and forever sealed in friendship and trust.

His long, fruitful life is now over. Death, as it does to every mortal, has finally came to Louis Nizer. I can say that I am so grateful to a beneficent God that I was given to know Louis so intimately, so gloriously, so lovingly. He was a noble man. There are so few of his kind.

Any enterprise that bears Louis' name is valuable to me. This evening then, to me, has great worth. May the Louis Nizer Lecture series flourish in the decades ahead. May I do it as little damage as possible tonight.

I have been fortunate to spend my entire working career in two of life's fascinations, politics and movies. I have worked the precincts of my native Texas, within City Hall and county courthouses and the state capitol. I have been privy to decision making in the White House, at the side of a brave, extraordinary President. And I have for a long time been among and within the creative and executive communities of Hollywood and the world cinema.

Both arenas, movies and politics, and sprung from the same DNA. Their aims are the same: to entice voters and audiences to yield to their persuasions. What is the value of those persuasions? What is real? What is right? What is truth? Who determines it? Who furnishes the boundaries for the daily moral grind of a functioning society? How is that society to be governed? How do you shape a foundation for a nation's prime objective to endure, always striving to reach for the ascending curve?

These are ancient queries. Answers are available but often they are porous, not readily translated into specific behavior. Sometimes they are cast in different shapes to different people. Which answer is true? ''What is truth,'' said jesting Pilate, and would not stay for an answer.

I have thought a lot about this, though thinking about these matters is like trying to pick up mercury with a fork. It is maddeningly elusive. But we have to keep trying.

Herodotus tells the story of Athenians so emotionally affected by the drama, ''The Capture of Miletus'', by the poet Phrynichus, that the whole theater wept openly. When their passions had cooled, Athenian officials passed a law forbidding Phrynichus ever again to offer this play to the public. He was fined a thousand drachmas for reminding his fellows citizens of their own sorrows. It is an apt metaphor for our current scene. Nothing so much describes the perversity of political and social conduct, and calls to judgment the resorting to morality by public officials as an instrument of domestic and foreign policy.

It's a dicey political game to play. Like the Athenians we are deeply involved in that which tugs at both our practical minds and our moral conscience. Also like the Athenians we find the real world, the morning after, not so desirable as we had previously thought.

If morality is a rostrum from which we survey our lives, then it is also a principle on which we stand. Principles, unless one rises above them, are cruelly steadfast. If a principle is ignored, for whatever practical reasons, or bent, for whatever seemingly rational decision, then it is no longer a principle. It becomes a weak reed on which we lean at our own peril.

So it is that Presidents and Members of Congress, as well as officials of state and local governments, find themselves dealing with morality on a ''yes, but'' logic. If you tried to draw up a catalogue of the good guys and the bad guys, you wind up with public officials from the President down being judged on the same basis as that well known medieval monarch, Philip the Good, renowned in his time for both the number of his bastards and the piety of his fasts. Too often our officials, in both political parties, see issues through their own personal prism. To that end, the historian Procopius wrote about the Emperor Justinian: ''He didn't think that the slaying of men was murder unless they happened to share his own religious view.''

We are poised for a great debate in this land. It has to do with the reach of government, how wide, how narrow. But I daresay the debate will be waged on the wrong platform. Emerson may have gotten it right when he wrote: ''God offers to everyone his choice between truth and repose. Take what you please, you can never have both.'' Emerson is also speaking to this generation as well.

I am not a pessimist. Never have been. Don't intend to start now. This country did not survive more than 200 years of cruel disjointings to be undone at this particular moment by discomforts cataloged at length, mainly by TV commentators and political consultants. These are the new political Druids who convince their viewers and their clients that they alone are capable of inspecting the entrails of a pig and thereby are solely in possession of the bewitchery which will lead voters to a proper decision.

But this scrambling, unquiet, violent time is one of the rare moments in our history when those who govern us and those who are governed are in concert. Fear is the scarlet thread which runs like a twanging wire through the nation. Fear of tomorrow; fear of losing one's job; fear that children will find their future less attractive than did their parents; fear of crime, in the neighborhoods and in the home; fear that the old bindings which held the nation together are snapping: in too many cities there are too many broken homes, too much loss of the affection which thickens family ties, too much crazy drug use and users, too many guns in the hands of too many children, too many babies having babies, abandonment of the church, schools without discipline, life without hope, anger fed by imagined slights and bigoted blights.

No wonder there is fear. The first thing we have to do to combat fear is understand that no matter how well intentioned we are, unless we are guided by a basic moral compass, we will neither begin nor finish the journey. Make no mistake, the politicians are listening. There is nothing so compelling to a public official as the angry buzz of the local multitudes.

Therefore (ah, 'Therefore' is a wondrous word. It says enough of the rhetoric, what do you do tomorrow morning?), Therefore:

We ought to start with William Faulkner. In his speech in 1950, he cited what he called ''the old universal verities and truth of the heart, the old universal truth lacking which any story is ephemeral and doomed—love and honor and pity and pride and compassion and sacrifice. He might have added ''and duty and loyalty and service to one's family and friends and country.''

Faulkner's old verities have weight because they are what an enduring nation is all about. Old fashioned words? Yes, they are. Long-living words? Yes, they are. All the more reason why words which have sustained themselves in myth and reality are never out of date. These words describe neither religion nor ideology nor political affiliation. No group or faction or political party has a monopoly on interpreting their meaning.

What Faulkner's verities represent is a code of conduct between human beings, between the citizen and the state, between neighbors, friends, associates. They are better guides than a political poll, or the blatherings demagogues, or those earnest folks who insist they alone possess God's wisdom. We have an old prayer in Texas when we encounter these human repositories of divine Truth: ''Dear Lord, let me seek the truth, but spare me the company of those who have found it.'' Nice prayer. I say it often.

So, we begin with Faulkner's proposition that there are basics deep rooted in those crevices where each of us stores our beliefs and our passions. Without them we are barren of aim or cause or reason. Or as Faulkner said, without them we ''labor under a curse.''

Government cannot, ought not, be a national nanny, nor the custodian of our faith nor the divine arbiter of our lives. Each citizen must be responsible for his or her actions, fathers, mothers, sons, daughters. Parents must be responsible for their children. Adults responsible for there decisions. Young people responsible for what they do. Playing ''victim'', copping a plea that ''the Devil made me do it,'' these are mocking charades in which the foolish listen to the dunces and the dimwits lead the mob.

Taking responsibility for one's life, for one's action, does not mean turning away from the helpless and the hopeless. What it does mean is that if there is not a civic commitment to be individually responsible, the

future is pockmarked with detours and disappointment. But we must be wary in the months ahead. Strenuous efforts will be made to amputate the national government's intervention in the lives of those pressed against the wall because of circumstances over which they have no control. It would be tragic to do that. It would be worse than a crime. It would be a blunder. It cannot be allowed to happen.

To give Faulkner's old verities a communal reality, we have to begin within the family, for parents to care enough, believe enough, do enough to begin the process. Parents, sufficiently armed with passion, can do the most.

Alongside this familial commitment has to be a zealous attention to teachers and schools. We have to be willing to pay for first class public education or it continues to be lousy education. We can't build enough prisons, or wield enough judicial sabers, or legislate enough tough death penalty laws to compensate for the collapse of discipline in the classroom, or the graduation from high school of too many who can't read or write or the total loss of Faulkner's verities. In a time when our national obligations are larger than our capacity to fulfill them all at the same time, our leaders must make it clear—painful, discomforting, frustrating as it may be—that we have to reinstall the family and the school and the church as the central teaching centers for young people. We have to begin the journey back into ourselves before we can go forward into our future. Too idealistic? Too namby-pamby? too impossible? 'Yes,' to all of those descriptions if you think a society can just amble along and keep its liberties alive when so much of its core convictions are in a state of decay. I don't. Every day liberty must be guarded, because like virtue it is every day besieged.

Then, why am I optimistic? Because all things are always in flux. Nothing lasts forever, neither triumph nor tragedy, nor the omissions of the human spirit. So long as we understand who we are, why we are what we are, and how we became so, then we will always be able to know where it is that we ought to turn and where we must go. Of course, this requires a national conviction. Without conviction, said Lord Macaulay, a man or woman will be right only by accident.

President Kennedy supposedly told the story of a French general in Algeria who wanted to plant a special kind of tree to line the road to his chateau. ''But,'' protested his gardener, ''that tree takes a 100 years to bloom.'' The general smiled and said: ''Then we have no time to lose. Start planting today.''

It's planting time in America. Faulkner's old verities will take root again much sooner than the General's trees.

TRIBUTE TO FRED MUDGE

Mr. MCCONNELL. Mr. President, I rise today to recognize the career accomplishments and community leadership of Mr. Fred N. Mudge upon his retirement as president and CEO of Logan Aluminum, Inc., in Lewisburg, KY.

Mr. Mudge began his career 32 years ago as a plant manager with Anaconda Aluminum. Later, his aptitude for innovation and demand for quality guided him in his progress from site manager for Anaconda's Alpart facility in Jamaica to the position of vice president of technology for Anaconda and ARCO Metals of Chicago. In 1985, Fred Mudge invested his tenacity and experience in the position of president and chief executive officer for a new Kentucky company, Logan Aluminum, Inc. Through his foresight and hard work, Logan Aluminum today is a world leader in aluminum can sheet stock production.

Mr. Mudge's personal quest for excellence is not limited to the worksite. As a member of the Lewisburg community, he contributed to the revitalization of the local chamber of commerce and the establishment of an economic development commission. In addition, he assisted in the founding of Lewisburg's junior achievement program. Today, Mr. Mudge continues to work on behalf of his community as a member of the Logan Memorial Hospital board and the Western Kentucky University board of regents.

Mr. President, Fred Mudge's work as an industry leader and dedicated community volunteer demonstrates the essential skills and determination our Nation needs to successfully meet the future challenges of job creation and community development. While his daily leadership at Logan Aluminum will be missed, I am confident that the Logan County community will continue to enjoy the benefits of his energy and insight well into the future.

TRIBUTE TO DOROTHY A. HARDY

Mr. GREGG. Mr. President, today I rise to recognize one of my constituents, Mrs. Dorothy A. Hardy, for her many contributions to the town of Pelham, NH over the past 25 years.

Mrs. Hardy's distinguished services to the town of Pelham have included: dispatcher for the Pelham New Hampshire Police Department since 1970; active organizer with the Pelham Good Neighbor Committee; supervisor of the checklist chairman for over 25 years; long-time Republican Party activist, including 1980, 1988, and 1992 town chairman for President George Bush; member of the Pelham American Legion Post 100 Auxiliary, and Pelham newspaper correspondent for the Lowell Sun.

I would like to take this opportunity to highly commend Mrs. Hardy for her dedication, commitment, and numerous contributions to the town of Pelham and its citizens.

Mrs. Hardy has always been a source of great pride to her family, friends, and coworkers and will be sorely missed as she begins her retirement. I would like to extend a special thanks for her outstanding services and wish her all the best for a healthy and prosperous retirement.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in a trillion dollars? When you arrive at an answer, remember that it was Congress that ran up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Monday, January 23, the Federal debt, down to the penny, at $4,796,793,782,628.86—meaning that every man, woman, and child in America now owes $18,208.71 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million million in a trillion, and you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate continued with the consideration of the bill.

Pending:

Hatfield amendment No. 181, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

Dorgan-Harkin amendment No. 178, to require the Board of Governors of the Federal Reserve System to submit a report to the Congress and to the President each time the Board of Governors of the Federal Reserve System or the Federal Open Market Committee takes any action changing the discount rate, the Federal funds rate, or market interest rates.

Hollings amendment No. 182, to express the sense of the Senate concerning Congressional enforcement of a balanced budget.

Graham amendment No. 183, to require a mechanism to allocate funding in a manner that reflects the direct costs to individual State, local, and tribal governments.

Graham amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Wellstone amendment No. 185, to express the sense of the Congress that the Congress

shall continue its progress at reducing the annual Federal deficit.

Wellstone amendment No. 186 (to amendment No. 185), of a perfecting nature.

Murray amendment No. 187, to exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy.

Murray amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Graham amendment No. 189, to change the effective date.

Levin amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Levin amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate.

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Levin amendment No. 177, to clarify the use of the term ''direct cost''.

Dorgan amendment No. 179, to express the sense of the Senate regarding calculation of the Consumer Price Index.

Harkin amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Bingaman amendment No. 191, to provide that certain legislation shall always be in order.

Bingaman amendment No. 192, to establish the application to requirements relating to the treatment and disposal of radioactive waste.

Kohl amendment No. 193, to provide that any State, local, or tribal government that already complies with a new Federal intergovernmental mandate shall be eligible to receive funds for the costs of the mandate.

Bingaman amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Kempthorne amendment No. 196 (to amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

McCain amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations.

Lautenberg amendment No. 199, to exclude from the application of the Act provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency.

Mr. KEMPTHORNE. Mr. President, today we begin the seventh day of debate on S. 1, the bill to curb unfunded Federal mandates. I believe we are beginning to see progress. We have had good discussion on this. I think Senators from both sides of the aisle feel that we have an atmosphere where they can make their statements, offer their amendments. Yesterday, 27 Democratic amendments were filed; 4 Republican amendments were filed. Today after 4 o'clock there will be votes on four amendments that had been presented.

I know that we have a number of Senators today who will be filing their amendments and I encourage them to do so, so we can get to those who have amendments, ensure that they are properly before us so we can deal with them and have the discussion.

I would like to read, Mr. President, one paragraph from the 1995 National League of Cities' opinion survey report.

I ask unanimous consent that the entire report be made part of the RECORD, and I will only read the first paragraph which says:

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cities and towns, according to the National League of Cities' annual opinion survey of municipal officials.

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

1995 NLC OPINION SURVEY NEWS RELEASE

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cites and towns, according to the National League of Cities' annual opinion survey of municipal officials.

''This agenda—safety, governmental accountability and a sound economy—reflects what is most important now and for the future well-being of our nation's cities and towns. It represents a ''Contract for Americans'' that unites local government leaders throughout the country,'' said NLC President Carolyn Long Banks, councilwoman-at-large of Atlanta.

The NLC survey, conducted in October and November, found that public safety dominated the assessment of current problems and future concerns. The findings, are based on responses by 382 elected municipal officials drawn from a random sample in cities with populations or 10,000 or more.

Five of the top six most deteriorated conditions reported by local officials involved crime and violence: youth crime, gangs, violent crime, drugs, and school violence. Three of the ten ''most important conditions to address'' in the next two years relate to public safety: violent crime, youth crime and gangs.

Unfunded mandates—laws or regulations imposed on cities, but without funding by federal or state governments—continued as the top single issue adversely affecting local governments. Mandates led the list of conditions which worsened in 1994, which deteriorated the most over the past five years, and which were most important to address in the next two years.

Nearly half of the survey respondents reported improving local economic conditions for the second year in a row. At the same time, attention to economic matters remained a major concern for the future, appearing in four of most important issues to address in the next two years.

''These are the big, pervasive issues that affect the quality of life and the ability to govern responsibly and responsively in our hometown communities,'' said Banks.

''Making progress with them will make the most difference, for the most good, for the most people, more than anything else, including tax cuts. That's because these are the essential ingredients for a real and lasting empowerment of our citizens and our communities, and that's where the future strength and prosperity of our nation begins,'' she said.

THE STATE OF AMERICA'S CITIES: ELEVENTH ANNUAL OPINION SURVEY OF MUNICIPAL ELECTED OFFICIALS

(By Herbert L. Green, Jr.)

HIGHLIGHTS

NLC's 1994 survey results are dominated by concerns about public safety and unfunded mandates. Local economies also remained an important concern. Three hundred and eighty two (382) of the nation's municipal officials responded to the survey, which was mailed out before the November elections.

Public safety

Nearly two out of three (63.4 percent) of city officials say that your crime worsened in their locality in 1994.

Crime and violence dominate the ''most deteriorated conditions'' over the last five years. Five out of the top 6 most deteriorated conditions reported by local officials focused on public safety concerns.

Three out of 10 of the ''most important conditions to address'' in the next two years relate to public safety.

More municipal elected officials (63.6 percent) selected ''strengthening and supporting family stability'' as one of the top five measures most likely to reduce crime than any other. The next four items on the list are: jobs and targeted economic development (48.4 percent, more police officers (39.8 percent), after-school programs (33.0 percent), and neighborhood watch programs (33.0 percent).

Fifty five percent of elected officials reported that police/community relations improved in 1994. Thirty seven percent of local officials reported that police/community relations was one of the ''most improved conditions'' over the last five years.

Unfunded mandates

Seventy-five percent (74.6 percent) of municipal elected officials indicated that the impact of unfunded mandates worsened in 1994.

Mandates topped city officials' list of the ten ''most deteriorated conditions'' over the last 5 years. Thirty-five percent (35.1 percent) of officials indicated that unfunded mandates were the most deteriorated condition over the last 5 years.

Forty-two percent (41.9 percent) of local officials reported that citizens understand well or somewhat the issue of unfunded mandates in 1994. This was a 15 percentage point increase from the 27.5 percent reported by local officials in 1993.

Local economies

Four of the top 10 ''most important conditions to address'' in the next two years are related to local economies. More than one-fifth of local officials reported that city fiscal conditions (25.2 percent) and economic conditions (21.1 percent) were most important to address during the next two years.

Forty-eight percent (48.3 percent) of local officials reported improved local economic

conditions in 1994, and 46.4 percent of local officials reported that local unemployment conditions improved in 1994.

At the same time, about one-fifth of other municipal officials reported that the economic conditions and unemployment had worsened in their locality (21.7 percent, and 18.8 percent respectively).

Local governance

Fifty three percent (53.3 percent) of local elected officials indicated that municipal service levels were maintained in 1994. Two-thirds (64.4 percent) of these officials reported that even if city tax rates and fees are not increased in 1995, they will be able to maintain service levels.

Seventy-one percent of mayors, city council members and other elected officials indicate that their cities and towns are involved in local education reform/improvements efforts.

Ten percent (9.5 percent) of responding officials indicated that their cities and towns have a formal telecommunications policy for participation on the ''information superhighway.'' Seventy-eight percent of officials indicated that they are either working on or thinking about putting a telecommunication policy in place.

More than four-fifths (85.6 percent) of local elected officials believe that regional cooperation is important in helping local government achieve its goals.

MANDATES

''So we must keep saying over and over again until the members of the 104th congress heed our cry. 'No check, no mandate . . .' For we must accept the challenge our constituents have set before us; the challenge to balance our budgets without expected and uncontrolled costs; the challenge to be in charge of our destiny.''—keynote address, Mayor Sharpe James, President, National League of Cities, Annual Congress of Cities Conference, Minneapolis, MN (December 2, 1994)

Forty two percent of local officials reported that the citizens in their community understood the issue of unfunded mandates either well or somewhat in 1994. Twenty seven percent of local officials reported that citizens in their communities understood the issue of unfunded mandates either well or somewhat in 1993. Fifty eight percent of officials reported that citizens in their community either understand little about the issue or they do not understand the issue.

OVERALL CONDITIONS AND MANDATES

Municipal elected officials (see Chapter 2) reported that overall conditions related to mandates worsened in 1994. Seventy four percent of local officials indicated that unfunded mandates worsened in 1994.

Unfunded mandates also topped city officials list of ''most deteriorated conditions,'' over the last 5 years. When local officials were asked about the most deteriorated conditions in the last five years, 35.1 percent of them indicated that unfunded mandates was one of the most deteriorated conditions. From a list 26 ''conditions'' unfunded mandates was most often mentioned by city officials.

When local officials were asked about the most important conditions to address during the next two years, 28.7 percent picked unfunded mandates. Unfunded mandates and (violent crime at 28.4 percent) topped city officials list of the ''most important conditions'' to address in next two years.

Mr. KEMPTHORNE. Mr. President, this whole study reflects the reason the National League of Cities, the U.S. Conference of Mayors, the National Governors Association, the National School Board Association, and others are so supportive of the efforts of Senate bill 1, as well as the variety of entities in the private sector.

With that, I know that we have Senators who are here to file amendments.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments will be set aside.

The clerk will report.

AMENDMENT NO. 200

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 200.

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

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

The amendment is as follows:

On page 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

''(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress.''

Mr. BYRD. Mr. President, I ask unanimous consent that further consideration of the amendment be delayed until later at such time as I may wish to call up the amendment. I offer the amendment simply to qualify under the agreement.

I ask unanimous consent that my amendment be temporarily laid aside.

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

Mr. BYRD. I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 201, 202, AND 203, EN BLOC

Mrs. BOXER. Mr. President, I send to the desk three amendments en bloc for the purpose of complying with the unanimous-consent agreement of Friday, January 20, and ask that they be temporarily laid aside for debate at a later time.

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

The amendments (Nos. 201, 202 and 203) are as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike ''or'' after the semicolon.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following:

(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.

AMENDMENT NO. 203

On page 13, line 5, strike ''or''.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following new paragraph:

''(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.''.

Mrs. BOXER. Mr. President, I want to thank the managers of the bill. They have been cooperative with me. They know that I care a lot about these amendments.

I would like to make a couple of comments about issues that do not have to do with S. 1 and then return to that.

ROSE FITZGERALD KENNEDY

Mrs. BOXER. Mr. President, I send my condolences to the Kennedy family. The Kennedy family has given this country great men and women. They have been profiles in courage in so many ways, and Rose Kennedy certainly was one of those profiles in courage.

I just want to send my deepest sympathy to my friends in the Kennedy family. In behalf of the people of California, we send our condolences to the family.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, I was very pleased that last week the Senate took a little time out to pass a very important amendment regarding violence at health care clinics around this country. I know it was difficult for some of my Republican friends to stop other business and pending matters. They have a contract they want to get through. But as I pointed out, the world goes on, contract or no contract, and we need to respond.

I think the fact that we did respond before the anniversary of Roe versus Wade was very important in terms of timing. I went to a clinic in California in Riverside County. I want to tell my friends in the Senate on both sides of

the aisle that those doctors, those nurses, those patients that came out to commemorate Roe versus Wade were very grateful to the U.S. Senate, and very grateful to the Attorney General because marshals were sent there to ensure their safety.

As I said to those who came to the commemoration of Roe versus Wade, this is the greatest country on Earth because we settle our problems peacefully and we are not like Bosnia and other countries where we decide issues through the barrel of a gun. There are going to be very many issues that we face in our Nation that are going to divide us. The beauty of America is that we are tolerant, or should be tolerant, of each other's views, and we will decide these issues with the rule of law.

Unfortunately, yesterday we heard from some of the organizations that want to make abortion illegal in this country. We heard that they put out a hit list of a dozen physicians. They handed out the names of these physicians, their addresses, their photos, and the stalking continues. The stalking goes beyond the physicians, to their families, their children, their loved ones at their churches, synagogues, at their homes, places where one should be at peace.

So I will call on all sides in this very difficult debate to condemn violence. When we speak to each other, speak in terms that do not insight violence. We cannot on the one hand say this is murder and then take no responsibility when someone takes those words literally.

I again want to thank my colleagues in the U.S. Senate on both sides for that overwhelming vote on that resolution, which I understand has been extricated from this bill and stands on its own as a sense of the Senate. I think it is very meaningful. I think we have to keep our eye on that issue.

Mr. President, violence seems to be so common in the world today. The tragedy that took place in Israel must be condemned as we have condemned such terrorism before. If peace talks are abandoned in the Middle East because of violence, then the terrorists will have won. That is another area where I hope we can perhaps take off our green eyeshades for a few minutes and let the world know that the U.S. Senate condemns that kind of international terrorism.

Mr. President, I have been waiting a long time to speak about S. 1. I am a member of one of the committees of jurisdiction, the Budget Committee. At the time that the Budget Committee took up S. 1, my chairman, Senator DOMENICI, and my ranking member, Senator EXON, asked if I would delay my amendments until we got to the Senate floor. I feel very strongly about these amendments, but I agreed to that because I like the thrust of S. 1. I was in local government myself. This is a good bill. I want to see this bill passed. I think it is a good bill. I believe the amendments that I offered will make this bill a better bill. I believe many of the amendments offered by Senator LEVIN will also improve the bill, and I must praise him for his incredible work on this bill. I watched until the last moment last night as Senator LEVIN asked both managers for their views on certain important issues surrounding S. 1.

I think it is fair to say both managers were very articulate but in some cases did not exactly agree with each other on some provisions in S. 1. These are the things that we need to work out so that we have a good bill, so that we do not have a bill that is going to paralyze this U.S. Senate and hurt the people of this country. That is not anyone's intent. But I think we have to examine this bill and see what it does. I am going to go over these charts that explain exactly what happens under S. 1 and whether we feel it has not crossed the line and become paralysis by analysis.

Again, I want to say that I am in agreement with the thrust of this bill. I was a local government official for 6 very proud years, a member of the board of supervisors of Marin County, CA. I won my first seat in 1976, and I saw many laws that were passed down from the State, and Federal Governments that we had to deal with. By the way, some of them were excellent laws. Some of them were paid for. Some of them called for partnerships between Federal, State and local government. I, frankly, grew up in politics with the understanding that there should be a partnership here.

When someone comes to the U.S. Senate, it does not make them a bad person. I am the same person I was when I was a local elected official. I am just a little bit older and a little bit grayer and perhaps, hopefully, a little bit wiser.

But the bottom line is that I am that same person that wants to make life better for my constituency. I think it is important that we discuss who our constituency is. Every day I hear letters from Governors and so on, that they love this bill. I understand that. I was not sent here by the Governors, I was sent here by the people of my State. As much as I want to work with Governors and local officials—and I have an excellent relationship with them—I have to make sure that what we do is not to make life better for Governors, but rather to make life better for all Californians.

As I was on the local board of supervisors, we got a mandate that came down from the Federal Government that, in case of nuclear war, we had to have a plan to evacuate our citizens because we were very close to a targeted area; namely, San Francisco, and all of the ported ships there. San Francisco was on the Soviet Union's target list for a nuclear bomb. So, sitting as a member of the board of supervisors—and at the time, there were three Republicans and two Democrats on that board—we got a mandate down from FEMA saying we had to figure out a way to get our people out of town in case there was a nuclear war. By the way, they were counting on a 24-hour notice for the bomb to drop. We were told that we had to evacuate to the county to the north of us, and they named that county, Sonoma County, the host county. We were the evacuees. We were supposed to go to the host county. FEMA said, ''You better make sure your people bring cash because they are going to have to fill up their cars with gasoline, and the attendants at the gasoline stations are going to be too busy to take credit cards.

That was the most incredible mandate I had ever seen. That board of supervisors, on a 5–0 vote, said: We do not want this mandate and this money; this makes no sense at all. We never took the money and we never planned it, because we know the only way to survive a nuclear war is not to have one. That ought to be where the efforts went, not trying to figure out ways to get people out of town because you could not escape the range of the kind of nuclear bomb that we were talking about.

So, yes, I understand the problem with these mandates. I hear stories like that wherever I go. So there is no question about it that we must address the problem of unfunded mandates. We should step back and look at what we are proposing, make sure it serves the national purpose, and if it is appropriate for State and local government to be involved in this. And certainly if it is an expensive mandate, we should figure out how to pay for it.

I am disturbed by some aspects of this bill. This bill is not the same bill that was before us last year—a bill that I supported, a bill that was not bureaucratic, a bill that was simpler to understand. But I think we can fix this bill. I am extremely hopeful that my amendments will pass, and I am going to explain what they are and that many other amendments will pass with this bill, so that it is a good bill.

We have to be careful not to prescribe a cure that is going to hurt our people unintentionally. I want to make a point about what the American people want. There is always talk after an election about what they want. I think it is fair to discuss the ramifications of this election. But there is a Wall Street Journal-NBC News poll that shows in many areas, including protecting the environment, protecting civil rights, strengthening the economy, improving the health care system, and reforming welfare, the public believes the Federal Government should play a larger role than State or local governments. And those percentages in this poll were rather dramatic. So the people are not saying to us, ''Do nothing''; the people are saying to us, ''Get it right.'' They are saying, ''We send you back there to care about the environment, to care about our jobs, to care about the economy, to care about crime, to care about welfare, but get it right.'' I do

not think they sent us here to create a bureaucracy and a system here that could well paralyze us as we try to meet those needs of the environment, health care, welfare reform, and all of the things people think we ought to address.

I also want to make a comment about the Democrats voting against the cloture motion so that we can continue debating this bill. I have listened very carefully to the debate, and having witnessed 2 years of Republican filibusters—and as BOB DOLE says, you are the experts, my Republican friends; the Republicans taught the Democrats how to do it. I know a filibuster when I see one and when I am in one, and we are not in one, and this is not a filibuster.

This bill needs amending. This Senator said in a very bipartisan spirit in the Budget Committee that I would withhold my amendments. I offered one amendment to sunset the bill, and it was voted down three times on party line votes. But as far as my amendments of substance, this Senator said she would put off her amendments until we got to the floor. And I voted for the bill, to move the bill forward, because I like the thrust of it and I want to fix it, and I hope I can vote for it.

The distinguished majority whip called me, and he said, ''Senator can you drop some of your amendments.'' Mr. President, I did not want to drop any of my four amendments, but I agreed to drop one of the four amendments in a bipartisan spirit. I said, ''All right, I think Senator WELLSTONE has a similar amendment to mine on the benefits of some of these mandates, and so I will work with him and I will drop my amendment.'' We have done that, and I will talk more about that later.

I agreed to drop one of my amendments in good spirit, because I knew that we want to move this process forward. So we are not seeking delay, we are seeking answers to questions—unanswered questions. I thank Senator BYRD, once again, for insisting on committee reports. It was very important that all views be known on this bill. I was rather stunned when on another party line vote the Budget Committee and the Governmental Affairs Committee voted not to issue committee reports. I do not ever remember that happening when the Democrats were in the majority. I could be wrong, but I have certainly no personal memory of that.

Mr. President, I would like to show the Senators and the public the kind of process that we are now dealing with currently under S. 1, a process that is quite different from where the bill was last year. I am going to go over this chart, not read everything on it, but try to make it clear as to why I have some concerns.

Mr. WELLSTONE. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. WELLSTONE. Mr. President, I wonder if I could ask the Senator whether I could, in less than 20 seconds just offer two amendments, en bloc. That is all I need to do, given the unanimous consent agreement. Will the Senator consent to that?

Mrs. BOXER. Mr. President, I ask unanimous consent that I may yield for the Senator to put forward his amendments without losing my right to the floor.

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

AMENDMENTS NOS. 204 AND 205

Mr. WELLSTONE. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes amendments numbered 204 and 205.

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

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

The amendments are as follows:

AMENDMENT NO. 204

Insert at the appropriate place the following:

''( ) The term ''direct savings''—

''( ) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, or tribal government as a result of compliance with the federal intergovernmental mandate.

''( ) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate.

''( ) shall be interpreted no less broadly than the terms 'Federal mandate direct costs' and 'direct costs.'''

AMENDMENT NO. 205

Insert at the appropriate place, the following:

''( ) Notwithstanding any other provision of this Act, no point of order under paragraph (1)(A) of Section 408(c) shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director reasonably to carry out the Director's responsibilities under this Act.''

Mr. WELLSTONE. I thank the Chair, and I thank the Senator from California.

Mrs. BOXER. Mr. President, it was my pleasure to yield time to expedite the business of the U.S. Senate.

I want to now start explaining this chart, or I should say, these two charts. We could not fit all of these procedures onto one chart, so we actually had to make up two charts to show what goes on here with S. 1.

And, again, I am not going to go through every step, but I am going to try to take you through a little bit of it because here we are about to pass this bill, and I venture to say not too many people in the U.S. Senate are aware of what we are about to do here unless there are some changes.

The legislative committee proposes the bill that will likely impact State and local governments or the private sector. It then goes to the committee which, if it approves the bill, now has to take two tracks. The committee sends the bill to the Congressional Budget Office with identification of any Federal mandate, and CBO, the Congressional Budget Office, sets its whole process in motion. That is the red. The committee is the yellow. This is the red for CBO, and I will get back to that in a minute.

While the CBO is making its analysis of the costs, the committee prepares its report. It has to wait, really, until CBO gives them the number but, hopefully, if all works right—and around here, in my memory, I do not know that all works right most of the time—but assuming we will give it every break, everything works right, and the CBO, after talking to, I assume, hundreds if not thousands of folks, because they do talk to and interview people all over to make their analysis, now comes in with the cost.

So the committee report comes in with the expected direct cost to State and local governments and the private sector, a qualitative and quantitative assessment of benefits expected, and how you get to the benefits is a whole other issue.

How will CBO quantify the benefit of immunizing a child? The benefit of cleaning up the air? What is the benefit if people do not get asthma and they can come to work more? That is a whole other question that this bill does not really answer. What is the benefit of cleaning up the water, taking the lead out, the mercury out, the bacteria out? Just ask the people in Milwaukee, where 400,000 of them got sick and 120 died because of cryptosporidium, a parasite which got into the water supply.

But those benefits, frankly, are not going to be calculated as part of the net costs under the bill currently before us.

CBO will also analyze the impact on the private and public sectors and report on the extent of change to competitive relationships between State and local government and private business, and add a statement of whether the bill preempts State and local law.

Now this could take a year. But it is going to be pushed through.

Under the best of circumstances, and if the mandate is less than $50 million, the bill moves to the floor and it gets to the Parliamentarian. So that is where I am up to.

Now, first, if the bill is more than $50 million, there are additional committee statements on an increase or decrease in Federal assistance or of authorization of appropriations; second, whether mandates are fully or partially funded and the rationale; and third, whether the bill preempts State, local, or tribal law.

And then those additional committee statements come here to the floor.

Now, this is where the Parliamentarian gets into it. Now, Mr. President, I think the Parliamentarians are terrific. I had the joy of sitting where you sit for 2 years when we were in the majority. These Parliamentarians are brilliant. There is not one question you ask them that they will not come up with the right answer. I never had an experience like that.

But these Parliamentarians are not elected by the people and they are not accountants. For all of their standing and the fact that their faces are on CNN and C–SPAN, people do not know these Parliamentarians. They do not, in California, vote for these Parliamentarians. And yet, the Parliamentarians have the life-or-death power over not only every bill that may impact State and local government, but every amendment that any Senator sends up.

So here is where we are. We now have the Parliamentarian having about as much power as the committee. If you look at the green, the Parliamentarian determines whether the point of order under S. 1 applies to the bill. The Governmental Affairs and the Budget Committee might be consulted at this point. But they do not have to be, and it goes and it moves. A point of order cannot be raised if the bill contains costs that are less than $50 million; or if the bill contains costs that are greater than $50 million to State and local governments but increases direct spending.

So, in other words, if we raised the taxes, a point of order cannot lie against it. A point of order cannot lie if the bill increases receipts to meet the full costs of the mandate. A point of order cannot be raised if the bill contains costs that are greater than $50 million to State and local governments and increases appropriations to meet the direct costs of the mandate. The bill must, one, state the yearly total amount, state the source of the funds, and state the minimum amount necessary in each appropriation, and provided that the appropriations are not made available in the future, the mandate would expire or the mandate would be reduced by the corresponding drop in funding.

So there would be no point of order in that scenario. If there is no point of order, the bill continues on the floor, Mr. President. But then, the bill is open to amendment.

Now, the amendment process around here is greatly valued by every single Senator. It is our opportunity to bring our priorities for our people to the floor of the Senate.

So here we go. The bill manages to make it through all this, if it is still alive and on its feet. If it is amended, the whole process starts all over again.

Can you imagine that? Every floor amendment is subjected to this entire process, and you start all over again. Every single amendment.

I daresay, if you look at the amendments that have been offered to bills over the last year, Republican and Democratic amendments alike, they probably number into the thousands. Imagine this bureaucratic nightmare being repeated for every single amendment?

Now, when the bill was first written last year, it provided for a CBO cost estimate and if it did not have it, a point of order could be raised on the floor. That was sensible, because we wanted to make sure that our people were aware, if we were proposing laws, that there was going to be a cost.

But all these new layers were added. And, by the way, I hasten to add, Mr. President, this is all repeated on the House side. And if you have a House bill and a Senate bill that are not the same, guess what happens? It starts all over again with the conference report. We are back to square one. With the conference report, it starts all over again, and I have not even gone into all the steps CBO has to take.

They have to talk to everyone you can imagine to come up with their estimate because, after all, this is a great responsibility on unelected bureaucrats. We are putting so much power in this bill on unelected bureaucrats, CBO, Parliamentarians, these may be the best people in America, for all I know. But they were not elected by the people of California. And if we pass a bill that says we found out from the Kobe earthquake that we need to seismically upgrade our bridges and our highways, and we decide that it makes sense to make sure that the planners keep this in mind, and we want to pass such a law, but we cannot get the votes to waive the point of order, the bill dies. Yes, it may be a cost on State and local government. But do you know what the savings would be?

Know what the savings would be? Mr. President, when I was on that board of supervisors we were in a beautiful Frank Lloyd Wright building. It was his last building that was constructed before his death, the last public building. Unfortunately, it was very unsafe from earthquakes. When I found out about it, I went to my colleagues and said, ''We sit in a beautiful, magnificent building that houses 1,200 people; in case of an earthquake they will be history.''

Some of my colleagues said, ''Do not talk about it, Barbara. Do not talk about it. We do not have the $5 million to do this.''

I said, ''We have to do it because $5 or $10 million of investment to save 1,200 lives is a very important investment, and in the end if we save 1,200 lives we have saved countless millions of dollars, and we have saved heartbreak and distress.''

And we did it. So, yes, certain things have an up-front cost but they have a payoff, by the way, not adequately reflected in S. 1.

Mr. President, I hope I have shown what this bill would do. Now, that does not even get into what Federal agencies have to do if this bill passes.

The orange shows all the things that agencies are required to do. Assessment of the effects on regulations, State and local governments and the private sector, minimizing the burden on governmental entities, continued regulatory functions, a pilot program to reduce compliance and reporting requirements on small government. All these things are good. I support them all. But all these are burdens on agencies, and seems to me, while we are doing this, now we are laying over this whole structure a legislative process which does not even wait for the outcome of these other, very expensive, analyses. Agency consideration of a proposed rule, agency determination of cost, cost to local, tribal, State governments of less than $100 million aggregate cost. It moves on and on, all the things they have to do before they can go forward with a rule.

Then there is this Advisory Committee on Intergovernmental Relations, ACIR. They are reviewing existing mandates. This is all the work they have to do. Well, I am glad that they are looking at this. I think this is very useful.

But it seems to me when we put this all together into one bill, we are placing additional layers of complication on top of Government processes which are already unwieldy. We complain about it. At least many Senators do. We are laying on hundreds of steps, if not thousands of steps—hundreds of millions of dollars of work. Reports, paper, shuffling, unelected people having power. Therefore, I think since this bill has changed so dramatically from the very straightforward bill of last year, which I supported, I think we have to be very careful and consider these amendments which are going to make this bill better.

I would ask the Senator from Kentucky, is he interested in sending any amendments to the desk at this time? I would be happy to pause while he does that.

Mr. FORD. Mr. President, may I answer that question from the distinguished Senator from California without her losing the right to the floor. I have an amendment, I say to my friend from California, we are now attempting to work it out. It may be acceptable. So I thank the Senator for her courtesy, as always, but we may have to ask at some point, but not now.

Mrs. BOXER. Mr. President, I thank the Senator, and this Senator stands ready to yield at any point without losing her right to the floor so we can expedite the bill. It is not my purpose to slow down, but to get on the record my feelings about where we are and why I think these amendments are entitled to be heard and why they are so important.

There are so many unanswered questions and so many ambiguities. Again, I want to mention that Senator LEVIN

has really done this U.S. Senate a service. If Members watched his questioning of the managers, some of the questions he asked. How does the bill cover floor amendments? I have just explained to Members the way I believe it covers floor amendments, that when an amendment is presented to the bill, we have to go over the same ground again.

By the way, I think that Senator LEVIN raised a very good point, does a Member have a right to get a CBO estimate if a Member of the Senate believes that he or she wants to offer an amendment, is that Member entitled to get an estimate and not have to go through an authorizing committee? How can that Member come to the floor? There will be prejudice against that amendment if these things are not costed out. I was heartened to see that both managers, I believe I am correct, and I ask the Senator from Ohio, both managers agree this is a problem. The Senator is indicating yes. These are ways we can improve this bill.

We also have to make sure that we know if a reauthorization lapses and it is later taken up by Congress, would that reauthorization be considered a new mandate. How would the less money/less mandate drawdown provision work in the real world? How will the bill's exclusions work?

Let me bring one out. Would the Freedom of Access to Clinic Entrances Act that Congress passed last year have been exempted under the civil rights exclusion? No one has been able to answer that question. If it would not meet the exclusion, would we have to then have a vote on whether or not to provide the States with all the funds they might need?

Will the CBO analysis be an obstacle to efforts to protect the health and safety of our people? For example, will it put a dead stop to the Safe Drinking Water Act? To worker safety, earthquake safety? Will it put a dead stop to things that people need? The Governors may like it, but what abut the people we represent?

The bill says direct savings to a State or local government from a mandate will offset the mandate cost amount. I applaud that. But the bill does not define ''direct savings.'' What about the costs of not enacting health and safety protections? Do the savings that accrue to the American people from such protections offset direct costs from the bill? For example, if a child's lung capacity is lower because of air pollution and that child is chronically ill, what are the savings associated with cleaning up the air? I want Senators to know, my friends here in the Senate, that a child living in Los Angeles has a significantly lower lung capacity than a child born in a clean air area. That is wrong. We cannot put ourselves in a bureaucratic nightmare when we want to protect kids' health. Or retrofit bridges so they do not collapse in the next earthquake.

Now, I plan to offer an amendment to prevent the bill from weakening our ability to protect the most vulnerable members of our society. There are many who say the measure of a society is the way it treats its most vulnerable. Not its powerful. Not the healthy. Not the vigorous. That is easy. Because those of us who are healthy, we do not need much help. We will make it through. But the most vulnerable, the children, pregnant women and the frail elderly—this amendment would add bills that protect children and others to the list of mandates not subjected to the procedural hurdles that are created by S. 1 right here. It would be a statement.

It would say when we say we are for the children, and we are for the elderly, and we want healthy pregnant women so they have healthy babies, that we mean it. And the Boxer amendment will give a chance to everyone, Republicans and Democrats, to go on the record in that regard.

Look, there are exceptions in this bill. And they are very important. I submit that if there were no exceptions put into this bill then I would take that as a signal that the bill really is easy to administer.

But the bill is difficult to administer. By the way, I think that is part of the idea, you make it tough, make it tough to spend money in the future. But it is so tough, this new version of this bill—very different from last year's version—that there is an exception section, and I am suggesting we add some things to it, among them the protection of our most vulnerable populations.

All it says is:

> Any bill which provides for the protection of the health of children under the age of 5, pregnant women or the frail elderly would not be subject to S. 1's point of order and other requirements.

As I said, there are exceptions to S. 1, and I support them. S. 1 currently shields bills that help secure our constitutional rights, that prevent discrimination, that ensure national security and implement international agreements, such as NAFTA, from its requirements.

The bill makes exemptions, and let me quote:

> To ensure Congress' and the executive branch's hands are not tied with procedural requirements in times of national emergencies.

That is a direct quote from the Governmental Affairs Committee chairman's report on S. 1. So there are exceptions ''to ensure that Congress' and the executive branch's hands are not tied with procedural requirements in times of national emergencies.''

I submit to my colleagues that there are other things that are worthy of not tying the hands of this U.S. Senate with this kind of procedural nightmare, and that ought to be protecting our most vulnerable citizens.

Why should we deny our children, pregnant women and the elderly protections? Our most vulnerable people should not be treated like guinea pigs. We must ensure they will not be put at risk, and they should be exempted from S. 1.

Environmental science shows us that children, pregnant women and the elderly are uniquely vulnerable to environmental hazards. And by the way, one of the things that people are saying since this election, ''environment'' is a bad word, it is no longer in vogue, people do not care. I do not believe that. People continue to want clean water and clean air. People continue to want a clean and safe working environment and living environment for themselves and their families.

The overall incidence of childhood cancer has increased, and I want to say to my colleagues—listen to this—the overall incidence of childhood cancer increased 10.8 percent between 1973 and 1990. That is a huge increase. Cancer is now the No. 1 disease killer of children from late infancy through early adulthood.

Mr. FORD. Mr. President, will the distinguished Senator from California allow me to make a unanimous-consent request, that I might be recognized without the Senator losing her right to the floor?

Mrs. BOXER. I fully support that as long as I retain the right to the floor.

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

AMENDMENT NO. 206

(Purpose: To strike a provision relating to the House of Representatives)

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 206.

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

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

The amendment is as follows:

> On page 26, strike beginning with line 11 through line 8 on page 27.

Mr. FORD. Mr. President, S. 1 contains an entire section, section 102, on enforcement of this legislation under the House rules which create specific points of order under the House rules. This section directly amends also rule XXIII of House rules. Therefore, my amendment strikes the balance of section 102, and that relieves the Senate of the responsibility of directing the House as to what they should or should not do.

It is my understanding that the distinguished manager and ranking member have agreed to this amendment. I hope that it can be accepted.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we are more than willing to accept this

amendment as offered by the Senator from Kentucky. Also, I have discussed this with the leaders in the House of Representatives. They understand the rationale for this. Again, we are ready to accept this.

Mr. GLENN. Mr. President, I accept it on our side, also.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 206) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. FORD. I thank the Chair, I thank the Senator from California. I am very pleased to have this amendment accepted.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

AMENDMENTS NOS . 201–203

Mrs. BOXER. Mr. President, I want to congratulate my colleague from Kentucky on getting his amendment adopted. I hope that my amendments will have the same fate; that they would, in fact, be adopted because I believe that every Member in this Senate, at one point or another, has said they believe that our children must be protected, our pregnant women, our frail elderly, and we are giving our Senators a chance to say, yes, that is an important priority and should not have to go through this kind of procedural hassle should there be an important law that affects their health.

I was saying, and I will repeat it, that the overall incidence of childhood cancer has increased 10.8 percent between 1973 and 1990, almost an 11-percent increase in America of childhood cancers. Cancer is the No. 1 disease killer of children from late infancy through early adulthood. In 1993, a National Academy of Sciences report found that children are uniquely vulnerable to the harmful effects, for example, of pesticides. Young children are more susceptible to environmental health threats because of their behavior. They often play at ground level where pollutants can concentrate. Their biology makes them more susceptible because young children drink more water, breathe more air and eat more food as a percentage of their body weight than do adults.

It is common sense. It is common sense. And a lot of the standards that today we have for water and for food are based on a healthy male adult, a 170-pound healthy male adult. Mr. President, you probably fit that category. I do not know for sure, but a 170-pound healthy male adult is where we set the standard. A little baby is not considered sometimes, and it is not that we have been purposely trying to harm our children. Of course not. We are trying to be intelligent about how we set standards. But we are now learning more that we did not know before; that children are different, just as children who get AIDS react differently than adults.

We have to look at children, the frail elderly and pregnant women in a different category than 170-pound healthy male adults. And if we find out that they are being harmed—and we have had colleagues on the other side, right now I know of two, whose children have cancer, one a little baby, one a young adult. I bet all of us can think in our own lives of people we know who are young who are getting cancers.

Pregnant women and the frail elderly are particularly vulnerable. A recent American Lung Association study cited their increased susceptibility to air pollution. Again, I will raise the issue of Milwaukee, WI, a 1993 drinking water disaster. Cryptosporidium found its way past the Milwaukee water treatment plant and went into the city's drinking water. The parasite wreaked havoc with the people of Milwaukee causing over 400,000 serious illnesses, over 100 deaths and $54 million in damages.

So here we are talking about getting a bill to clean up the water from these parasites as having to go through this hurdle when, in fact, if we would just clean it up, we would save probably more than it costs to fix the problem. But it is unclear how those benefits would be accounted for under S. 1. Many benefits may not be counted at all.

I want to make a point about those deaths in Milwaukee, over 100 deaths. As I understand it, most of those deaths occurred in the most vulnerable populations: the children and the frail elderly.

Will the provisions of S. 1 give Congress the freedom to act with all needed speed to shield our most vulnerable populations? Obviously not, unless we add them to the exceptions, and I hope my Republican friends will agree to this amendment because there is new information that the standards that are set for drinking water, for air, for other safety issues have not been set for these populations.

My amendment will ensure that S. 1 does not hobble the ability of Congress to protect these populations.

Let me talk a little more about children because it gets to my second amendment, and I have three, so, Mr. President, mercifully, I am winding down.

The second amendment is one I think should have broad support. Senator DODD is my leading cosponsor, and I am very proud of that because he has been, in the Senate, a protector of children.

I plan to offer a second amendment that excludes this law from laws that protect our children from pornography, sexual assault and exploitative labor practices. My amendment says that any bill which is intended to study, control, deter, prevent, prohibit, or otherwise mitigate child pornography, child abuse and illegal child labor would be exempt from S. 1's point of order and other requirements.

As I said before, S. 1 currently shields bills that help secure constitutional rights, prevent discrimination, ensure national security, and implement international agreements from its requirements. I support that section, but it is not enough because if there is a bill that deals with child pornography, child abuse, and child labor which is intended to protect our children, it will have to go through these unbelievable hurdles as will every amendment. Even if the bill goes through all the way to here, if there is an amendment, the amendment has to go back to square one. And I think it is time this Senate stood up—we have before—and said we think child pornography is a problem, we think child sexual abuse is a problem, and we intend to protect our children from sexual assault and from child labor policies that may harm them.

Now, let me put some facts on the table. People might say, well, is this really a problem in America? The answer is yes. In 1992, 2.9 million children were reported abused or neglected, about triple the number reported in 1980. That same year there were over 300,000 reports of abuse or neglect in California. Let me repeat, in my home State 300,000 reports of abuse or neglect, nationwide 2.9 million.

Now, of those children, of that universe of 2.9 million children in America, 49 percent suffered neglect, 23 percent physical abuse, 14 percent sexual abuse, 5 percent emotional abuse, and 3 percent medical neglect.

Under the National Child Protection Act signed into law by the President in 1993, States are required to place child abuse crime information in the FBI's criminal records system so that others can do background checks. This, my friends, is a mandate to protect our children, and I daresay every single Senator supports it. The crime bill passed last year requires States to register the current addresses of sexually violent offenders with a State law enforcement agency upon their release from prison or risk loss of Federal funding. I support that. I daresay everyone I know in this Senate and many over in the House do. As I remember, Congresswoman MOLINARI, who was very active in this issue, supported this.

This, too, is a mandate to protect our children. There are mandates that also protect our children from exploitation in the workplace. Now, let me tell you about that. We thought that fight was over. But in 1994, the Department of Labor found over 8,000 illegally employed minors and assessed over $6 million in civil penalties to employers. By law, State and local government as well as private businesses are prohibited from hiring children younger than 14 years of age, and teens between 14 and 16 may work after school only in

nonhazardous jobs. This, too, is a mandate to protect our children, a mandate that I do not want to see taken away.

Now, will the provisions of S. 1 allow Congress to act quickly in the future to strengthen these mandates for the sake of our children? Let us look at some examples. According to studies conducted by the Institute of Occupational Safety and Health, over 64,000 teenagers sought treatment in hospital emergency rooms for job-related injuries in 1992.

Let me repeat that: In 1992, over 64,000 teenagers sought treatment in hospital emergency rooms for job-related injuries; 670 16- and 17-year-olds died from workplace injuries between 1980 to 1989. Let me repeat that to the mothers and fathers of this country and to the mothers and fathers in this Senate, of which I am one, soon to be a grandmother: 670 16- and 17-year-olds died from workplace injuries from 1980 to 1989.

Now, in response to these trends, Congress could decide to improve our child labor laws so that kids are not working in dangerous or life-threatening jobs. If so, we should be able to enact legislation quickly without going through this nightmare process that we have in this bill which we did not have in last year's bill.

Child labor violations are escalating. In 1990, the Department of Labor detected over 42,000 child labor violations, an increase of 340 percent since 1983. My friends, if we do not act, we are derelict. There is a 340-percent increase in child labor violations—38,000 illegally employed children. Congress could decide there needs to be more vigorous enforcement of this law, and we could not act fast unless we were in the exceptions clause.

That is why I am offering this amendment, to protect our children. We should not have to jump these hurdles. The crime bill passed last year contained a sense-of-the-Congress resolution suggesting that States which have not done so enact legislation ''prohibiting the production, distribution, receipt, or possession'' of child pornography. According to the National Center for Missing and Exploited Children, Kansas, Florida, and Georgia have no laws against child pornography. Mississippi and Michigan have no laws making it a crime to possess child pornography. Congress could well find that not enough States have enacted antichild pornography laws and require States to do so. If so, we should be able to act fast.

To make matters worse, those who traffic in child pornography have found a new method—the computer bulletin board. Pornographic images are transmitted by computer and some adults have used online communications to lure young children and abuse them. Let me explain. The following incident was reported in the April 18, 1994, issue of Newsweek.

A 27-year-old computer engineer in California used his computer to prey upon a 14-year-old boy. After many online conversations, he persuaded the boy to meet him in person. The boy was handcuffed, shackled, blindfolded, and taken to the man's apartment.

I do not want to go into everything that happened to this child because of the sensitivity of those things, but they were despicable. They were despicable. And then that 27-year-old forced the 14-year-old to write about the abuse. The man was arrested when the boy's father discovered this.

In response to stories like this one, Congress could require State and local law enforcement agencies to spend more on tracking and preventing such abuse. Could we act fast on such a bill under S. 1? No, we could not. No, we could not unless we exempt laws that deal with child abuse, child pornography, and child labor laws from these hurdles and put them into the exceptions along with the one on vulnerable populations. Otherwise, they are going to be caught up in a bureaucratic nightmare which, I add, was not part of last year's bill.

So I want to put my colleagues on record. Do they think the fight against child pornography ought to be bogged down in the bureaucracy of S. 1? Do they think the fight against child sex abuse should be bogged down in this? Or the fight to make sure that our kids are healthy, that our newborns are healthy, that our frail elderly are not killed because we have not acted quickly enough—for example, to clean up a water supply. We have documentation of what happened in Milwaukee. These are not horror stories or scare tactics. Mr. President, 120 people died in Milwaukee—120 people died in Milwaukee because cryptosporidium got into the water supply.

There are other dangers lurking out there. We should not be bogged down in S. 1, a bill that has the right thrust. As a former county local official, I do not want people telling me what to do on an ad hoc basis whenever they get the urge. But let us not walk away from our responsibility to protect people and realize that what we do has benefits and that S. 1 fails to adequately account for those benefits.

We must vote on these amendments. Let us see where my colleagues come down on these issues. I think it is going to be very interesting, because I have listened to many great speeches by politicians who are Democrats and Republicans and independents. I do not think I ever heard one politician who was loved, or elected, who did not talk about the importance of our children and protecting their health and their safety and making sure they can grow up and get a shot at the American dream. We may differ on how to get there, but I do not know of anyone who wants to expose our kids to abuse of any sort.

So my amendments are very straightforward in this. I think this cost issue is important. Senator WELLSTONE has the amendment I am supporting that will deal with that. How could you ever find out the benefits of making buildings and freeways and highways earthquake proof? Just ask the people of Los Angeles. The buildings that were strong withstood that earthquake. The freeways that were strong withstood that earthquake. Benefits? How can you put a number to the fact that we lost a law enforcement official because he was answering the call of the earthquake and he did not see that the freeway had collapsed, and he died? Can you measure what it would have been worth to his family, to society, if he had lived and provided guidance for his family, and paid taxes to the Government and all the things we do as good citizens?

This bill is deficient in that it fails to define direct savings. So there is an amendment offered by Senator WELLSTONE that will deal with that. The amendment would require CBO to take all such savings into account.

The last issue, and then I will yield the floor, that I deal with in my amendments which will be brought up at a later time is the issue of illegal immigration. I say to my friend in the chair, his State is beginning to feel a little of the problem. The border States right now are feeling a tremendous amount of the problem. I asked the GAO to do a study. It took Governor Wilson's numbers on the cost of serving illegal immigrants in our State, it looked at other cost estimates, and it subtracted the revenues that the illegal immigrants do in fact provide. We came up with a net cost of $1.4 billion a year to the State of California.

I know it is awfully difficult for people from other States to understand this, but half the illegal immigrants in the country wind up in my State; $1.4 billion is a conservative number of what it will cost. The Governor will tell you it is over $2 billion. I tried to be as fair as I could and subtracted some of the revenues. It is at least $1.4 billion.

We say this is the unfunded mandates bill. What could be a greater unfunded mandate than illegal immigration, where we in our State have to provide certain services because the Constitution says we must provide them. Of course we are going to provide health care to people if they are bleeding on the street or if they have a disease that could cause an epidemic.

Prop. 187 expressed the people's views on this subject. They are very upset. We have to control our border. I hope we will use this Mexico agreement to take steps in that regard. I have put it out there very strongly, that if Mexico is going to have us underwrite a $40 billion line of credit, that Mexico has to take steps to equal our effort at the border. I have worked in a bipartisan fashion with Congressman STEPHEN HORN in the House and with the administration. I am hopeful we will make progress.

Be that as it may, we have a problem and it is costing my State and other

States. This is an unfunded mandates bill. If we ignore repaying States for this biggest unfunded mandate of them all, then I think this bill has lost its meaning. We have 300,000 illegal immigrants enter and take up residence in the United States every year. Our illegal immigrant population is about 1.7 million. We are getting half of the illegal immigrants.

So my amendment is very simple. It basically says we are powerless to reduce these costs and we want to make sure there is a section of the bill which sets up a mechanism whereby States can be reimbursed for these costs. By the way, we do not leave it open. We do not say: Whatever Governor Wilson says; or other Governors. We say there is a commission set up under the bill called the Advisory Committee on Intergovernment Relations. That is in the bill—here it is. We are saying they should find out a way to reimburse the States and come in with the plan. I think it is a very reasonable amendment, and I am very hopeful it will pass.

So, in closing, I want to restate that I think this bill can be made into a good bill. But it cannot tie us in knots and still be a good bill. People do not want us to be tied up in knots. There are some who think they do. They want to make this United States irrelevant.

I read the Constitution, perhaps not as often as the Senator from West Virginia, who carries it in his breast pocket. I do carry it in my briefcase and I do read it. I know what our job is. We are supposed to provide for the common defense, promote the general welfare, ensure domestic tranquility, establish a system of justice. It does not say we are supposed to do one thing, provide for the common defense, and nothing else. Or one thing, establish a system of justice, and nothing else. It says we have to do it all, and we have to work with other levels of government.

According to the Wall Street Journal poll, a vast majority of citizens want us to act when it comes to the environment; they want us to act when it comes to crime; they want us to act when it comes to this economy. They do not want us to be tied up in knots. They want us to act, act wisely, act sensibly; do not waste money; do not put unfunded mandates on the States that really make no sense, that have no benefit. But they do not want to tie us in knots.

Last year's bill would not have tied us in knots. The reasons I am adding exceptions, and other Members are adding exceptions, is we want to make sure when this bill becomes law, there are enough exceptions so things that are really crucial to our people do not get tied up in knots. If we do not even need them and perhaps we will change our mind on them—that is fine. But if it is so important that the life and death of our children depends on it, or if our frail elderly depends on it, we ought to be able to move.

We ought to be able to reimburse States that have these terrible costs associated with the failure of Federal Government to enforce the laws at the border.

By the way, I have to say I have worked with the Bush administration and the Clinton administration on this. We are making some progress. We finally have some reimbursement for incarcerated illegals. I believe that President Clinton is going to announce, from what we see in the newspaper, a good initiative to get more Border Patrol. But we are so far from where we have to be to control the border and it is costing us so much money that we need to stop the promises and deliver to these States on that unfunded mandate.

So I like S. 993, which was authored by the Senator from Idaho last year. I think it was a better bill. With that bill we would not have had to amend so much. We would have just taken that bill. This bill creates a lot of hurdles, and, therefore, I think we need to get more exceptions. I do not think S. 993 went too far. This bill may go too far. If these amendments do not pass, we will just have another layer of gridlock on top of the gridlock we already face. There are legislative hurdles here that are worse than unnecessary. But we can fix them if we add some exceptions, if we move in these areas, if we listen to Senator LEVIN and to Senator GLENN and to others who have been, I think, so informed on this.

I do not want Congress paralyzed. I do not think that was the message of this election. It was to get on with our work and to do it right and to get it right.

If I am convinced, after we vote on these amendments, that this bill will be good for California and its people, I will be very proud to vote for it. I want to be able to vote for it. But if it really is not improved and it becomes a mask for another agenda, which is the dismantling of the protection and laws that help the people of my State or leads to paralysis in the U.S. Senate that already suffers from enough paralysis, I will not vote for it.

Again, I know the Governors love this. We do not work for the Governors. We work for the people. The Governors always hand down unfunded mandates to local government. As a matter of fact, it is one of the biggest complaints I get from boards of supervisors, that they are constantly being handed mandates from the State. So it is not as if the Governors have not done this themselves.

We all have to shape up. We all have to stop passing laws that cost so much money that do not have a benefit. But if they do have a benefit, we had better calculate that into our formula. We represent the people here, and I think, if we support some of these amendments, this is going to become a great bill, not just a good bill but a great bill. But if we vote lockstep against these amendments, I think history will show—and history will unfold as soon as this bill takes over—that this was just a mask for stopping the protections that our people deserve, hurting environmental laws that protect our citizens, and tying us up in knots.

So I want to thank both managers. They have been extremely patient. I withheld all my debate and all my amendments until I got to the floor at the request of the Budget Committee. I feel very pleased that I had a chance to lay out these issues. When my amendments are called up, I will not need an hour to go into all of them because I will have laid this out on the record and I will be able to summarize my charts and my feelings on my amendments.

I again thank the managers. I wish them well.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I want to commend the Senator from California, who, as always, has a thoughtful discussion as to her points. I know that she indicated that it may be her view that this bill goes too far. I must note that I have a number of Senators who think this bill does not go far enough.

So I think maybe we have found something here which is a bill that can accomplish what we need to have done. That is why both the public and private sectors are so supportive. I think everyone would say, yes, we can make some changes, what have you, but also what we think about all of the concerns of what these unfunded mandates have done for years to our cities, to our counties, to our States, and many times I think they have exacerbated the very problems that you have pointed out this morning. I appreciate that.

I appreciate, too, that the Senator from California stated she felt she had the opportunity now to lay out her case. When we call her amendments up for debate—there are some Senators who would like to discuss them, and I have comments I would like to make specific to them—at that point would she be willing to enter into a time agreement?

Mrs. BOXER. I reserve my right to agree or disagree depending on how many people on this side wish to speak on my amendments. I assure the manager that I will attempt to find that out and be very reasonable. I think the Senator has been most reasonable. I greatly appreciate it.

I am not here to slow down this bill. I am here to make it a better bill. I have to say to my friend that this is a different bill from last year's bill. The Senator knows that. I would say that is why the exceptions are so crucial because we have made it much more difficult to get legislation through. As I pointed out on the charts, the red, the yellow, and the green, if someone has an amendment, it has to go back through the process and this all happens. There is a difference.

In the original bill it stopped right here with CBO. The exceptions part of

the bill, which I commend the Senator for, really has to be looked at because we do not represent the Governors, we do not represent local government or the private sector. We represent all the people, people of all walks of life and people in local government, people in the private sector. To me what is crucial is that we look at how this is going to affect the average citizen of our Nation.

I have to tell you, I say to the managers, if you ask one of the families that lost its member because of cryptosporidium in the water—and the Senator and I are working on safe drinking water, we are on the Environment Committee together—if you ask one of those people, should the Government have acted to prevent cryptosporidium from getting into the water supply that their grandma, grandpa, a child died from, they would have said it would have been a real benefit.

I want to make sure, as a Senator from California, that we do not get some of these laws bogged down in such a way that we have more of those tragedies. I know the Senator from Idaho has no interest in having that outcome; absolutely none. He and I have been working hand in hand to make sure it does not happen. I am just pointing out that when we do this legislation in the name of preventing unfunded mandates, let us get to the real issues of the people, which is, are they going to live or die by this. In some cases there may be some legislation that gets caught up in this, such as child pornography, sexual abuse, clean water standards, that we may not want to have to get caught up in this. That is why I offered my amendments today.

I assure you I took a long time just zeroing in on those two areas. I could have had 10 amendments for other issues. I just picked the issues that I feel are so crucial to the health and safety of our people that we do not want to get tied up in this process if we can avoid it.

Mr. KEMPTHORNE. Mr. President, as we talk about this process, it was at the urging of the mayors and Governors that we took S. 993, which was last year's bill and is the core of this introduced bill. It was a great first step. But we have taken it another step, again at the urging of the mayors, the county commissioners, the school boards, the Governors, and the private sector. So I think as we take these steps forward, they are all forward.

I would also note that when we look at the legislative process—and Senate bill 1 is a process—that at any point, if you feel you have a compelling argument—and the Senator from California has a good knack for making compelling arguments—you can come to the floor and just seek a waiver at that point or at any point during the process. If a majority of the Senators agree with you, then you have waived that point of order.

Yesterday, I read a letter from Inge Stickney, who is the mayor of Kooskia, ID—she is 68 years young—a community of just a few hundred people. In addition to being the mayor, she and her husband have a small trailer court where they have, as I recall, about 15 spaces. They rent them for $50 per space. They are continually having problems with requirements of Government for further studies of the water which has served them for generations there. The water does not pose a health risk. They continue to have this escalating cost to the point that some bureaucrat has now suggested to them, ''Well, you should just sell the trailer court.'' That is what Government is saying: ''You ought to just sell.'' Well, if Inge and her husband sell, then new owners would have to increase the costs of the rental for those trailer spaces all because of the requirement to spend more on testing water that does not have a problem.

As she pointed out, a $5 increase to many of these people, who are retired farmers and retired loggers who have lived there for their entire lives, would pose a real hardship to the point that if she were just to sell, wash her hands of it, it could really put in peril many of those people who live in that trailer court because the costs would go up. They will not have the funds to cover it.

They then might have to look to government to provide for their livelihood, for their well-being. Thank goodness we have people like Inge Stickney and her husband, who, while being good business people, also have a heart and determined that, while they can make a profit, they would just as soon retain that trailer court because that is good for those people who are relying on them.

But that is part of what the Senator from California is talking about, the elderly. And Inge Stickney is a strong supporter of S. 1, as is virtually every mayor in the country.

I appreciate the arguments of the Senator from California.

I see the Senator from Texas is here, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to speak on the amendment that Senator BOXER from California has put forward.

I, like the main sponsor of this bill, am a former State official. He was a former mayor. I know what it is like to have to make those decisions on a State budget when you are getting mandates from the Federal Government and you have to say, ''Do I increase the elderly's light bill or the water bill of an elderly person because I have this mandate from the Federal Government?'' It is very difficult for elderly people to make ends meet.

So when we are talking about eliminating a category of the elderly or children and their effects, I wonder if we have considered the effects of raising a water bill because of an environmental mandate that perhaps does not meet a cost-benefit analysis. All of these things that we are trying to prevent the Federal Government from passing to the States are going to have an impact for the good on children and the elderly. In fact, I think we have to say what this amendment really is. It is an amendment that will gut the bill.

Now, I know that the Senator from California is sincerely interested in the elderly and the welfare of children. She has expressed that many times, and I have no doubt of her sincerity. But I do think this amendment is going to have the opposite effect from what she wants.

The purpose of this bill is to set up a process. The process has really two results. One is to give us the information that we need so that we can judge how much a bill we are going to pass will cost. If it is going to be passed to State and local governments, that will then be passed on to their constituents in the form of new taxes or increased fees. That is one part of the bill.

And then the second part of the bill is to determine what is that impact and to say, this Congress has a policy we are not going to pass these bills without sending the money. If it is over $50 million, we are just not going to do it because the State and local governments cannot absorb it. So it is finding out what the costs are and then saying we are not going to do this unless we pay for it.

Now, we have the option of paying for it. If we decide that something is very important and it fits within the budget priorities, I think the Federal Government should pay for it. I may vote against a point of order or vote to uphold a point of order and override the point of order later because it is important to me that we do what the bill before us would do that would be beneficial to the elderly or to children or to the working people of this country.

So we have the option of overriding the veto. We have the option of saying we think this is important and we are going to put a mandate on the States.

But the purpose of this bill is to say we are going to decide what the Federal priorities are within a budget and we are going to have the integrity to say, if we think something is important, that we will pay for it. Or we will not tell the States they have to do it; we will say to the States we suggest you do it but we will not mandate they do it. So we have a choice. If it is a good program, we can tell the States we are going to override all of the things we have said and require you to pay for it, or we can step up to the line, which is what we should do, and pay for it ourselves.

So I think it is very important that we not pass an amendment that will, in

effect, gut the bill. Because everything we do is going to affect the elderly and the children. And if we say anything that effects them is not going to be eligible for this bill, it means we can pass everything we have already passed which causes—let us take the clean drinking water bill. Let us just take that for an example.

We are talking about testing for certain carcinogens or certain elements that might be in water. Now, what we are saying in this bill is, we want to make sure that if we require the city of Plano to test for elements in their water, that it is something that is relevant to the water supply of the city of Plano. That is not the case today. The case today is that the city of Plano and the city of Columbus, OH, may be having to test for a solvent or something used to eradicate bugs in pineapples, and they do not have pineapple plants in Plano or Columbus, OH. So the people of Columbus, OH, and Plano, TX, are having to pay for a test that is not relevant to them.

Well, what happens? What happens when that occurs? It increases the water bill for that elderly person who is having a hard time making ends meet. That is what we are trying to prevent with this bill. That is what we are trying to change. The impact on the elderly is every bit as much, with a mandate on clean drinking water that does not make sense, as it is for a social program that would be a welfare check.

The bottom line is, we all want to make sure that we do the best for the people who cannot help themselves in this country; in many instances the elderly, in many instances the children. But I think we differ on the way to best come to the end of the line.

This amendment by the Senator from California will gut this bill, and it will allow the continuing increases of water bills and electricity bills, utility bills, rent, property taxes that hurt the elderly and hurt the children of this country, when what we are trying to do is say, ''No, we are not going to tell the local governments that they have to raise property taxes and water bills and electricity bills. We are going to have the integrity of the process.'' If my colleagues agree that we must keep the integrity of the process and the integrity of this bill, it is very important that we defeat this amendment. Thank you, Mr. President. I yield the floor.

Mr. KEMPTHORNE. Mr. President, I certainly thank the Senator from Texas for her statements and for her strong support. She was one of the original cosponsors, both of Senate bill 1 and the effort last year. From her experiences as the former State treasurer of the State of Texas she has just demonstrated time and again her total understanding of this issue and the fact that we need to curb these unfunded mandates. I thank the Senator from Texas.

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

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

AMENDMENT NO. 207

(Purpose: To express the sense of the Congress that Federal agencies should evaluate planned regulations, to provide for the consideration of the costs of regulations implementing unfunded Federal mandates, and to direct the Director to conduct a study of the 5-year estimates of the costs of existing unfunded Federal mandates)

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

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

Mr. GRASSLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 207.

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

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

The amendment is as follows:

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—Not later than January 1, 1998, the Director shall submit a report to the Congress including—

(1) an estimate of the costs of regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall provide to the Director of the Congressional Budget Office data and cost estimates for regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

Mr. GRASSLEY. Mr. President, my amendment just read expresses the sense of Congress that Federal agencies should issue regulations with costs that are in keeping with the Congressional Budget Office's estimated cost.

In addition, my amendment just read will require that the CBO submit a report 2 years after this bill by Senator KEMPTHORNE, S. 1, goes into effect. That report should detail whether agency regulations are in line with the CBO's original estimates when the legislation is passed.

If I could engage in discussion with the Senator from Idaho, Mr. President, I would like to at this time also present another amendment that I would like to have before this body. It is my understanding that both of these amendments will be discussed after the midafternoon deadline.

Mr. KEMPTHORNE. Mr. President, I would yield, but that is correct.

AMENDMENT NO. 208

(Purpose: To require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates)

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment that I just presented be set aside so that I can offer another amendment.

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

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 208.

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

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

The amendment is as follows:

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsection (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting ''408(c)(1)(A),'' after ''313,''.

Mr. GRASSLEY. Mr. President, this amendment will require 60 votes to waive the requirement in S. 1 of a published statement on the direct costs of the Federal mandates.

I want to make something clear to my amendment so that it does not get confused with a much stronger amendment, what is my understanding will be offered by Senator GRAMM. Because my amendment does not require 60 votes to waive the requirement in S. 1 to pay for unfunded Federal mandates, that is the goal of other amendments, I am sure, we will be discussing. My amendment might be confused because it does have a 60-vote requirement in it. That requirement is to the simple waiving of the requirements in S. 1 to obligate what is a much more simple approach, the original estimate from the Congressional Budget Office of the costs of the Federal mandates.

In other words, let me make clear: it is one thing to have an amendment before this body that we would have to have majority to waive the requirement of a mandate; but it is quite another thing to have a 60-vote requirement just to waive the CBO doing the estimate of what might be the cost of a mandate.

My amendment does the latter, not the former. I do not oppose the former. I understand that there is lots of opposition to going to the 60 votes. I presume that there is even opposition to have a have majority to even waive having CBO even do some estimating.

It seems to me, Mr. President, that it is one thing to have a supermajority that we are going to go ahead even though we do not fund the mandate. But it seems to me that we cannot intellectually and honestly approach the subject of public policy without knowing what that cost is.

My amendment would simply make it more difficult for this body to avoid even finding out what a particular mandate is going to cost. I would like to have that be a supermajority because it seems to me that there is no way we can defend passing mandates or maybe even any other public policy without knowing what that cost is.

I will have, Mr. President, further to say on each of these amendments at a future time this afternoon and particularly on the first amendment that I have sent to the desk. Senator SNOWE, the new Senator from the State of Maine, has been very helpful to me on this amendment and she would like to speak a few minutes on that amendment. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WELLSTONE. Mr. President, if there is no other Senator on the floor to offer an amendment, I ask unanimous consent to speak no more than 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? Without objection, it is so ordered.

CONVEYING SADNESS, SYMPATHY, AND OUTRAGE

Mr. WELLSTONE. I thank the Chair. Mr. President, sometimes we speak on the floor of the Senate—Democrats and Republicans—not because we have an amendment to offer, not because it is our legislative agenda, but because we just cannot be silent and we feel that it is important as Senators, given the honor of being Senators, to speak about those issues and those peoples that we feel very strongly about.

In today's New York Times, there is a picture that tells more than a thousand words:

A friend of Sgt. Maya Kopstein, a 19-year-old victim of a suicide bombing, mourned at her grave yesterday and held the flag from her coffin.

Mr. President, 19 Israelis were murdered in a Palestinian suicide bombing. All but one of these soldiers were barely old enough to vote.

This one young woman over here in this picture, as I talked with a very close friend of mine—we become close with the staff we work with—my legislative director, Mike Epstein, said: ''Just look at her face, this young woman, young girl. It looks as if she's saying, 'What kind of a world do I live in?' ''

Israelis murdered, ''* * * all but one of them soldiers barely old enough to vote.''

I have three children, and my youngest is now 22. These were children who were murdered. I do not know when all this violence will stop, but I want to speak on the floor of the Senate today—and I did have a chance to also talk to the Israeli Ambassador—to convey not only my sadness and sympathy but also my outrage. I believe that this is a sentiment that I express for all Senators, and I send this to the people of Israel. I want them to know that all of us care fiercely about what has happened, that all of us, on both sides of the aisle, condemn murder.

And, Mr. President, I today hope and pray—I use those words carefully but I think those words apply—I hope and pray that the Israelis, Palestinians, all of the peoples in the Middle East, find a way, first of all for security and protection, to stop this, and, second of all, a way to move forward—to move forward—with the peace process. There has to come a day when children are not murdering children. There has to come a day when this violence ends. There has to come a day of reconciliation.

The sad thing is that the extremists have figured out the most effective way of trying to destroy this process. The extremists have figured out perhaps the most effective way of trying to make sure that there never will be peace. But my hope and my prayer today is for all of the families of all of these young people that have been murdered. My hope and prayer today is for the Israelis and the Palestinians, and for all the people in the Middle East—that there will be reconciliation. And as an American Senator and as an American Jewish Senator, I want to speak on the floor to express these sentiments. I want my country to be as helpful as possible, our Government to be as helpful as possible at this time. I want us to extend our friendship and our support to Israel. I never want any of us to turn our gaze away from this kind of outrageous slaughter of young people, of children.

Murder, Mr. President, is never legitimate. Murder by anyone is never legitimate.

I yield the floor.

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

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

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NOS. 209 AND 210, EN BLOC

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may send to the desk two amendments, which I will send en bloc. Discussion on these will occur at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes amendments numbered 209 and 210, en bloc.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 209

(Purpose: To provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to State, local, and tribal governments)

On page 26, after line 5, insert the following new subsection:

''( ) LIMITATION ON APPLICATION.—This section shall not apply to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute if adoption of the bill, joint resolution, amendment, motion, or conference report—

''(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

''(2)(A) would not result in a net reduction or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

''(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by a corresponding amount.''

AMENDMENT NO. 210

(Purpose: To make technical corrections, and for other purposes)

(The text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. KEMPTHORNE. Mr. President, we will discuss those two amendments or call them up at a later time.

AMENDMENT NO. 211

(Purpose: To make technical corrections, and for other purposes)

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent to send to the desk an amendment by Mr. KEMPTHORNE for Mr. DOLE.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. DOLE, proposes an amendment numbered 211.

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

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

(The text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. KEMPTHORNE. Again, Mr. President, I ask unanimous consent that these now be laid aside and we bring the pending amendment back before us so we can discuss these at a later time.

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

Mr. KEMPTHORNE. I yield the floor, and 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. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 212

(Purpose: To clarify the baseline for determining the direct costs of reauthorized or revised mandates, to clarify that laws and regulations that establish an enforceable duty may be considered mandates, and for other purposes)

Mr. GLENN. Mr. President, I am sending an amendment to the desk. Because the amendment makes changes at more than one place in the bill, I ask unanimous consent that consideration of this amendment shall be in order.

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

Without objection, the pending amendment is set aside.

The clerk will report the amendment.

Mr. GLENN. I thank the Chair.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 212.

Mr. GLENN. 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 5, line 19, strike ''impose'' and insert ''establish''.

On page 7, line 11, strike ''impose'' and insert ''establish''.

On page 8, line 5, before ''amounts'' insert ''new or additional''.

On page 8, line 15, before ''amounts'' insert ''new or additional''.

On page 9, line 7, strike ''or''.

On page 9, between lines 7 and 8, insert the following:

''(II) to comply with or carry out the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; or''.

On page 9, line 8, strike ''(II)'' and insert ''(III)''.

On page 9, line 22, strike ''or''.

On page 10, line 4, strike ''and'' and insert ''or''.

On page 10, between lines 4 and 5, insert the following:

''(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments, or the private sector from levels that would be required under the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; and''

On page 10, between lines 14 and 15, insert the following:

''For purposes of determining amounts not included in direct costs pursuant to subparagraph (C)(i) and amounts of direct savings pursuant to subparagraph (C)(ii), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced before January 1, 1996, or by Federal regulations adopted before such date shall be calculated without regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements. Notwithstanding the provisions of subparagraphs (C)(i)(II) and (C)(ii)(III), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced on or after January 1, 1996, or by Federal regulations adopted on or after such date shall be calculated with regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements.

Mr. GLENN. Mr. President, this amendment clarifies how the provisions of S. 1 will treat reauthorizations of existing laws that contain mandates. Our understanding all along, with both myself and Senator KEMPTHORNE, is that S. 1, as did S. 993 last year, shall apply only to future mandates that add new costs, and this amendment clarifies that intent. There has been some confusion about that. Basically, the amendment does the following. It ensures that reauthorizations which do not change existing laws but merely extend them are not covered under S. 1. So if a law is simply extended for several years without any substantive change, it is not covered under the mandate legislation.

Second, if a reauthorization amends the mandate and imposes new costs on State and local governments and the private sector but in another part of that reauthorization bill the costs of existing requirements are reduced, then those savings are credited against the new costs imposed.

Third, this language makes clear that in reauthorization bills, it is new costs that will be scored and that the baseline of existing costs are not part of the CBO or Budget Committee calculations. So direct costs are net costs.

Finally, this amendment covers situations that may occur when an existing law expires and there may be a short gap in time before it is extended. I believe this amendment is noncontroversial and clarifies what has been our intent all along, that S. 1 apply to the new mandates imposing costs.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. I ask unanimous consent to speak on amendment No. 201 offered by the Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 201

Mr. KYL. Mr. President, I make this statement on behalf of the Senator from Wyoming, the chairman of the Immigration Subcommittee of the Judiciary Committee, relating to the Boxer amendment which would require an advisory commission report on immigration-related unfunded Federal mandates.

Mr. President, I have discussed this amendment No. 201 with Senator SIMPSON, who as I said is chairman of the Immigration Subcommittee. As he noted, the issue of the cost of illegal or legal immigrants to State and local governments is very complex. As a matter of fact, it is not the result of a mandate by the Federal Government but, rather, because the Federal Government has failed to carry out its obligations to secure our international borders.

The congressionally established Commission on Immigration Reform is examining this issue at the present time. The Subcommittee on Immigration will be looking at this issue in its oversight capacity. I strongly urge my colleagues to table amendment No. 201, and, if necessary, the Congress can deal with it later when some of these complexities are resolved.

Senator SIMPSON has assured me that the Subcommittee on Immigration will hold hearings on various immigration reform proposals, and it is clear that this issue will be raised and considered in these hearings.

I might add, Mr. President, that as a Senator from a border State, this is an issue of vital concern to me and to my State.

Senator SIMPSON has noted that the Congress has not ignored the costs to State and local governments resulting from immigration legislation. In the 1986 Immigration Reform and Control Act, Congress included $4 billion for assistance to States that were impacted by the legalization program in that

legislation. The Congress was responsive and provided assistance where immigration legislation was likely to create new costs for State and local governments then, and Senator SIMPSON assures me he would support similar assistance in the future.

To require the advisory commission to provide a report and a plan at the same time the Commission on Immigration Reform is examining and preparing to report on the same issue would be duplicative and unnecessary. So I suggest, Mr. President, that we wait for the findings and report of the Commission on Immigration Reform this spring and not require this advisory commission to go over the same ground as would be called for in amendment No. 201. I urge my colleagues when this amendment is considered by the Senate to table it. I would again indicate that this is a reflection of the Senator from Wyoming [Mr. SIMPSON].

AMENDMENT NO. 213

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I offer an amendment which I send to the desk. I ask unanimous consent that the reading of the amendment be dispensed with and that it merely remain at the desk to be called up at a later time, thus qualifying the amendment under the agreement previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment by number only.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 213.

Mr. BYRD. Mr. President, I thank the Chair.

The amendment is as follows:

On page 23, line 17, strike ''(IV)(aa);'' and insert ''(III)(aa); and''.

On page 23, strike line 18 through line 6 on page 25 and insert the following:

''(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not alter than 30 days after the recommendations are submitted to Congress; and

''(cc) provides that such mandate shall be ineffective until such time as Congress has completed action on the recommendations of the responsible Federal agency.

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

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside and the Senate resume consideration of amendment No. 186, which I offered yesterday.

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

AMENDMENT NO. 186, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to modify amendment 186.

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

Mr. WELLSTONE. Mr. President, I send the modification to the desk.

The amendment (No. 186), as modified, is as follows:

Strike all after ''( ) It'' and insert the following: ''is the sense of the Congress that the Congress should continue its progress at reducing the annual federal deficit and, if the Congress proposes to the States a balanced-budget amendment, should accompany it with financial information on its impact on the budget of each of the States.''

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

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 201–203

Mr. BURNS. Mr. President, I would just like to comment on the amendments that have been sent to the desk by the Senator from California and the schematic she offered to the rest of the body to illustrate what would happen if this piece of legislation were to pass without her amendments.

I have often said, before we can attain success in what we are trying to do in bringing down the size of Government, in trying to make it more efficient, there are probably three areas of reform: Regulatory reform, budget reform, and spending reform.

There is a very simple bottom line to that. Regulatory reform—regulations have to be reviewed, as S. 1 does review those, for impact on not only the economy but upon the way we do our business with our State and local governments.

Budget reform—inasmuch as we have to get away from, I think, baseline budgeting. We have to go back to the old situation of starting at ground zero and building a budget, or at least based on previous years' expenditures, to bring some kind of honesty and integrity and accountability to the American people.

And in spending reform—I have a feeling inside me that maybe we should only spend money on those programs that have been authorized and not delve into some things that have not been authorized.

But let me talk about specifically S. 1. If you look real closely at that schematic, it is kind of scary because it has legislation going in many directions. To some it would seem very confusing. But basically we do all of those things that are on that schematic now—a vast amount of it. The problem is in our hearings we take testimony from Governors and from mayors and from county commissioners and people who have to administer local government, and we only choose that information that we agree with. So we vote sometimes not exactly taking into account some of the testimony. We only accept that which we agree with and what we do not agree with we cast aside when making a decision on unfunded mandates.

I am a former county commissioner. There were three of us. It is wonderful to be a county commissioner because there were three of us. You are the budgeteers, you are also the appropriators, and you are also the spenders. And you also have to make some pretty tough decisions because we have to operate in a balanced budget. In fact, we have to maintain reserves. Whether it is the bridge fund or the road fund or the county welfare or whatever—but we have to make some decisions every day when we appropriate and spend and develop programs, whether we can afford them and where the money is going to come from. And, yes, maintain the reserves for the carryover months that are in front of us.

Montana had an initiative called 105 that froze everything because taxpayers got a little cranky up there in 1986 and we could not raise the mill levy. We could not deal with it. So basically we go through everything that is on that schematic. The problem is we only accept that testimony from those Governors, those mayors, those county commissioners that we choose to accept.

Unfunded mandates: Of course, right now the news is the motor voter law that has been levied against some States. In Montana we have had a motor voter law for a long time. It is not as extensive as the one passed by this body. But nonetheless, that is a perfect example of an unfunded mandate.

So do not be scared of this schematic that shows where the whole works gets all balled up and nothing happens in Government. If I had my way, I would say that after we passed legislation, if you want to look at regulatory reform, getting way over here on this side of the world, maybe, before a final rule is issued on any law that is passed by Congress and signed by the President, that rule should come back to the committee of jurisdiction to make sure that rule does what the intent of the legislation was. We see a lot of legislation that is passed and then once it hits the street it looks nothing like the intent of the legislation.

So, yes. It is slower. There is nothing wrong with that. I would agree with

the Senator from California. If we are going to do it, let us do it right. I agree with that. If it takes a little longer, then so be it because I think this is a piece of landmark legislation that is going to maybe bond the relationship between the Federal Government and its duties, its requirements, and the actions that we take with those of local governments which have to administer most times that legislation that is passed by this Federal Government.

If it takes a little longer, do not let the schematic scare you. We understand that. If it slows the process down, then so be it.

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

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

AMENDMENT NO. 214

Mr. SARBANES. Mr. President, I send an amendment to the desk in behalf of Mr. D'AMATO and myself, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 214.

On page 12, line 3, strike the period after ''Code'' and insert '', or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.''.

Mr. SARBANES. Mr. President, I rise to offer this amendment on behalf of Senator D'AMATO and myself. The amendment makes what we consider to be a technical but important change to S. 1.

Section 3 of S. 1 exempts independent regulatory agencies as defined in the United States Code from the regulatory impact analysis and reporting requirements of title II of the bill. The effect of this provision already in the bill is to exempt from title II three of the five Federal agencies which regulate federally insured deposit institutions, in effect the Federal Reserve, the FDIC, and the National Credit Union Administration. However, the provision does not, as currently written, exempt two of the other Federal agencies which regulate Federal deposit insurance institutions, the Comptroller of the Currency, the OCC, and the Office of Thrift Supervision, the OTS. The OCC regulates nationally chartered banks and the OTC regulates savings and loan institutions.

The concern is that imposing requirements of title II of section I on Federal financial institution regulatory agencies could delay the prompt issuance of safety and soundness rules that affect federally insured financial institutions.

It is my understanding it was not the intent of the sponsors of the legislation to draw a distinction among the Federal agencies which supervise federally insured deposit institutions. In fact, it is not logical since these agencies carry out essentially similar functions and should be treated similarly for the purposes of this legislation.

Furthermore, distinguishing amongst the agencies could create problems for their operations. For example, the agencies issue many regulations jointly in order to assure consistent regulatory standards for federally insured institutions.

The bill, as now written, would interfere and possibly delay the issuance of these rulemakings for two of the agencies, while the other three are exempt.

This amendment will simply provide that all five of the regulatory agencies which have supervisory responsibilities for federally insured depository institutions be treated in the same way by this legislation. It would therefore ensure, this amendment would ensure that the agencies can act jointly and expeditiously in the public interests to ensure the safety and soundness of the federally insured institutions.

Mr. D'AMATO. Mr. President, I rise today in support of a Banking Committee amendment to S. 1, the Unfunded Mandate Reform Act of 1995. This amendment is supported by both myself, the chairman, and the distinguished ranking minority member, Senator PAUL SARBANES.

This amendment, Mr. President, would protect the safety and soundness of insured depository institutions. Specifically, the amendment would amend section 4 of the bill to provide that this bill does not apply to any proposed or final Federal regulation that ensures the safe and sound operation of an insured bank or thrift or that protects the deposit insurance funds.

S. 1, as introduced, would have an anomalous effect of exempting three of the five Federal financial institution regulatory agencies—the Federal Reserve, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. Two others, the Comptroller of the Currency and the Office of Thrift Supervision, are not exempted. There is no justification for this different treatment. Because the FDIC, Federal Reserve, and NCUA are not covered by this legislation, this exemption would apply only to regulations issued by the OCC and OTS.

All of these agencies have the same supervisory responsibilities and need the same ability to act expeditiously in the public interest. The Office of the Comptroller of the Currency and the Office of Thrift Supervision, the two agencies that are subject to the bill, supervise the institutions that hold most of the assets of the U.S. financial system. These two agencies exceed the assets held by the other three combined. Treating two of the agencies differently from the others will hinder congressional intent to reduce regulatory burden.

Mr. President, I am concerned that imposing the requirements of S. 1 on these Federal financial institution regulatory agencies could delay the prompt issuance of safety and soundness rules that effect federally insured financial institutions and credit unions and their deposit insurance funds.

I strongly urge the adoption of this amendment.

Mr. ROTH. Mr. President, I rise in support of the amendment of the Senator from Maryland to clarify that this legislation is not intended to address the role of our banking regulatory agencies. I do so because the major purpose of S. 1 is to focus on Federal unfunded intergovernmental mandates and to establish a process for treating them. In contrast, the banking regulators regulate banks, not governments. They impose no direct costs—a defined term under S. 1—on State, local, or tribal governments.

The problem the banking regulators have brought to our attention arises from the somewhat indefinite scope of title II of S. 1. Originally intended to focus only on agency regulations involving the public sector, the title has been extended in certain respects to the private sector as well. The result might very well leave banking regulators in a situation where they are required to perform analyses producing little benefit to either the public or the private sector. In fact, the provisions of title II may need to be revisited in the near future as a general matter to make sure that its provisions are cost effective.

The banking regulators have requested exemptions from the legislation arguing that the Treasury regulators should be accorded the same status as independent regulators that are exempt. In my analysis I never need reach the question of equal treatment since it appears to me that there is little, if any, overlap between the scope of this legislation and the domain of any of the banking regulators.

It is my intention, as chairman of the Committee on Governmental Affairs, to move regulatory reform legislation later in this Congress. It may be that such legislation, even though general in its scope, would more directly address the responsibilities of banking regulators to the American people and the institutions they regulate. It seems to me entirely appropriate to wait until such legislation is fashioned and understood in order to resolve questions how regulatory reform might impact banking regulators.

Mr. SARBANES. Mr. President, I ask that the amendment be agreed to.

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

If not, the question is on agreeing to the amendment.

The amendment (No. 214) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

Mr. BAUCUS. Madam 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. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. PRESSLER. Madam President, I ask unanimous consent to speak as if in morning business for 5 minutes.

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

CORPORATION FOR PUBLIC BROADCASTING

Mr. PRESSLER. Madam President and Members of the Senate, I was concerned this morning to see in the Washington Post a story that was critical, essentially, of companies that might be interested in purchasing, acquiring, or partnering with the Corporation for Public Broadcasting and other public broadcasting entities. In fact, the story highlighted or used as a headline, referring to these companies as ''vultures moving in,'' and quoting one public broadcasting executive as referring to them in that way.

I think it is most unfortunate that fine, honest, telecommunications companies or other companies who might be interested in purchasing or running or managing the Corporation for Public Broadcasting and other public broadcasting entities or contributing the same amount of money the Federal Government now contributes in exchange for certain program and commercial rights with conditions of children's programming and conditions of rural radio and rural TV, to refer to them as ''vultures'' indicates the mentality of the insider group at the Corporation for Public Broadcasting and the so-called public broadcasting family.

This family consists of inside-the-beltway crowd at the Corporation for Public Broadcasting, the Public Broadcasting Service, National Public Radio, the Association of Public Television Stations, et cetera. It includes groups and certain foundations that surround the Corporation for Public Broadcasting such as the Children's Television Workshop. It includes some of the stations that get the lion's share of the funds such as WNET, which gets at least 20 times as much Federal money as my huge geographic State gets. This group is very defensive to any change.

Madam President, I am chairman of the committee that has oversight over the Corporation for Public Broadcasting and related agencies. We are supposed to think of some new ideas. There has been a telecommunications revolution since 1967. I think it was good that public radio and TV were created. It is now up and running.

There are several other privately funded areas that are producing the same kind of programming at a great profit, including Nickelodeon in children's television, including the Learning Channel, including the History Channel, and so forth. Granted these are on cable. Some say that they do not reach everybody.

We are also in an age when we have the computer Internet and many other exciting telecommunications and information technologies which did not exist in 1967.

We have VCR's, we have a number of additional new telecommunications and information technologies that will be coming if my Telecommunications Competition and Deregulation Act of 1995 is enacted. We will have an explosion of new telecommunications and information technologies. It is time that the Corporation for Public Broadcasting and other public broadcasting entities in this country be reformed and reinvented.

So I put these suggestions forward in the most sincere of fashions, but every time I make a suggestion, somebody in the public broadcasting family comes back with a very critical comment, discrediting it without any discussion of the facts.

The facts are that the American taxpayer is now providing a free public platform for many performers who make great profits, and I have nothing against profits, but the taxpayer is left out.

So I want the quality programming. It could be sold with conditions. Telecommunications in this country is privately owned, but they have conditions for universal service and certain rules on telephones and telecommunications devices. Railroads in this country are sometimes sold with public conditions, such as the Conrail sale a few years ago. Airlines have public conditions under which they operate.

We have reached a time when the Corporation for Public Broadcasting must rethink its role, it must rethink its relationship to some of the other communications technologies. It can profit from them. It can get along without a Federal subsidy, and it would be operated much better if it were privatized.

I have spoken to several privatization experts in the last week. I find the only people opposed to this are those inside the beltway, the people in that public broadcasting family who get salaries of between $200,000 and $600,000 a year, in some cases, whose salaries exceed the Members of this body. But these people cloak themselves in the public robe, saying that they are public servants. Well, if they want to be public servants then they should be paid like public servants, I suppose, in the opinion of some, if they do not want to be private.

They want to have their cake and eat it, too. They now have advertising on public radio and television. They get all sorts of grants. They have private-sector salaries, but yet they want the taxpayers' money.

So I say decide what you are or who you are, but get caught up with the telecommunications revolution, in any event. And the fact that several telecommunications companies are interested in buying, acquiring, or partnering with the Corporation for Public Broadcasting and other public broadcasting entities indicates a synergistic relationship in this day and age. How wonderful it would be if public broadcasting would synergistically interact with the other new telecommunications, with computer Internet, with VCR's, cable TV, and with lots of other technologies. For example, Nickelodeon, which produces so much good children's programming that it is being sold in France.

PRIVATIZING PUBLIC BROADCASTING

If one message is clear from November's elections, it is that Americans want deep cuts in Federal spending, without gimmicks or special pleading. As chairman of the Committee on Commerce, Science, and Transportation, I expect to propose cuts of tens of billions of dollars from current levels of spending—and to privatize wherever possible. The Clinton administration as well is calling increasingly for spending cuts and for privatizing government agencies and subsidized enterprises.

A prime candidate for privatizing is the America's public broadcasting system. I want to wean public broadcasting from the $300 million annual subsidy it gets from Federal taxpayers. I am convinced that the service public broadcasting is intended to provide could be better offered without costly Federal spending on posh Washington headquarters and legions of high-salaried bureaucratic personnel.

As the Senate is well aware, we in America continue to face a severe fiscal crisis. With an annual budget deficit projected at $175 billion and a national debt of over $4.6 trillion—with a ''T''—we simply cannot afford to pay for all the good and worthy sounding projects which vie for American's tax dollars.

This past Sunday on the CBS news program ''Face The Nation,'' I announced that several telecommunications companies, including Regional Bell Operating Company Bell Atlantic, had expressed an interest in helping to fund public broadcasting in a partnership or acquisition of assets arrangement. Under such an arrangement, the private company would step into the role now played by the Federal Government. As I have indicated a number of other telecommunications companies have expressed interest. In particular, since that time Glen Jones of Jones Intercable and Brian Roberts of Comcast have publicly expressed interest.

As in past efforts to privatize, such as the privatization of Conrail, such a deal could be approved with public service conditions. For instance legislation to privatize public broadcasting could include conditions that children's programming and rural broadcasting would be continued. As Bell Atlantic's President James Cullen stated in the Wall Street Journal yesterday, Bell Atlantic, under such an arrangement, would be ''looking for ways to keep public broadcasting whole, and maybe even enhance the quality'' by crafting better licensing arrangements.

As the Wall Street Journal also pointed out, public broadcasting is not unfamiliar with making deals with big business. On the contrary, it is a regular occurrence. Last month, Liberty Media Corp., a subsidiary of TCI, the Nation's largest cable operator, agreed to purchase a two-thirds stake in MacNeil-Lehrer Productions, the producer of PBS' nightly news program, MacNeil/Lehrer NewsHour.

Yet to hear the smug and sanctimonious executives of public broadcasting tell it, a privatization proposal is ''not necessarily in touch with reality.'' Another of the pious managers of the current system declared that the system would be ''sold off for scrap to the highest commercial bidder.'' Alarmists who profit from the current scheme under which America's hard working taxpayers provide a subsidized platform for commercial entities hysterically point to the ''vultures * * * circling over the endangered species of public television.'' Still another suggests an even more horrifying and devious explanation: a desire by these unworthy and dirty commercial entities to curry favor with me so as to influence the telecommunications legislation. As one of the profiteers stated: ''It would seem to me that the commercial interests would be looking at the telecom legislation and want to be cooperative.''

Such flashes of rhetorical excess are quite extreme even by the standards set by the always pompous beltway operatives and high-priced producers of public broadcasting. No one should be surprised to see those who profit the most from the current taxpayer supported system whining and wailing the loudest.

Given these trying budgetary times I am wondering what CPB and leaders of public broadcasting propose for the future. I am anxious to hear CPB's, PBS', NPR's, Pacifica's, and APTS' plans for dealing with this problem. I want to see public broadcasting devise a privatization plan of its own. Technologies, markets, and Federal budgetary realities have changed drastically since CPB was created in 1967. In today's budget climate, the $300 million annual subsidy simply cannot be justified. CPB officials must face this reality and reinvent their system. Let's see a serious restructuring plan from CPB and the leaders of public broadcasting.

Federal Government funding represents only 14 percent of the total public broadcasting budget. The other 86 percent comes from private contributions, grants, sponsorship, and State government funding.

Public broadcasting subsidies are frills we can longer afford. It is impossible to argue that America does not have enough TV or radio or that it is a basic function of Government to satisfy every programming taste underserved by commercial stations. It is also hard to imagine that public broadcasting's most popular programs, ''MacNeil/Lehrer,'' ''Wall Street Week,'' ''Sesame Street,'' or ''All Things Considered,'' would disappear without taxpayer subsidies. Indeed, these programs today already feature advertising—also known by the code word ''underwriting'' by the public broadcasting crowd. The audiences for this advertising are among the wealthiest in America, and much of this advertising is highly sophisticated.

The very size of the deficit and national debt has now become an excuse for irresponsibility, because no single step is sufficient to make a major difference. If every single program is sacrosanct, then the cause is hopeless. Typically, public broadcasting officials claim that the taxpayer subsidy for public broadcasting is so small that it does not matter. We can simply no longer tolerate this casual cynicism.

Public broadcasting can best be described as one of Government's ornamental activities—pleasant but not essential. It clearly does not have as strong a claim on some of Government's and taxpayer's scarce resources as the National Institutes of Health, child immunization, national defense, and a thousand other competing causes.

Public broadcasting is mired in waste and duplication. A Twentieth Century Fund study found that 75 cents out of every dollar spent on public television is spent on overhead. In 1983 an FCC staff study estimated that 40 percent of all public TV stations had signals that overlapped with another public TV station. CPB itself estimates that over one quarter of the PBS stations are duplicative.

Another very troubling development is the illegal use of taxpayer funds to lobby for yet more taxpayer funds. Since the 1870's there has been a prohibition against any federally appropriated funds being utilized for lobbying for more taxpayer dollars. Yet there are numerous reports of on-air ''call your Congressman'' lobbying. Additionally, how do we segregate taxpayer funds from private donations or advertising dollars when it all goes into the same pot of money?

When CPB was created during the heyday of the Great Society over 25 years ago, market failure was the fundamental, underlying premise for Federal funding of the public broadcasting system.

Most Americans in 1967 had access to only a handful of broadcast stations. Since that time there has been an absolute explosion in the number of media outlets and sources of information for the American people. For instance:

Broadcast TV stations increased from 769 to 1,688.

Broadcast radio more than doubled from 5,249 to 11,725.

The percentage of TV homes subscribing to cable TV grew from 3 percent to 65 percent—cable is available to 96 percent of TV homes.

CNN, C–SPAN, Arts & Entertainment, Discovery, The Learning Channel, Bravo, The History Channel, and many other cable channels have programming that's a substitute for public broadcasting without Government subsidy.

Direct Broadcast Satellite is now available everywhere in the 48 contiguous States with over 150 channels of digital video and audio programming.

Wireless Cable has several million subscribers.

Over 85 percent of American homes have a VCR—VCR's were not available in 1967.

Close to 40 percent of American homes have a PC—a product which was not available until the early 1980s.

Multimedia CD–ROM sales are flourishing with educational titles particularly popular.

The Internet and computer on-line services such as Prodigy, American On-Line, Compuserve are reaching over 6 million homes.

Most important, this is just the beginning of a new era of information plenty. With the passage of the new Telecommunications Competition and De-Regulation Act of 1995 which we will introduce and pass early in the 104th Congress, an explosion of still more media and information outlets will be unleashed.

Telephone companies, electric utilities and other new players will enter the media programming field. And with digital compression technology, broadcasters, cable companies, satellite, and other traditional media outlets will significantly expand their channel and program offerings.

As a result, the days when Americans watched the same TV shows day in and day out, as they did in 1967, is history. As a result, the original justification

for taxpayer funding of public broadcasting due to market failure no longer holds water.

At a minimum there should be a rational discussion as to the appropriate role, if any, for public broadcasting in the digital, multimedia age—to determine how best to reinvent and liberate public broadcasting given the age of information plenty.

Equally troubling is the fact that public broadcasting provides a free, publicly subsidized platform for the promotion of related products and paraphernalia. Yet the American taxpayer who makes it all possible does not participate in this windfall.

Forbes magazine recently listed Barney, the loveable purple dinosaur, as the third richest entertainer in America after Stephen Spielberg and Oprah Winfrey. Barney is estimated to gross almost $1 billion a year. Sesame Street is close behind with $800 million.

How much of those hundreds of millions of dollars are paid as dividends to America's taxpayers? The answer is: scarcely a penny.

There is in many respects a shopping channel mentality for public broadcasting including Bill Moyer's books, Ken Burns' ''Civil War'' and ''Baseball'' videos, Louis Rukeyser newsletters, and Frugal Gourmet cookbooks.

Millions of dollars which could be returned to the taxpayer are diverted to private parties, with nonprofit entities fronting for profit making enterprises.

Since 1968, actual appropriations to the Corporation for Public Broadcasting have totaled almost $3 billion. This Federal support has produced a system of 340 public TV stations and more than 1,000 noncommercial radio stations—about two-thirds of which are CPB-qualified and get Federal money.

But Federal appropriations, large as they have been, are only a fraction of the total Federal support package. Under the FCC's channel set aside program, adopted in 1952, many extremely valuable TV channels were allocated to public broadcasting. Included are VHF—channels 2 to 13—stations in several major markets like WNET-Channel 13 in New York, WTTW-Channel 11 to Chicago, KETC-Channel 9 in St. Louis, and WYES-Channel 12 in New Orleans.

These stations and many others are worth literally hundreds of millions of dollars. There is a similar set aside allocation scheme for public broadcasting in the FM radio spectrum band as well.

Non-Federal support of public broadcasting totals about $15.5 billion to date. A good portion of that total comes from State college and university funds which, in turn, derives it money from Federal sources in some cases. Much of it is also tax deductible gifts and grants. Under current budget accounting, these would be counted as tax expenditures.

The Commerce Department's NTIA administers the Public Telecommunications Facilities Program [PTFP]. Over the decades, PTFP has distributed more than $½ billion in equipment and facilities grants. That is an enormous amount of money for a business like broadcasting which is not considered very capitial intensive.

In addition, Congress has largely funded the development of a nationwide satellite interconnection system for public broadcasting. More recently, NTIA has been given funds to help stimulate the development of children's programming.

The question is this: How much seed money is enough. Tens of billions of dollars have been spent to date to help get public broadcasting started. But are we now locked into a long run Federal dependency situation?

Alternatives are available. Let us not forget that from 1981 to 1984 there was a congressionally authorized Temporary Commission on Alternative Financing for Public Telecommunications [TCAF]. It included the Republican and Democratic members of the House and Senate Communications Subcommittees, the FCC, the Reagan administration, and the industry. TCAF authorized a test of advertising on public TV stations. Public radio was also authorized to participate but they boycotted the experiment.

As part of the 18-month experiment with advertising on public broadcasting, TCAF was required to conduct viewer polls—10,000 interviews were conducted. There was virtually no negative viewer response to advertising. The majority of the respondents were of the opinion that public broadcasting should have advertising and the majority disagreed that advertising would hurt the programs or that people would stop watching public broadcasting that ran advertising.

One of the viewers in Chicago, for example, when asked before and after the experiment, replied, ''Well, I am not sure I liked the commercials—but I sure liked them more than the old kind.'' She was, of course, referring to ''Pledge Week'', also known as Beg-A-Thons.

The public broadcasting audience and contributor lists are an extremely attractive group for many, many advertisers. According to the viewer magazine of WETA in Washington, its viewers have an average household net worth of $627,000 plus an average investment portfolio of $249,000. One out of eight contributors is a millionaire, one out of seven has a wine cellar, and one out of three spent time in Europe in the past 3 years. This is the target audience for PBS' prime time programming.

As a WETA fundraiser told Washingtonian magazine, the corporate giants that underwrite the most popular shows ''know that during prime time, public television can deliver the demographic they want: affluent, highly educated, the movers and shakers, the socially conscious and well informed.''

Moreoever, the wealthy donors to public broadcasting could rather easily make up the 14-percent funding. For instance, if the 5.2 million PBS members were to contribute only $55 more a year it would equal the Federal share for CPB. It is clear that those donors are the very people who can afford to contribute an additional $55 a year.

Today, the American public clearly agrees that something should be done. A Louis Harris poll conducted for Business Week this month put CPB third on the list of Federal agencies Americans want abolished. Only the National Endowment for the Arts and the Department of Housing and Urban Development ranked higher among the public's priorities for elimination. Meanwhile the PBS taxpayer funded poll has been completely discredited by the leading polling firm in America—Times Mirror. Moreover, the CNN/Gallop poll found support for funding only at some level. What none of these polls has asked yet is ''do you favor continuation of public broadcasting as a privatized enterprise''? The overwhelming majority of Americans would answer with a resounding yes.

Faced with this sort of sentiment, defenders of taxpayer spending for CPB have put up two heat shields they hope will preserve the subsidy—rural service and children's programming.

As a Senator from South Dakota, a State with smaller cities and many farms, I have heard all the scare tactics about rural and smaller city broadcasting service before. But rural service can be sustained—even improved—through measures that actually save money to the taxpayers.

The key is leaner management. As I mentioned earlier, in Washington and throughout the system, reports the Twentieth Century Fund, 75 percent of public broadcasting funds go to overhead. CPB requires rural stations to hire full-time paid staff in many instances where students and volunteers are willing and available. This needlessly drives up the cost of rural community broadcasting.

Let us not also forget for a moment that current funding formulas favor the large urban, elite stations which get the lion's share of the funds because CPB matches private donations. In addition, as of 1992, of the 340 local TV stations in the public broadcasting network, only 7 get part of the $100 million programming fund to produce programs for the PBS network. Of those seven, only two stations, New York and Boston, produce by far the lion's share.

One TV station in New York, WNET, for example, gets eight times as much from CPB as the entire State of South Dakota for all TV and radio—South Dakota: $1.7 million; WNET: $9.3 million. This does not include the additional millions received by WNET and other elite stations through the $100 million programming fund.

In addition, private sector-like salaries are paid to personnel in public broadcasting. While I have no problem

with people in the private sector making large salaries, I do have a problem with private sector salaries being paid to those who cloak themselves in public service, especially when my State gets so little of the Federal money. While CPB and PBS salaries do generally follow congressional caps, the highest salaries in the system are routed through stations, producers, and performers.

For instance, as Senator DOLE pointed out in 1992, WNET of New York reported paying Executive Director Lester Crystal $309,375 in compensation plus a package of $92,000 plus in benefits; George Page a director gets $184,000 plus $55,000 in benefits; Robert Lipsyte a host gets $184,000 plus $54,000 in benefits. KCET of Los Angeles had a salary package of over $250,000 per year in 1992. According to the Wall Street Journal, the president of Pittsburgh's WQED resigned in disgrace in 1993 when it was revealed he was receiving a second salary of $300,000 from a station contractor. Other stations still permit other sources of income. Station perks often include cars, travel, service on other boards etc.

Children's Television Workshop, the producer of Sesame Street, reported a top salary plus benefits package totalling some $625,000 in 1992.

The biggest unknown is payments to PBS stars—since stations contract with private companies to pay the talent. As a result, we do not currently know what MacNeil, Lehrer, Ken Burns, Bill Moyers, or the Frugal Gourmet make. It has been reported that Norm Abrams, the carpenter on ''This Old House'', makes over $250,000 a year.

CPB's campaign on children's television is even more alarmist. At a public relations event this month in Washington, CPB trotted out the president of the local PBS station from New Orleans, who gave his dire prediction of what would happen at his station without Federal taxpayers' funds.

''Early morning broadcasts of Barney and Lamb Chop's Play-Along would go away,'' the station president said emotionally. ''It would be a huge step backward for America.''

That's what I call a ''close the Washington Monument'' strategy: Threaten to shut down the most popular and visible attraction when threatened with a marginal loss of tax dollars. And for public broadcasting, the end of Federal subsidies would be but a marginal loss. To reiterate a point made earlier, only 14 percent of public broadcasting's revenues comes from Federal taxpayers. The other 86 percent comes from private contributions, corporate underwriting and State government grants.

Any decently managed organization should be able to sustain a loss of one source accounting for 14 percent of revenues—especially when its horizons are wide open for revenues from other sources.

High quality children's programming is available now through free market media that did not even exist when CPB was chartered and its taxpayer spending began to grow. The Learning Channel, the Discovery Channel, the Disney Channel are but a few. Another, Nickelodeon, has fared so well both critically and commercially that it has sold programming to television in France—an exceedingly hard market for U.S. cultural offerings to penetrate.

Profit and commercialization are treated as obscenities by sanctimonious public broadcasting executives. These prim people remind me of the ''sportin' house'' piano player who swore he had no idea what was going on upstairs.

As I mentioned before, profit certainly isn't a dirty word to the creators and licensees of such successful shows as Barney and Sesame Street. While hundreds of millions of dollars were being made, thanks to the contracts negotiated by CPB's pious managers, CPB failed to reap a penny in return.

Restructured and truly privatized, CPB could be a clearinghouse for quality programming from our highly creative competitive marketplace. And it would have the right incentives to prevent squandering opportunities and resources.

The American people are right on target in making it a priority to halt taxpayer spending for the CPB bureaucracy, to privatize the public broadcasting industry and bring it up to date with today's markets and technologies. This is one of my top goals as the new chairman of the Senate Commerce Committee.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent to proceed as in morning business.

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

OSHA RULES GOVERNING LOGGING OPERATIONS

Mr. BAUCUS. Madam President, Washington bureaucrats are at it again. On February 9, the Occupational Safety and Health Administration, otherwise known as OSHA, will impose rules governing logging operations out in the woods. Now, logging can be hazardous and there are certain rules that do make sense and should be enforced to ensure that folks are not subjected to unnecessary risks. But people who work in the woods are not dummies. They know they do dangerous work, and they know which rules make sense and which ones do not.

Unfortunately, the OSHA folks back here in Washington, DC, got carried away with their rulemaking because they issued a host of logging regulations that, I must tell you, simply defy common sense and they hurt the people who are trying to make a living rather than helping them. You can tell whoever wrote them works at a desk, probably in Washington, DC, and not with a chain saw.

For example, these new regulations require loggers to wear foot protection that prevents penetration by chain saws. That means steel-toed kevlar boots. While requiring loggers to wear these boots sounds like a good, sensible rule, the fact is, it is not. As Montana loggers will tell you, steel-toed boots are impractical when it comes to steep terrain—and I can tell you, we have a lot of that—and in cold weather. We have some of that, too. Since they reduce comfort and significantly reduce flexibility, they make it easier to slip and to fall, not a good thing when you are carrying a chain saw. Uncomfortable and inflexible boots might make the job more dangerous, not less dangerous. We have to, I think, let the logger make that call.

Furthermore, chain-saw resistant work boots would have to be made out of exotic material like kevlar. These boots are not readily available from manufacturers. It seems impractical to me then to ask loggers to take a vacation while their new up-to-standard boots are on back order.

Another provision requires loggers to wear both eyeglasses and face protection. Eye protection does make common sense. It is a regulation that loggers have strictly followed for many years. The additional requirement of face shields, however, will only cut down on loggers' peripheral vision; here, again, a regulation that creates more of a hazard than it alleviates.

A third provision requires health care providers to review and approve logger first aid kits on a yearly basis; a doctor's appointment for a first aid kit. OSHA has to be kidding. I would think that OSHA could perhaps list the required contents for an aid kit and just leave it at that.

These, Madam President, are but three examples that demonstrate just how bad these regulations are going. They are tough and violators are subjected to stiff penalties. They also make no sense and will needlessly put hardworking men and women out of business come February 9 when they go into effect.

Sometimes it seems to me the Feds have it in for people who work in the woods, or just like to go camping. For example, last year, I persuaded the Forest Service to withdraw a set of regulations that told folks what they could and could not do in the woods. These were the rules that outlawed people from carrying firearms, picking up rocks, or shouting out loud in our national forests.

The Forest Service finally came to their senses and withdrew those regulations, and I hope that the Department of Labor will do the same here. I have asked the Secretary of Labor to suspend implementation of these regulations for 180 days.

Madam President, during this time, OSHA should go back to the drawing board and talk to the people with actual logging experience. These folks can help OSHA create rules that are specifically tailored to the region, compatible to the nature of the work and help, rather than hinder, the logger.

I urge my colleagues to support my call for a halt to the implementation of these regulations as they are currently written.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Madam President, I applaud the Senator from Montana, and I hope that OSHA will pay attention to his letter. I own a small tree farm in Vermont. In fact, I live on it. We harvest mixed types of trees, mostly hard wood, some soft woods, doing probably 25 to 35 acres a year. The man who does the harvesting was named a couple years in a row as the best forester in Vermont.

He did not get that way by taking unnecessary risks. He has a very good logging business, hires a number of people, logs primarily in the wintertime when the ground is frozen, and moves things out.

Frankly, I would trust him to make some of these judgments, some of the things the Senator is describing. They make no sense in our State, either.

I remember one day walking down the road last winter. It was between 30 and 35 degrees below zero. He was standing with his truck. He really loved it because the roads were frozen and he could move. And he had the roads to himself. But I can see him trying to walk with the type of boots the Senator is talking about. I can see him just breathing into any kind of face mask the Senator is talking about, where it is 30 to 35 degrees below zero. You are going to have nothing but sheer ice on the inside of that face mask. I wonder what kind of safety factor that is going to be.

So, Madam President, I would ask the distinguished senior Senator from Montana, one who has paid more attention to these issues than just about anybody I know in this body, if he would share with me the response to his letter because I think he raises a valid point.

Mr. BAUCUS. Madam President, I very much would like to and will share the response I get.

I am curious whether they are going to apply windshield wipers on the face shield.

Mr. LEAHY. Defrosters.

Mr. BAUCUS. Defrosters. I wonder whether, if they are battery powered, the logger will have to carry a battery pack for the windshield wiper on the face mask or the defroster on the face mask because, as the Senator said, and as you know, Madam President, in your State of Maine—our States are northern States—snow falls in the winter. It gets a little cold when we are out in the woods. They could easily fog up. So I am not sure whether the OSHA people are thinking only about dead of summer logging or whether they are also thinking about logging operations the time of the year when it sometimes gets a little cooler.

But I thank the Senator for his observations and I will give him a copy of the letter I get.

HOLDING THE COURSE TOWARD MIDDLE EAST PEACE

Mr. LEAHY. Madam President, we all know that making peace has never been easy. It is hard to forget the pain of having lost loved ones. It is hard to abandon the image of an enemy as fundamentally evil and begin to recognize that same enemy as a fellow human being. It is hard all of a sudden to forget the vocabulary of hatred and recrimination and start using words like ''goodwill'' and ''trust'' and ''cooperation.''

It is even harder to lead others to do these things. The risks are enormous. The enemy leader may doublecross you, or his followers may try to do that. You may be branded as weak and gullible. In fact, extremists on each side may try to undermine the process. And then, if you are the peacemaker, extremists on your side may prevent you from keeping your promises or, worse yet, attack you. The chances are great that you will end up being blamed for any bloodshed rather than being praised for the bloodshed you prevented.

Madam President, I wish to take a moment today to recognize one who, despite all the risks, embarked on the road to peace and who, despite all the efforts to derail him, remains on it. I am speaking of the Prime Minister of Israel, Yitzhak Rabin.

Sunday, Israel was shaken by yet another bomb attack: 19 Israelis were killed and dozens injured. And once more, understandably, families are grieving. Once more, they are wondering what peace with the Palestinians means. And once more, the voices of those who oppose peace are raised high, many calling for Prime Minister Rabin's resignation.

I hope he does not resign. Israel needs him. The Palestinians need him. We Americans need him. In fact, we all need leaders who are willing to take risks for peace wherever that might be in the world.

We grieve, obviously, for the most recent victims of terrorism. A victim of terrorism is a victim of terrorism no matter who initiated it. How tragic that even now, a year after President Clinton brought Prime Minister Rabin and Chairman Arafat to the White House to shake hands, there are still people who cannot put the pain of past losses behind them, people who still fail to see that continuation of confrontation only brings more pain, people who are still not ready to work together for a better future for their children.

Madam President, as we here in America grieve, I hope we do not lose our bearings. I hope we keep sharply focused on what is the goal, which is peace in the Middle East.

Madam President, I say this because over the past several months, we have seen some interesting activity here on Capitol Hill. I know in my case, and in others, we have had a group of Israelis coming to our offices informing us what American national interests are. Not Israeli interests they would like us to support—in fact, no reference to Israel or the interests of the Israeli Government. They say they are doing us the service of helping us figure out what American interests are.

Frankly, Madam President, I think that is what I was elected for; that is what I am paid for. And I will try to make that determination without someone from another country coming in and telling me what our interests are. I am referring here to those Israelis who are waging a campaign to have Congress in advance forbid American participation in any eventual peace monitoring force in the Golan Heights between Israel and Syria. Why are they doing this? Is there a peace agreement between Israel and Syria? No. Has the Israeli Government asked us to commit ourselves to participate? No. In fact, on the contrary, Madam President, Prime Minister Rabin and Israeli Ambassador to the United States Itaman Rabinovich have made clear that their Government is very anxious to have United States participation in a Golan Heights peace-monitoring force, assuming that at some point possibly one is created, just as the United States has participated and continues to participate effectively in the Sinai force monitoring the peace between Israel and Egypt, something that we have done for years, since the time of the Camp David Accords.

So, why, Madam President, would anyone want the U.S. Government to forbid American participation in a venture even before we know what the venture is? There will be time enough to make that determination once and if there is a peace agreement and we are asked to help. In fact, I ask why would Israelis be working in Washington to persuade the United States Government to act against the wishes of their own Government?

I assume they are here to oppose their own Government, and they would like Americans to help bring down their Government. I am opposed to that. And I am opposed to those who come here who really want to stop the peace process.

Madam President, I do not envy Prime Minister Rabin having to negotiate with Syrian President Assad. He is not a person to whom I take very kindly, President Assad, the same President Assad who has been responsible for terrorist attacks against the Israeli people for decades. This is the

same President Assad who aided the attack on the barracks in Beirut almost 15 years ago, when dozens and dozens and dozens and dozens of brave U.S. marines died needlessly. I am a father of a former marine myself. When I remember that, I have great difficulty in contemplating reaching engagement with such a person. I am sure, because of his own personal experiences, Prime Minister Rabin has even more difficulty.

But Prime Minister Rabin has gone forward. He knows that continued confrontation with Syria will just bring more attacks, more deaths, more suffering. He knows that. In order to create a world in which Israeli children can grow up without guns all around them, without the prospect of new attacks, he swallows his anger.

Madam President, as angry as I feel towards President Assad, I know that my anger is mild compared to that of Prime Minister Rabin. But in order to have peace, you do not negotiate with your friends, you negotiate with your enemies. It has always been that way. We Americans have always yearned for peace in the Middle East. Prime Minister Rabin is working for peace, and I for one applaud him.

Madam President, I see others in the Chamber seeking recognition, so I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 215 AND 216

Mr. GRAMM. Madam President, under the previous unanimous consent request, all amendments have to be submitted before 3 o'clock, so I ask unanimous consent that I might send two amendments to the desk for immediate consideration.

The PRESIDING OFFICER. If there are no objections, the Senate may set aside the pending amendment. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes amendments numbered 215 and 216.

Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 215

(Purpose: To require that each conference report that includes any Federal mandate, be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate)

On page, 21, between lines 13 and 14, insert the following:

''(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form.''

AMENDMENT NO. 216

(Purpose: To require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct cost of Federal mandates)

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting ''408(c),'' after ''313,''.

Mr. GRAMM. Madam President, let me just make a couple of points. First of all, one of these amendments is technical, one is substantive. One is trying to strengthen the mandate bill. Under the mandate bill we are now considering, if someone wanted to impose an unfunded mandate on local government, county government, or State government, there would have to be an estimate of the amount of cost. And if that cost exceeds $50 million, the unfunded mandate would be subject to a point of order and a 50-vote margin—50 votes plus 1, a majority, would have to be achieved in order to waive that point of order.

I have gone back and looked at what 50-vote points of order have done under the Budget Act. In fact, you have to go back to 1988 to actually find 50-vote points of order that anyone raises. In 1987–88 we had five 50-vote points of order raised. This was under the Budget Act, for busting the budget.

Four of them were waived, and no one has raised one since that time, the reason being if you only have to get 50 votes to waive the point of order, since it takes 50 votes to pass the bill, almost anything that is going to pass will get the votes to waive the Budget Act. That is why we went to a 60-vote point of order, to make the point of order have some meaning and substance.

I have offered an amendment that would change the bill in one fundamental respect, and that is it would require 60 votes to waive the point of order in the Senate to allow us to impose an unfunded mandate on local government.

Madam President, I want to make one observation about this bill. I understand obstruction. I have engaged in it myself. It is an important part of the American system and, while those who are being obstructed are unhappy about it, in fact it is the guaranteed right of those who serve in the Senate to obstruct.

I would like to note one observation that I think is relevant to this process. I engaged in obstructing the passage of the President's health care bill. For 7 months I was engaged, with other Members of the Senate, in relentlessly trying to prevent the President's health care bill from being passed. I would say, however, that I had no qualms about standing up and saying I oppose the President's health care bill and it is going to pass over my cold, dead political body, which fortunately, such as it is, is alive today. The President's health care bill is deader than Elvis. And unlike Elvis, it would not be welcomed if it came back.

But I would note it is very strange to me that, though we are in our second week of deliberation on this bill, we have been unable to get cloture to go on and pass the bill when we have 63 cosponsors. My question is this: If so many people are for this bill, why do we have so much trouble in passing it?

So I think obstructing is an important part of the process. I think it allows us to analyze, to discuss, to reason. And I think ultimately if you have a determined minority that is opposed to a bill, that you ought to be able to show voter strength in the Senate in order to override that minority. But I do continue to be puzzled by the fact that so many people say they are for this bill, and yet we cannot seem to get on with the job of passing it.

I think that is an important point to make and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

AMENDMENT NO. 217

(Purpose: To exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation, and for other purposes)

Mr. BYRD. Madam President, I send to the desk an amendment for the purpose of qualifying under the original unanimous-consent order. I have a spot on the list. I ask the number only be stated at this time and that it lie at the desk for call-up during the debate later.

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

The clerk will state the amendment by number.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 217.

The amendment is as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

''(I) a condition of Federal assistance;

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty that establishes or enforces any statutory right of employees in both the public and private sectors with respect to their employment; or

AMENDMENT NO. 213, AS MODIFIED

Mr. BYRD. Madam President, I now have three amendments that have been entered in accordance with the order that was previously entered. One of those amendments I wish to modify.

I ask unanimous consent I may be permitted to modify amendment No. 213.

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

Mr. BYRD. Madam President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BYRD. Madam President, I ask unanimous consent the modification not be read.

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

The amendment (No. 213), as modified, is as follows:

On page 23, strike line 18 through line 6 on page 25 and insert the following:

''(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress; and

''(cc) provides that the mandate shall cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa) unless Congress has completed action on the recommendations during the 60 day period.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Madam President, parliamentary inquiry, is it necessary to ask unanimous consent to set aside the pending amendment in order to send up an amendment under the UC?

The PRESIDING OFFICER. Yes, that is correct.

Mr. LEVIN. Madam President, I ask unanimous consent the pending amendment be set aside temporarily so it would be in order for me to offer two amendments under the unanimous-consent agreement that is now in effect.

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

AMENDMENT NO. 218

(Purpose: To propose a substitute amendment)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 218.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEVIN. Madam President, I now ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 219

Mr. LEVIN. Madam President, I send another amendment to the desk pursuant to the pending unanimous-consent agreement, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 219.

Mr. LEVIN. Madam 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 18, line 25, insert before ''and'' the following: ''but no more than ten years beyond the effective date of the mandate''.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. BROWN. Madam President, I ask unanimous consent the pending amendment be set aside so I may offer some amendments under our unanimous-consent agreement.

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

AMENDMENT NO. 220

(Purpose: To express the sense of the Senate that the appropriate committees should review the implementation of the act, and for other purposes)

Mr. BROWN. Madam President, I send to the desk an amendment dealing with a sense of the Senate regarding a review of this process, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 220.

Mr. BROWN. Madam 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 13, insert between lines 13 and 14 the following new section:

SEC. 6. REVIEW OF IMPLEMENTATION.

It is the sense of the Senate that before the adjournment of the 106th Congress, the appropriate committees of the Senate should review the implementation of the provisions of this Act with respect to the conduct of the business of the Senate and report thereon to the Senate.

AMENDMENT NO. 221

(Purpose: To limit the restriction on judicial review)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. HATCH, proposes an amendment numbered 221.

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

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

The amendment is as follows:

Strike title IV of the bill and insert the following:

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under title I or III of this Act, and any compliance or noncompliance with the provisions of title I or III of this Act, and any determination concerning the applicability of the provisions of title I or III of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of title I or III of this Act or amendment made by title I or III of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of title I or III of this Act or amendments made by title I or III of this Act shall be considered by any court in determining the intent of Congress.

Mr. BROWN. Madam President, the first amendment deals with a sense-of-the-Senate, suggesting that by the 106th Congress, this legislation be reviewed. I think it is important that, while we are not able to bind future Congresses, and while I think it would be a mistake to set an automatic sunset on this legislation, it is important that future Congresses review that. My hope is that the body will want to go on record as urging future Congresses to provide the right kind of overview that will enable us to perfect the legislation.

The second amendment is an important one. I recognize, as I think most Senators do, it is important not to have a judicial review of things that are internal within the Congress. But it is also important, I think, to provide that outside regulatory agencies that are assigned responsibilities under this act be subject to judicial review just as they are in all the other things they do.

So what my amendment does is make it clear that title I and title III are not subject to judicial review, in that the regulatory agencies under title II are treated, in this act, the same way as they are in all other acts that apply.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 222

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

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 222.

Mr. ROTH. Madam 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 33, strike all on lines 10 through 12, and insert the following:

This title shall take effect on January 1, 1996, and shall apply to—

(1) bills and joint resolutions reported, and to amendments and motions offered, on and after such date, and

(2) conference reports on such legislation.

Mr. ROTH. Madam President, I ask unanimous consent to temporarily lay this amendment aside.

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

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

ORDER OF PROCEDURE

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that at 3:15 today there be 30 minutes for debate on the Grassley amendment No. 207 to be equally divided in the usual form, and that no second-degree amendments be in order to the Grassley amendment No. 207, and that the vote occur on the amendment following the stacked votes already ordered to begin at 4 p.m..

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

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the consent agreement governing the Hollings amendment No. 182 be postponed to now occur immediately following the stacked rollcall votes at 4 p.m..

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the 3:15 time for the debate and vote on the Grassley amendment be postponed, to occur at a later time.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Madam President, before we start five rollcall votes I thought I would just review for those who have been involved in this, and others who may have an interest, just sort of what has happened.

First of all, we started on this bill on Thursday, January 12, at 10:30 a.m.. We have had 10 full days of debate on this one. I do not want anybody suggesting this bill has been rushed. It should have been passed probably in a couple of days. We have had 21 rollcall votes taken on this bill. Of those, 5 were unanimous. Of those 21 votes, 9 were taken on committee amendments that had been adopted unanimously in committee.

We have had just about 41 hours and 48 minutes on the bill. Colleagues on the other side have used 26 hours and 41 minutes. On this side, we have used 15 hours and 7 minutes. We reached an agreement last Thursday to limit the number of first-degree amendments to 62 amendments. But then 50 amendments have been offered. I am not certain we gained anything. We probably could have disposed of 12 on Friday. So we really did not gain anything with the consent agreement.

So, of the 50 amendments which are pending, 37 amendments were offered by our colleagues on the other side and 13 were offered by my colleagues on this side of the aisle. We have accepted three by a voice vote, which means that after 10 days of debate and entering into these unanimous consent agreements, we still have 47 amendments left.

I just say to my colleagues that we hope to finish action on this bill this week. So I can say definitely tomorrow night will be a late, late night. Thursday night will be a late, late night, and I assume Friday night will be a late, late night because at the rate we are going we have only disposed of—I do not know how many amendments in the last 10 days—not very many. We have had 21 rollcall votes. So that is an average of two rollcall votes a day.

We obviously have the right to file cloture, in effect, because there is no time agreement on any of these amendments. Even though there are 47 amendments left, there is no time agreement on any of the amendments. They could take 1 hour apiece or 1 day apiece. So it may be necessary to file cloture. If not, it may be necessary to start tabling the amendments because we need to complete action on this bill.

I do not believe anybody can say that this bill has been rushed. I have read statements where people say it has been rushed, that they are not going to be rushed and we are going to take our time. And I do not quarrel with that, except it would be a stretch by anyone to suggest we have not taken enough time on this bill. The bill has broad support on both sides of the aisle.

I hope that the President tonight in his State of the Union Message will just urge my colleagues on the other side of the aisle to speed up action on this bill. He is for it and indicates he is for it. There will be no action on Mexico until this bill is disposed of, and maybe—we have wasted so much time—maybe not until a balanced budget amendment is disposed of. We will have to make that decision later. This has been a priority, and we would like to dispose of it as quickly as possible. That would mean no later than the end of this week.

I want to thank both managers of the bill. I know that they have been working diligently. But it seems to me we have about reached the place where we should agree on some of the key amendments, offer the amendments, have the debate, and then have the vote.

I ask unanimous consent that all the votes except the first vote be limited to 10 minutes in duration.

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

Mr. DOLE. So the first vote will be a 20-minute rollcall vote, 15 plus 5; the remaining votes will be 10 minutes, plus 5. We hope we can complete many amendments in 10 minutes. But the first will be 20 minutes, then the others will be 15-minute rollcall votes.

VOTE ON AMENDMENT NO. 178

The PRESIDING OFFICER. Under the previous order, the question recurs on the motion to table amendment No. 178, offered by the Senator from North Dakota [Mr. DORGAN]. 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 Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

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

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—63

Abraham	Frist	Mack
Ashcroft	Glenn	McCain
Bennett	Gorton	McConnell
Bond	Graham	Moseley-Braun
Bradley	Gramm	Moynihan
Brown	Grams	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Nunn
Coats	Hatch	Packwood
Cochran	Hatfield	Pressler
Cohen	Helms	Roth
Coverdell	Hutchison	Santorum
Craig	Inhofe	Shelby
D'Amato	Jeffords	Smith
DeWine	Kassebaum	Snowe
Dodd	Kempthorne	Specter
Dole	Kerrey	Stevens
Domenici	Kyl	Thomas
Faircloth	Lautenberg	Thompson
Feinstein	Lott	Thurmond
Ford	Lugar	Warner

NAYS—34

Akaka	Dorgan	Mikulski
Baucus	Exon	Murray
Biden	Feingold	Pell
Bingaman	Harkin	Pryor
Boxer	Hollings	Reid
Breaux	Inouye	Robb
Bryan	Johnston	Rockefeller
Bumpers	Kerry	Sarbanes
Byrd	Kohl	Simon
Campbell	Leahy	Wellstone
Conrad	Levin	
Daschle	Lieberman	

NOT VOTING—3

Heflin	Kennedy	Simpson

So the motion to lay on the table the amendment (No. 178) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 179

Mr. DODD. Mr. President, I rise in support of this amendment and commend my colleague from North Dakota for his work on this issue.

We are still in the first weeks of the 104th Congress, and already it appears that some Members of the Republican leadership are going back on their promises to our seniors and our middle-class taxpayers. They promised not to touch Social Security and they promised to cut taxes. Now they are strongarming bureaucrats to approve a technical change that would reduce Social Security benefits to millions of seniors and raise taxes to millions of others.

Mr. President, may I suggest that this is no way to fulfill the meaning of the words that formed the backdrop at the Republican National Committee meeting this weekend? The banner read: ''Republicans: Keeping Our Promises: Building Your Trust.''

I support this sense-of-the-Senate resolution because I believe fine tuning our calculation of inflation is too important an issue to be exploited or politicized. Any adjustments to the consumer price index must be left—not to the whims of political leaders—but to the thoughtful analysis of our Nation's leading economists.

Federal Reserve Chairman Alan Greenspan and others have raised a concern that the consumer price index may overestimate inflation by inaccurately measuring consumer spending habits. No consensus has emerged, however, on how to remedy this problem. None.

The calculation of the CPI has significant policy ramifications, principally for senior citizens who rely on Social Security cost-of-living adjustments.

Before we cut their benefits, we owe our Nation's seniors the benefit of consulting with the experts.

Speaker GINGRICH disagrees. He has threatened to cut off funding for the Bureau of Labor Statistics if the agency ''can't get it right'' within 30 days. What does ''getting it right'' mean? If the agency does not adjust the CPI calculations to fit the Speaker's political ends, are economists going to lose their jobs?

One thing is for sure—browbeating bureaucrats will not create a more reasoned analysis of this issue.

There is simply too much at stake for Congress to rush to judgment on this matter without the thoughtful review and recommendations of our economic experts.

A PATTERN OF GIMMICKS

I am concerned that this latest flap over the CPI is part of a disturbing pattern. Some of my Republican colleagues are seizing upon any gimmick they can to justify their tax cuts for the wealthy. It does not seem to matter who they run over in the process.

Dynamic scoring—otherwise known as dynamic dreaming—was the last flavor of the week. CPI changes are the newest flavor.

A balanced budget amendment will be the next. The Republicans' attempt to politicize the CPI shows that even with a constitutional amendment, Congress will use gimmicks to pass a budget that balances on paper, but bounces in the real world.

We have seen this before.

For 12 years, Ronald Reagan and George Bush advocated a balanced budget amendment while submitting budgets with rosy economic scenarios, inaccurate assumptions, and magic asterisks in the place of specified spending cuts.

These actions have left a legacy of large deficits and a quadrupling of the national debt. Today every American man, women, and child owes almost $13,500 on the publicly held debt. In inflation-adjusted terms, that's about 2½ times what they owed in 1980.

Time after time we have seen gimmicks used to support economic theories for political reasons. We are in serious jeopardy of returning to these dangerous tricks.

We all know—and experience has taught—who bears the greatest cost of this gimmickry—the middle-class. At the end of the day, it's middle-class Americans who are called upon to clean up the effects of mistaken economic theories.

If we misjudge this theory, and err in recalculating the CPI—it's middle-class Americans and vulnerable seniors who will lose the most.

I urge my colleagues to reject these quick fixes and gimmicks and act cautiously and conservatively. The American public deserves no less.

VOTE ON AMENDMENT NO. 179

Mr. KEMPTHORNE. Mr. President, I move to table the Dorgan amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 179 of the Senator from North Dakota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BRADLEY (after having voted in the negative). On this vote, I have a pair with Senator SIMPSON, of Wyoming. I have voted ''no.'' Senator SIMPSON would have voted ''aye.'' I withdraw my vote.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

On this vote, the Senator from New Jersey [Mr. BRADLEY] is paired with the Senator from Wyoming [Mr. SIMPSON].

If present and voting, the Senator from Wyoming would vote ''yea'' and the Senator from New Jersey would vote ''nay.''

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

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

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—44

Akaka	Boxer	Byrd
Baucus	Breaux	Campbell
Biden	Bryan	Conrad
Bingaman	Bumpers	Daschle

Dodd	Johnston	Murray
Dorgan	Kerrey	Nunn
Exon	Kerry	Pell
Feingold	Kohl	Pryor
Feinstein	Lautenberg	Reid
Ford	Leahy	Robb
Glenn	Levin	Rockefeller
Graham	Lieberman	Sarbanes
Harkin	Mikulski	Simon
Hollings	Moseley-Braun	Wellstone
Inouye	Moynihan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bradley, against

NOT VOTING—3

Heflin	Kennedy	Simpson

So the motion to lay on the table the amendment (No. 179) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 191

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 191 offered by the Senator from New Mexico [Mr. BINGAMAN].

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 Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

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

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—58

Abraham	Frist	McCain
Ashcroft	Glenn	McConnell
Baucus	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Chafee	Hatch	Roth
Coats	Hatfield	Santorum
Cochran	Helms	Shelby
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dole	Kohl	Thompson
Domenici	Kyl	Thurmond
Exon	Lott	Warner
Faircloth	Lugar	
Feingold	Mack	

NAYS—39

Akaka	Breaux	Conrad
Biden	Bryan	Daschle
Bingaman	Bumpers	Dodd
Boxer	Byrd	Dorgan
Bradley	Campbell	Feinstein
Ford	Lautenberg	Pell
Graham	Leahy	Pryor
Harkin	Levin	Reid
Hollings	Lieberman	Robb
Inouye	Mikulski	Rockefeller
Johnston	Moseley-Braun	Sarbanes
Kerrey	Moynihan	Simon
Kerry	Murray	Wellstone

NOT VOTING—3

Heflin	Kennedy	Simpson

So the motion to table the amendment (No. 191) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment No. 192 offered by the Senator from New Mexico [Mr. BINGAMAN]. 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 Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—57

Abraham	Frist	Mack
Ashcroft	Glenn	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Bryan	Grassley	Nunn
Burns	Gregg	Packwood
Chafee	Hatch	Pressler
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Cohen	Hutchison	Shelby
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Dole	Kohl	Thomas
Domenici	Kyl	Thompson
Exon	Lott	Thurmond
Faircloth	Lugar	Warner

NAYS—40

Akaka	Daschle	Kerrey
Baucus	Dodd	Kerry
Biden	Dorgan	Lautenberg
Bingaman	Feingold	Leahy
Boxer	Feinstein	Levin
Bradley	Ford	Lieberman
Breaux	Graham	Mikulski
Bumpers	Harkin	Moseley-Braun
Byrd	Hollings	Moynihan
Campbell	Inouye	Murray
Conrad	Johnston	Pell
Pryor	Rockefeller	Wellstone
Reid	Sarbanes	
Robb	Simon	

NOT VOTING—3

Heflin	Kennedy	Simpson

So, the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 182

Mr. GLENN. Mr. President, what is the next order of business before the Senate?

The PRESIDING OFFICER. Amendment No. 182, offered by the Senator from South Carolina [Mr. HOLLINGS] with 30 minutes, equally divided.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President it is my hope that in this amendment we can sort of burst the bubble of false hope that permeates the Government in Washington with so-called contracts. All around town we seem to hear ''The Government is the problem; let's get rid of the Government.'' Unfortunately, both sides participate in this charade. We will be fighting all year to bring reality into the picture. Specifically, let me refer, to an amendment that I introduced on the Senate floor in 1990, an amendment that is now the solemn law of the land. It says:

> ''Notwithstanding any other provision of law receipts, disbursements and Federal aid, survivors' insurance trust fund, and the Federal disability insurance trust fund shall not be counted as new budget authority outlays, receipts, deficit, surplus, for the purpose of the budget of the U.S. Government as submitted by the President or the congressional budget or the Balanced Budget and Emergency Deficit Control Act.

In reality, the administration and the other side continue to use surplus funds when they refer to the size of the deficit. When Vaclav Havel was inaugurated as President of Czechoslovakia, he said:

> For 40 years we have been lied to, and for 40 years we have grown sicker because we have been saying one thing and believing another. I assume that you did not elect me President to continue this 40 years of lying. We have to deal with our problems. Nobody else can solve our problems but us.

That goes double for the problems that confront this Government at this hour.

We have, as the President speaks tonight, some 10 million Americans laying on the streets homeless, 12 million children hungry, and 40 million in poverty.

Mr. President, we need to be candid with the American people. All this resolution asks Congress to do, is to tell the American people up front the truth about our fiscal situation. Specifically, the deficit right now is not $176 billion;

it is $283 billion. We can look at the $253 billion that we spend on domestic discretionary programs against the $283 billion projected deficit and readily see that we could eliminate Government and still be in the red. My point is that in addition to spending cuts we will need to increase revenues.

I ask unanimous consent at this point to include in the RECORD a chart outlining one possible path to balancing the budget along with a list of approximately $37 billion in nondefense discretionary spending cuts.

There being no objection, the table is ordered to be printed in the RECORD, as follows:

HOLLINGS RELEASES REALITIES ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts is necessary.

Reality No. 2: There aren't enough savings in entitlements. Have welfare reform, but a jobs program will cost; savings are questionable; health reform can and should save some, but slowing growth from 10 to 5 percent doesn't offer enough savings; social security won't be cut and will be off-budget again.

Reality No. 3: We should hold the line on the budget on Defense; that would be no savings.

Reality No. 4: Savings must come from freezes and cuts in domestic discretionary spending but that's not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes are necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note—Figures are in billions. Figures don't include the billions necessary for a middle-class tax cut.

Non-defense discretionary spending cuts	1996	1997
Space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	1.0
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Department funding and end miscellaneous activities	0.1	0.2
End Public Law 480 title I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate USTTA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate Untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for energy technology development	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for non-profits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice, State, local assistance grants	0.1	0.2
Reduce export-import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate small business development centers	0.056	0.074
Eliminate minority assistance score, Small Business Institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate International Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the United Nations	0.873	0.873
Eliminate participation in U.N. peacekeeping	0.533	0.533
Eliminate Byrne grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.028	0.140
Reduce Coast Guard 10 percent	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate coastal zone management	0.03	0.06
Eliminate national marine sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate State weather modification grant	0.002	0.003
Cut Weather Service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate public telecommunications facilities program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate national information infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Reduce chapter 1 20 percent	0.173	1.16
Reduce special education 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce WIC 50 percent	1.579	1.735
Eliminate TEFAP:		
Administrative	0.024	0.040
Commodities	0.025	0.025
Reduce Cooperative State Research Service 20 percent	0.044	0.070
Reduce Animal Plant Health Inspection Service 10 percent	0.036	0.044
Reduce Food Safety Inspection Service 10 percent	0.047	0.052
Total	36.941	58.402

Mr. HOLLINGS. Mr. President, the path that I have outlined would include $406 billion in spending cuts over a 4-year period. In reality, I doubt that the Congress could cut $406 billion. I doubt that you could cut $37 billion in the first year to put us on schedule. But as my list of cuts shows, even if that were done, we would have to make additional cuts in the second year, and the third year, and so on. Moreover, after all these cuts we will still need a 5 percent value-added tax to bring us into the black by 1999. But wait, there's more. Having gotten into the black, we will still be spending $368 billion in interest costs on the gross debt. In short, we will be on automatic pilot for increased spending of $1 billion a day. The only way I know to get off of this binge is to start talking honestly about the budget.

Some of the elected officials in this town act like they are not part of the Government. It is like going to the Super Bowl and watching the Forty-Niners and the Chargers run into the stands hollering, ''We want a touchdown. We want a touchdown.'' But to do that, they've got to get out of the bleachers and onto the field. Let us get down on the field and balance the budget.

Mr. President, David Stockman, the Republican Director of the Office of Management and Budget, said 10 years ago:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it ever since. Instead they have incessantly poisoned the political debate with a mindless stream of anti-tax venom while pretending that economic growth and spending cuts alone could cure the deficit. That ought to be obvious now that we cannot grow our way out of it.

That is what we are getting here, 1995. It is time to stop this charade today. I retain the balance of my time.

Mr. DOMENICI. Mr. President, how much time does Senator HOLLINGS have remaining?

The PRESIDING OFFICER. Six minutes and 18 seconds remaining. The Senator from New Mexico has a full 15.

Mr. DOMENICI. Do you want to proceed with some of that, Senator? Do you want him to go now?

Mr. HOLLINGS. Go right ahead and then I will yield to Senator DODD.

Mr. DOMENICI. I have 15 minutes and would like to yield up to 5 minutes for Senator SIMON from Illinois. I would use the balance.

Mr. SIMON. Mr. President, I thank you.

I am going to oppose this amendment. I have great respect for Senator

HOLLINGS. Frankly, if we had more FRITZ HOLLINGS in the U.S. Senate we would not need a balanced budget amendment. FRITZ HOLLINGS has shown more courage in the Budget Committee—and I have served there along with Senator DODD and others—in talking about revenue, talking about cuts, talking about the needs of our country and that is essential.

I think there will be a lot of votes on this side supporting it in part because there is some resentment to the Contract With America and it is pie-in-the-sky we can cut taxes and spend more on defense, and it is just unrealistic.

I, however, oppose it for this reason, and that is, if it were popular to balance the budget, we would have done it a long time ago, the FRITZ HOLLINGS votes in the Budget Committee would have passed. The reality is we need a straitjacket to force us to do the right thing, and that is why it is essential for the country that we have a balanced budget.

The principle has to be established, and once we establish the principle, then we can argue among ourselves how to go about it. But we have not established the principle. I will just give you one quick illustration.

Back about 3 years ago, I introduced a bill for long-term care with a ½ percent increase in Social Security to pay for it. Two of my colleagues in the Senate, one of whom is still serving here now, came to me and said they thought it was a great bill, they would like to cosponsor it if I would just drop the ½ percent tax to pay for it. We can do that now. We can spend money, not pay any attention to whether it balances or not.

The reality is, if we want long-term care, we have to have the revenue. Senator HOLLINGS is correct—and I know I differ with some of my colleagues on the other side on this—he is absolutely correct when he says this is going to have to be a combination of spending cuts and revenue increases. I do not think there is any way to do it without that. And I do not favor just putting this thing off. If this passes, and I believe it will, if this passes in a few weeks, then I want to move on that glidepath right away, and I will join Senator HOLLINGS and any other Senator. We cannot wait until the States act; we have to move immediately.

But, frankly, we do not need to spell out how many toes we are going to step on when we have a balanced budget amendment. It is not going to be easy. It is going to be tough, but not to do it is going to be infinitely tougher on the future of this country.

So I, with great respect for the sponsor, am going to be voting on the other side on this particular motion.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I thank the distinguished Senator from Illinois for his statement, but I also thank him for his strong support for a constitutional amendment for a balanced budget. It is obvious some Democrats support this. It is obvious the President of the United States does not. Very few Republicans do not support it.

Having said that, the issue tonight is not whether we favor a constitutional amendment for a balanced budget, but rather after all these years of saying in order to balance the budget you need a constitutional amendment to force a total change of attitude on the part of the American people, the Congress, Democrats, Republicans and, yes, Presidents, that is why we need the amendment, so nobody in the position of leadership can any longer be for an unbalanced budget. The Presidents in the future are going to have to tell us how they get there.

I can guarantee you that when this constitutional amendment passes the U.S. Senate and House, the implementing legislation that will be part of it will not permit the executive branch of Government to say, ''I don't want to do it, I don't like it.''

Do you not think the first sentence in that implementing language will say: ''The next budget that the President of the United States sends to us, be he Democrat or Republican, will be in balance?'' We do not have that luxury today.

We have my very good friend and distinguished budgeteer and one who has proposed many healthy things to get the deficit under control, Senator HOLLINGS—and I thank him for his complimentary statements this morning—we have him suggesting that somebody, presumably the Republicans, ought to produce the details of a balanced budget before the sovereign States tell us we have to have it. Or it is some kind of gimmick, somebody says, if we do not.

Why is that? We are all suggesting and the American people have finally agreed that until the substantive, relevant, basic, underlying law of the land is changed, we will not get to a balanced budget.

Mr. President, let me tell you, I am not one who 14, 15 years ago was for a constitutional amendment. In fact, you might find something in the RECORD of this institution where I was not. But I have come full circle, and the very reason that I have is the reason we cannot do what Senator HOLLINGS is recommending in this amendment, because we have never been able to produce a balanced budget, and until we have a constitutional amendment, we will not. When we do, I say to Senator SIMON, everything will change.

Now, you say to me, ''What are you going to tax? What are you going to cut?'' Everything will be changed because the entire attitude of Congressmen will constantly be saying, ''How do we get a balanced budget?'' The entire demeanor of the fiscal policy and U.S. Congress is to solve every problem with a $20 million, $30 million or $50 million program, or a new entitlement.

I say to the Senator from South Carolina, Senator HOLLINGS, we pass in reconciliation bills—not the Senator, not me—but in reconciliation bills in which we are supposed to save money, we spent $150 billion because somebody found a loophole. They cut in the first year and then they pass 12 new programs in the second, third, fourth, and fifth. That happens to be how social services block grants, for those who are wondering, how the price went up. We never passed a free-standing bill. Believe it or not, we increased that spending by putting it in a budget-cutting bill.

We cannot stop all of that, but we will stop it all when we have a constitutional amendment.

Incidentally, we will not have a President of the United States giving a speech tonight on the State of the Union without including in it how we are going to get to a balanced budget, or I have sent you a balanced budget, or saying to the people of the United States, ''I sent it last year and they did not follow it because they still think they have 5 more years to play games.''

We are not going to have that now, I say to my friend from Connecticut, the new chairman of the Democratic Party, because this President is not obligated to. As a matter of fact, I believe sooner or later we ought to vote here and we probably ought to vote that the President should submit a balanced budget next year. That might be a good way to handle this. Maybe he ought to. He is the primary developer of budgets—the executive branch, not Congress, not Republicans because they are in the majority by a few votes.

So I want to close tonight by saying we do not need anybody telling us we have to produce a balanced budget in advance of a constitutional amendment. I say to the Senator from South Carolina, he is going to be there. He is the second ranking on the Budget Committee. I am the chairman. He is free to offer any amendments he wants in that timeframe, and he knows that.

I am going to offer plenty, and I am going to offer a budget that dramatically reduces the deficit. I welcome every Democrat who is pushing this issue. I welcome them to vote for all the cuts we are going to propose. That is the first start. That is the downpayment. If you are looking for an analogy in a football game, what we are going to have in 3 or 4 weeks is the game that just precedes the playoff. The Senator from South Carolina referred to the Chargers and San Francisco 49'ers. We are not at that game yet in the budget resolution this year. We are two games before the playoff because we still have to build the foundation for getting the deficit down with a big downpayment.

I say to the American people, just wait, in 4 or 5 weeks we will give you that downpayment and we will start that trend line down so that in the

fifth year, the budget will not be going up, it will be coming down.

Now, is this the way to do business? Let me close. I want to quote from Laurence Tribe, a liberal constitutional lawyer, on what kind of games we are playing with our children when we do not tie our own hands with a constitutional amendment. Listen carefully:

> Given the centrality in our revolutionary origins of the precept that there should be no taxation without representation, it seems especially fitting in principle that we seek somehow to tie our own hands so we cannot spend our children's legacy.

That is why we need the constitutional amendment. It will tie our hands. Until then, we can only say to the American people for the first time in 40 years, there is a Republican House and a Republican Senate, and I do not believe you are going to have to be worried about whether we will cut enough. What we have to be worried about is how many Democrats will help us as we propose very significant cuts in entitlements, in every discretionary program, in all kinds of expenditures of the Federal Government and privatization. We welcome your help.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

Mr. HOLLINGS. Mr. President, I understand I have 6 minutes left. I want to divide it between the distinguished Senator from North Dakota and the distinguished Senator from Connecticut, unless they can yield some time to our distinguished friend from Wisconsin.

Let me just make a few brief points. One, we are on the unfunded mandates bill which argues that the Federal Government should consider the costs imposed on State and local governments up front. The Senator from New Mexico in his opposition seems to say, ''Do not consider the cost up front on the biggest unfunded mandate,'' namely the Federal budget.

Two, I am not so sanguine about the balanced budget amendment to the Constitution. I remember the 18th amendment was passed and people kept on drinking. I think this crowd in Washington could delay and cook up plenty of ways to avoid the discipline of a balanced budget amendment.

Three, President Bill Clinton has already given us the downpayment by offering a plan that will reduce the deficit over $500 billion in 5 years. It's time now to finish the job.

I yield 3 minutes to the Senator from North Dakota and 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. CONRAD. I thank the Chair and I thank the Senator from South Carolina as well.

Let me just say that talk is cheap in this body. We have heard a lot of examples of this as we talk about a balanced budget. I think perhaps the American people deserve to know the gap between Republican rhetoric and Republican reality with respect to a balanced budget.

Mr. President, I brought this chart to show what is required to balance the budget over the next 7 years. The blue line shows what is needed if we do not do anything to make the problem worse before we start solving it—1 trillion 35 billion. That is not million, that is not billion. That is 1 trillion—1,000 billion —in cuts that are necessary if we do not do anything to make it worse.

But the Republican Contract With America says the first thing to do is cut taxes $364 billion. That makes it a $1.4 trillion problem. And then they say spend another $82 billion on defense. That makes it a $1.48 trillion hole to fill.

Mr. President, the Republican credibility gap, as I calculate it, is shown by the difference between what is necessary to balance the budget over 7 years—nearly $1.5 trillion—and the paltry $277 billion of spending cuts they have come up with in their Contract With America. They are $1.2 trillion short.

Mr. President, let me just end with this chart that talks about famous gaps. Famous gaps. We have the Grand Canyon. That is a mile deep. That is a big gap. But the biggest gap we have in America today is the Republican credibility gap. It is $1.2 trillion, the difference between what is needed to balance the budget and what they have identified by way of cuts. That is one of the most famous gaps in America today, the Republican credibility gap. They need to fill it in.

I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I yield myself 30 seconds?

I forgot in my remarks to indicate to the Senator from South Carolina, he would agree that the famous Stockman quote that he read into the RECORD——

Mr. HOLLINGS. Right.

Mr. DOMENICI. That in that book he excludes Senator DOMENICI from that definition, is that not right?

Mr. HOLLINGS. I am sure he did.

Mr. DOMENICI. Yes, indeed, he did. By definition he did. He said, ''I exclude,'' and he gave about three people. I was one of them.

Mr. HOLLINGS. Well, he said Republicans.

Mr. DOMENICI. I am a Republican.

Mr. HOLLINGS. The Senator is not leaving the party, is he? Is he going to join me?

Mr. DOMENICI. No. We have been wondering when the Senator is coming over here.

I wish to make one last point and save my time and yield a minute or so to the new Senator from Pennsylvania.

First, Mr. President, let me say to the Senator from North Dakota, let us wait around for a couple months and see what the gap is. Let us see how many of the Senators on the other side vote to help with that gap. That really is not the Republican gap. That is the spending gap. And we are going to try to fix it. Instead of it being the Grand Canyon, it is going to be some little gap in New Mexico that in a couple years we can pole-vault over.

I also want to tell you, with the big cuts we are talking about, the budget this year will spend $1.5 trillion, and the budget when we are through making all the cuts will spend $1.950 trillion. So we are really not cutting very much. I mean if you look at these trend lines, we are still going to be at a $1.950 trillion, which is about $400 billion more than now, even after all the cuts.

Mr. President, I will yield to the Senator from Pennsylvania in just a moment. Let us let them finish so the Senator can kind of wrap up.

Mr. HOLLINGS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from South Carolina has 3 minutes 5 seconds.

Mr. HOLLINGS. I yield 1 minute to the distinguished Senator from Wisconsin and the remaining 2 minutes and 5 seconds to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I will see if I can do 22 years in 1 minute.

First, there were 12 years of Republican Presidents who said they were going to provide a balanced budget. Instead, they brought us up to the biggest deficit and debt in the history of this country. Then there was a 4-year period which we are in the middle of now where a Democratic President provided the kind of glidepath and direction that the Senator from South Carolina is talking about.

What happened? The deficit, for the first time since Harry Truman, went down for 3 years in a row. Those are the facts. Not a single Republican in either House of this institution voted to help us on these specifics.

Now we go to the third stage, a 7-year period when the States will get to decide whether or not they want to have a balanced budget amendment, as the majority party in both Houses here increases taxes for everybody in the country to the tune of hundreds of billions of dollars and increases the defense budget and tries to tell you that is going to balance the Federal budget.

The fact is that the President is going to give his speech tonight. He is the only President who has provided a true, specific path and true progress in the direction of deficit reduction, and no matter how much the Republicans say that is not the case, it is a fact.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, I just want to commend again the Senator from South Carolina for this proposal. Again, I will emphasize what I said the other day. This is a radical idea that the Senator from South Carolina is suggesting, the radical idea that we might try to lay out for our constituents and taxpayers how we are going to achieve this ''straitjacket'' as it has been called.

Frankly, I never thought of the Constitution of the United States as becoming a straitjacket, particularly when it comes to the economy of the country. But to suggest somehow that this is a dreadful notion to try to spell out, not in the details the Senator from New Mexico has described, but at least in some broad picture—I will take any numbers you can give me. Give me some general idea here so that my elderly, my young people, my defense contractors, my businesses will have some notion of how we are going to achieve the Holy Grail of a balanced budget when they look at the bridges that have to be crossed, the gaps that have to be breached. How do you get there? And the fact that we are just saying lay that out for us in some detail here for us, and again not for us so much as it is for the people we represent, I do not think is asking too much.

Frankly, until we do that, I think this amendment proposal is going to be in serious question. I say to my friend from Illinois, the Constitution should never be a straitjacket. That is not what the Founding Fathers had in mind. They specifically left out economic policy because they knew that future generations would have to confront problems that they could not imagine.

And so I hope that before we decide to get to this balanced budget debate, our friends on the other side will lay out at least in some detail for us where we are going to go with that, and again not to fall prey to the idea suggested by the distinguished majority leader of the other body that we cannot do this because, if we do, the ''knees will buckle'' of Members of Congress.

Well, as I said the other day, it is not the Members of Congress whose knees I worry about buckling; it is those out there who look to us to see to it that we do a job that makes sense, is rational and thoughtful. Asking for some details on this proposal I do not think is radical, and it certainly ought to be done if we are going to succeed with this proposal.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 1½ minutes to the junior Senator from Pennsylvania and 30 seconds for wrap-up to Senator GORTON.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the Senator for yielding.

I wanted to pick up on the analysis of this amendment by my distinguished colleague from South Carolina, relating it to a football game, a Super Bowl, because I thought it was a keen analogy. I am not too sure he got it quite right.

What he suggested is that members of the football team be up in the stands rooting for different ideas instead of being on the field fighting it out and putting those cuts into place.

Let me tell you what the constitutional amendment is to balance the budget. It is the clock. You see, the game will not start unless the clock starts, and that makes the teams get on the field. It makes them get on the field and start fighting it out. Otherwise, they would spend all their time sitting in the stands enjoying life, running around with the cheerleaders. They are going to be on the field now because the clock starts; the game has begun.

Now, the Senator from Connecticut said, well, we need the game plan. I know George Seifert would love to have Bobby Ross's game plan, and I know Bobby Ross would like to have Mr. Seifert's, but they are not going to give it to each other.

You see, that is what the game is all about and it has to be played. But you have to start the clock. That is what the balanced budget amendment does, it starts the clock. It gets us on the field and makes us perform before the people of the United States of America. That is what this game is all about. And all this other stuff is just hype. All these gaps and canyons and where is it coming from, where do you tax it—it is all hype. Just pick up a paper and look at the hype.

When the clock starts the game begins. I yield.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, one fact is crystal clear as a result of this debate. Our friends and colleagues on the other side of the aisle, with a few notable and courageous exceptions, do not want a balanced budget. They want an outline which will make it more difficult to get a balanced budget. Their President has never proposed one. They have not proposed one. They do not plan to propose one. They fear the constitutional amendment because it will require them to be in that game as well.

The difference is this side may not know every detail of how it is going to get to a balanced budget, but it wants to get there and will try to do so. The other side does not even want to start the journey.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

The Chair reminds the Senator all time has expired.

Mr. DOMENICI. Mr. President, I move the Hollings amendment be tabled. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KEMPTHORNE. 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. DOLE. 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. DOLE. Mr. President, have the yeas and nays been ordered on the pending motion?

The PRESIDING OFFICER. They have.

Mr. DOLE. Mr. President, following this vote, there will be a resolution condemning terrorist attacks in Israel. I will have that resolution read after this vote so we can accommodate the Members.

I ask for the yeas and nays on that resolution. It has been agreed to by leaders on both sides, and many others.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. That will be the last vote. There will be one more vote. The vote on the resolution will be the last vote.

I remind my colleagues that we have a little dinner over here in S–211, if they would like to partake.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment numbered 182 offered by the Senator from South Carolina [Mr. HOLLINGS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Indiana [Mr. COATS] and the Senator from Wyoming [Mr. SIMPSON] would each vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''nay.''

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

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—55

Abraham	Grams	Murkowski
Ashcroft	Grassley	Nickles
Bennett	Gregg	Packwood
Bond	Hatch	Pressler
Brown	Hatfield	Roth
Burns	Helms	Santorum
Chafee	Hutchison	Shelby
Cochran	Inhofe	Simon
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Frist	McCain	Wellstone
Gorton	McConnell	
Gramm	Moseley-Braun	

NAYS—41

Akaka	Dorgan	Leahy
Baucus	Exon	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Mikulski
Boxer	Ford	Moynihan
Bradley	Glenn	Murray
Breaux	Graham	Nunn
Bryan	Harkin	Pell
Bumpers	Hollings	Pryor
Byrd	Inouye	Reid
Campbell	Johnston	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Lautenberg	

NOT VOTING—4

Coats	Kennedy
Heflin	Simpson

So the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

CONDEMNING TERRORIST ATTACKS IN ISRAEL

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Resolution 69.

The legislative clerk read as follows:

A resolution (S. Res. 69) condemning terrorist attacks in Israel.

Thereupon, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution. 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 Indiana [Mr. COATS] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Indiana [Mr. COATS] and the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote ''yea.''

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

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—96

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

NOT VOTING—4

Coats	Kennedy
Heflin	Simpson

So the resolution (S. Res. 69) was agreed to as follows:

S. RES. 69

Whereas on January 22, 1995 a brutal and cowardly terrorist attack near Netanya, Israel killed 19 Israelis and wounded dozens more;

Whereas the terrorist group ''Islamic Jihad'' claimed credit for the January 22, 1995 attack in a statement issued in Damascus, Syria;

Whereas on December 25, 1994, a ''Hamas'' terrorist attack in Jerusalem wounded 13 civilians, including 1 American citizen;

Whereas on October 19, 1994, a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 48 more;

Whereas 110 Israeli citizens have been killed and hundreds more have been wounded in terrorist attacks since the Declaration of Principles was signed on September 13, 1993;

Whereas the Declaration of Principles obligates the Palestinian Authority to publicly condemn terrorist attacks, and to bring to justice perpetrators of such acts in territories under their control;

Whereas no perpetrators of these terrorist attacks have been brought to justice for their acts of violence by the Palestinian Authority;

Whereas the governments of Syria and Iran continue to provide safe haven and support for terrorist groups, including Islamic Jihad and Hamas, among others;

Whereas continued acts of terrorism threaten the peace process in the Middle East; Therefore, be it

Resolved by the Senate that—

(1) the terrorist attacks in Israel are condemned in the strongest possible terms;

(2) condolences are extended to the families of all those killed, and hopes are expressed for the rapid and complete recovery of all wounded in the January 22, 1995 attack;

(3) Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis, take immediate steps to bring to justice those responsible for such acts, and implement steps to prevent future acts of terrorism in all territory under his control;

(4) President Assad should immediately end all support for terrorist groups, including safe haven, material and financial support, in all territory under his control;

(5) The administration should undertake strong efforts to end the safe haven, training, and financial and other support granted terrorists by Iran, Syria and other states.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 181

Mr. HATFIELD. Mr. President, I would like to withdraw my amendment No. 181.

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

So the amendment (No. 181) was withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 193

Mr. KOHL. Mr. President, I ask unanimous consent that it be in order to consider the Kohl amendment No. 193.

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

Mr. KOHL. Mr. President, I am offering this amendment to address an unintended consequence in the bill before us.

I am concerned that in the process of trying to end the practice of placing onerous unfunded mandates on States and countries, we are actually discouraging States and counties from passing necessary laws. Some States may decide to delay action in the hope that Congress passes a Federal law to do the same thing and then provides the money to do it.

Health care reform is a good example. How many States put off health car reforms last year anticipating action here in Washington? We do not want States saying, ''Why should we take action today, when the Federal

Government may be taking action tomorrow and paying us in the process?''

If we do not address this problem, we may actually be creating a new kind of gridlock at the State and local level, with State and local officials trying to second guess where Congress is going on a whole variety of issues, so as not to miss out on their share of Federal funds.

Although I am confident that State and local leaders will take the necessary steps to address crime, health, poverty, environmental, or other problems within their own borders, I do not want them to fear that they are doing their constituents a disservice by missing out on Federal dollars to address these same problems. We must ensure that their proactive efforts are not necessarily held against them in the future when the Federal Government catches up.

What of States that decide to begin the implementation of Federal mandates before they are passed into law, sensibly trying to spread the costs out over several years because they are unsure as to whether Congress will decide to waive the funding requirement under this bill? Do we want to penalize them for trying to ease the burden on the taxpayers?

No, and this amendment sends them an important signal to proceed.

Furthermore, this legislation should not discourage innovation at the State and local level. Many interesting ideas and creative solutions to public problems emerge from the State and local level. We must be careful not to put a damper on these true laboratories for public policy innovation.

An example is the issue of welfare reform. There have been proposals offered here in Congress suggesting that States should be required to track the paternity of children on the welfare rolls so that the fathers can be forced to pay child support. If States are contemplating similar actions, they ought to be encouraged, rather than discouraged, from taking these actions prior to Federal action.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate so much the sensitivity of the Senator from Wisconsin to the issue of the amendment which he has offered. It was a pleasure to work with the Senator on the language of that amendment.

With regard to this side of the aisle, we are happy to accept the amendment.

Mr. GLENN. Mr. President, I, too, would like to congratulate the Senator from Wisconsin. I think he has done an excellent job on this. We talked about this earlier. We worked back and forth across the aisle. He was willing to compromise and put in the language. I think it is excellent. I compliment him on what he has done. We are glad to accept it on our side of the aisle and urge we move to a vote.

Mr. KOHL. I thank Senator KEMPTHORNE and Senator GLENN.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 193) was agreed to.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask there be a period for morning business not to extend beyond 7:05 p.m. and Members be permitted to speak for 5 minutes, with the exception of the Senator from New Hampshire permitted to speak for 7 minutes.

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

Mr. DOLE. And the Senator from Pennsylvania 7 minutes. That makes it a little beyond 5 after 7.

SALUTE TO LORNA SIMPSON

Mr. DOLE. Mr. President, on Sunday, we lost an American Treasure, with the death of Rose Kennedy. This morning, we have lost another, with the passing of Lorna Simpson, the mother of our colleague from Wyoming.

Married to Milward Simpson in Sheridan, WY in 1929, Mrs. Simpson devoted the next 65 years of her life to her family, her community, and the entire State of Wyoming.

Even before her husband's election as Governor of Wyoming in 1954, Lorna Simpson was always reaching out to help others. She volunteered at the local hospital, served as president of the Cody Red Cross, and was appointed to the local planning commission.

During this time, she also was raising two sons, and serving as a full partner in her husband's many business ventures, which included a newspaper, a radio station, and a dairy.

Mrs. Simpson served as the first lady of Wyoming from 1954–58, where she was personally responsible for remodeling and restoring some of the beauty and historical value of the old governor's mansion. Thanks to her leadership, a building that was once closed to the public, now stands as a monument to Wyoming's history.

When her husband was elected to the U.S. Senate in 1962, Lorna continued her tireless devotion to others by serving as the Representative of the Women of the United States to the Organization of American States, and as a delegate to the interparliamentarian union in Australia.

When Milward retired from the Senate in 1966, he and Lorna returned to Cody, where they dedicated themselves to their community and to each other. They had been married 64 years when Milward passed away in 1993.

Senator SIMPSON has told me of a Wyoming chapel that was remodeled under the leadership of Milward and Lorna. For the inscription on the stained glass window in the chapel, they chose the words ''I am with you always.''

Milward and Lorna Simpson will now be ''together always'' in the hearts of their family, and the many others who loved them.

I know the Senate joins with me in extending our sympathies to Senator SIMPSON, to Ann, and to their entire family.

Mr. President, I ask unanimous consent that a biography—''On the Passing of Lorna Kooi Simpson''—be made a part of the RECORD.

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

ON THE PASSING OF LORNA KOOI SIMPSON

Lorna Kooi Simpson was born on August 19, 1900 in Chicago, IL to Mary Helen Kooi and Peter Kooi. Mr. Kooi was a Dutch immigrant who came to the United States from Holland. He was orphaned at an early age and went to work as an employee of the Burlington Northern Railroad. After working for many years as a railroad clerk in Chicago, he then ''went West'' with the railroad, and later became a very successful businessman and eventually the founder of the town of Kooi, Wyoming—a coal mining community near Sheridan.

After attending schools in the Chicago area and the Lewis Academy, Lorna was a student at Miss Mason's Castle School in Tarrytown, NY for 2 years. At the school, Lorna was a classmate of Clare Boothe Luce and Better Greene Bond, the mother of former governor and now U.S. Senator Kit Bond. At the Castle School, Lorna studied art, music, history and sculpture. Lorna went on to attend the University of Illinois.

As a young girl, Lorna traveled extensively with her parents. In 1919 and the early 1920's she visited Egypt, France, England, the British Isles, Europe, Turkey, Greece, Algiers, South America, the Andes, Brazil, Chile, Argentina and Peru. She even flew in a single-engine aircraft over Sugar Loaf Mountain in Rio de Janeiro in those early days—such extensive travels were rather uncommon in those years for either an adult or a child! She loved to travel and visited many historical and archaeological sites over the years.

On June 29, 1929, in Sheridan, Wyoming, Lorna married a young lawyer from Cody, Wyoming, Milward L. Simpson. Milward had been a member of the Wyoming Legislature from Hot Springs County in 1927. They began their life together in Cody, Wyoming, where Milward went into private practice with his father, William L. Simpson. In Sheridan, on July 31, 1930, a son, Peter Kooi, was born and on September 2, 1931, a son, Alan Kooi was born.

Kooi was a marvelous homemaker, a creative and inspirational mother who was strong and talented, fair and firm. In her home she had a Hammond organ and a piano—and she played both beautifully. Early in her marriage, there was a contest conducted throughout the state to determine an original University of Wyoming ''pep song.'' Lorna's sister, Doris Kooi Reynolds, urged her to enter, but Lorna was reluctant to do so. Finally at Doris' urging, she went forward to finish the work and sent it on to the contest officials. As she said later, to her

absolute astonishment, she won! The winning song was called ''Come on Wyoming.'' The band director of the University of Wyoming at the time, urged her to play the song and he set it to a band arrangement. The cover of the sheet music of the piece was illustrated by the great western artist Bill Gollings, at the request of Lorna's father, who was a personal friend of Mr. Gollings.

Lorna instructed her son, Peter, on the violin. She had a beautiful singing voice and she conducted the choir at the Christ Episcopal Church in Cody. She also served as the assistant organist for a very dear lady, Mrs. Henry Pool, who served for many years as organist in that church. Among her many talents, Lorna was also a talented amateur artist and sculptor, and a member of the Cody Country Art League.

With her great humanitarian spirit, Lorna served as a Gray Lady at the W.R. Coe Hospital, which later became the West Park Hospital. Lorna was a charter member of that organization. During the war, she was one of the Presidents of the Red Cross Chapter in Cody, in charge of Civil Defense. Lorna was the chairman of the ''Blackout Committee'' which ensured that all lights within the city were properly out of view during ''air raid alert'' activities during World War II. She was also the chairman of the scrap metal drive and always met every quota set. Lorna was asked to hold a position on the National Board of the Red Cross, but rejected that to travel with her husband to Israel on behalf of the Husky Oil Company, while Milward served as a member of the Board of Directors of that company.

In Israel, Lorna assisted her husband, Milward, in his official capacity as a representative for the Board of Husky during the creation of ISRAM, a joint venture oil company between the United States and Israel. She was instrumental in assisting Milward in negotiations with the new state of Israel in establishing new laws and regulations on oil and gas development.

In 1940, Mrs. Simpson campaigned vigorously with her husband in an unsuccessful race against a very popular Senator Joseph C. O'Mahoney for the United States Senate. Senator O'Mahoney served 26 years for Wyoming.

Lorna was active in all aspects of community life. In 1940, she was appointed by Mayor Hugh Smith to the Cody Planning and Zoning Commission. The commission originally submitted to the city council and mayor the final bond issue for all of the streets, curbs and gutters of Cody. The city then presented that to the citizens on a ballot. The people of Cody twice rejected the bond issue, until Lorna, along with others, immediately activated a ''person-to-person'' campaign in order to raise community awareness on the bond issue. Under her urging, leadership and participation, instead of just simply ''paving the streets of Cody,'' it was determined to proceed with curbs, sidewalks and gutters. She was instrumental in seeing the bond issue pass in 1950. Even today, Cody remains one of the most beautiful cities in Wyoming.

Lorna helped obtain the first national network association (ABC) while she and Milward were co-owners of the local radio station, KODI. She often did some of the programming and radio work. She was also the acting editor for a time during the war, of the local paper, the Cody Enterprise. Milward and Lorna were also co-owners of the Cody Inn—the old Burlington Inn—with Les Carter of Billings and Joe Fitzstephens of Cody. Together they helped to restore the Inn to its former grandeur.

Lorna was also involved in other business activities. She encouraged the first pasteurization of milk in Cody through investment in the Sani-dairy (a local dairy). Later, she became involved in the support of a local cheese making industry.

In 1954, Lorna once again vigorously campaigned with her husband in a successful race for the governorship of Wyoming. She graciously served as the First Lady of Wyoming from 1954 to 1958. She was known for her many projects and assistance to various youth groups and organizations in Cheyenne and through the entire State of Wyoming.

Mrs. Simpson was personally responsible for remodeling and restoring some of the beauty and historical value of the old Governor's Mansion. The Mansion had been closed to the public for many years—the heating system, the carpets and the furniture had seriously deteriorated and portions of the ceilings and the floors had fallen. It stands today as a State and National historical site and also as a tribute to her creativity. The State Legislature responded generously to the request to ensure that the residence would serve as a remarkable showcase of Wyoming's history.

While serving as First Lady, Lorna worked extensively to assist and entertain various Wyoming groups and organizations, such as Girls' State and Boys' State. She hosted many state functions, teas and receptions for the citizens of the State of Wyoming. After returning to Cody in 1959, Milward continued his law practice with his son, Alan, and later with partner, Charles G. Kepler.

Milward was one of the founding fathers and trustees of the Gottsche Foundation Board in Thermopolis. With Board approval, she asked permission to remodel an old abandoned storeroom on the Foundations' property and constructed a Chapel for the patients. It is a functional non-denominational chapel with a beautiful stained glass window. Milward and Lorna selected the quotation for the window—''I am with you always''—a most appropriate biblical reference with reference to the sorrows and joys of illness and healing.

Milward and Lorna also began a small endowment fund which they used to restore the old Episcopal Church in Cody and its original pipe organ in the old ''Poker Church.'' The citizens of Cody, in the early years of the city, felt there were far too many gambling establishments and bars and not enough churches! The citizens spread the word to the ''city fathers'' of that day. At this time, a rather remarkable poker game took place, and the pot increased to a rather staggering sum. Those gathering around the table that night stated that the one who ''wins that pot'' (about $2,200) would agree to start a new church of the denomination of their choice in Cody. A remarkable pioneer of the community, a man known as ''Governor'' George T. Beck won it all and saw to the building of the ''Poker Church''—Christ Episcopal Church.

Through the years, the marvelous pipe organ suffered vandalism and decay and eventually became inoperable. Milward and Lorna restored the organ to its original luster. They later donated 27 town lots to the Episcopal Church, which erected a new church upon the site. The old ''Poker Church'' was also moved to this site. The two churches are gloriously compatible on the beautifully landscaped property.

In the small chapel of the ''Poker Church''—or the ''little Church''—many of the windows were donated by Milward and Lorna. The original window, ''the Dr. Francis Lane window,''—the ''Lady Doc''—is over the altar. It was donated by many loving friends at the urging of Margery Ross, who came from the East with Dr. Lane. It replaced the oldest window, now behind the choir—bearing the inscription ''God is love.'' The third window to the far right portrays the healing of the blind. It was given by a Denver attorney and his wife, George and Sally Hopper. Arch Hopper, George's father, was the rector of the church at one time.

In 1962, it was back on the campaign trail as Milward ran a successful United States Senate race for the unexpired term of Keith Thomson, who tragically died in late 1960 after his election to the U.S. Senate in November of that year.

Lorna and Milward lived in Washington, D.C. from 1962 to 1966 and greatly enjoyed entertaining Wyoming people who were in the capital city. In 1962, Milward was diagnosed as being afflicted with Parkinson's Disease. Lorna's care, nurturing and support encouraged him through the Senate experience. He retired from the Senate in 1966. He died June 13, 1993.

Lorna was designated by the Senate to be the Representative of the Women of the United States to the Organization of American States, which met at the former Pan American Building. President Lyndon Baines Johnson appointed Lorna as a delegate to represent the U.S. women participating in the Interparliamentarian Union in Australia. Mrs. Simpson was also instrumental in the refurbishment and extended use of the Senate Chapel in the United States Capitol.

Throughout this remarkable career of service, love and the nurturing of others, Lorna always emphasized the importance of home. It was here there was a haven of support, love and nurturing for her two sons, Peter and Alan.

During the time the two were in high school, four different boys from the Cody community often lived with the Simpson family in their home. Those boys were practically ''raised up'' by them, all having gone on to great things in their own lives—all receiving a college education, having families, children and grandchildren and being very productive citizens. They all think of Milward and Lorna as their ''Second Mom and Pop.''

Pete married Lynne Livingston of Cody on June 18, 1960. They have three children, Milward Allen and his wife Amy, Margaret Ann and her husband Chris Pinto, and Peter Kooi. Al Married the former Ann Schroll of Greybull on June 21, 1954. They also have three children: William Lloyd and his wife Debbie, Colin Mackenzie and Susan Lorna and her husband John Gallagher Lorna is also survived by five great-grandchildren, Sara, Elizabeth, Alexander, Daniel, and Eric.

Peter Presently serves as the University of Wyoming's Vice President for Development and Alumni and University Relations. Al is in his third term as a United States Senator from Wyoming.

Upon Milward's voluntary retirement from the Senate because of ill health in 1966, they retired to Cody. Lorna remained active in Gray Lady community work and above all else, the nurturing and care of Milward. For many years, when the winter winds were kicking up in Wyoming, Milward and Lorna joined many Wyoming citizens—the ''Snow Birds''—in Sun City, Arizona. The last few years they spent between Cody and the South Fork of the Shoshone River at their beloved Bobcat Ranch. Milward and Lorna lived in a seamless bond of affection, love and support sewn with strong sinews of faith and belief in God. they were truly an extraordinary pair. They are now joined anew.

These were the things that brought great pride and inspiration to Lorna Simpson. She was a very special woman who did not seek the limelight and did not wish to boast of her activities. On once being nominated for ''Wyoming Woman of the Year'' she said, ''When I received notification they had nominated me for 'Woman of the Year', I felt so completely inadequate and unworthy of ever being mentioned as a possibility for the

award, that I did not reply. But I must say when I saw the rather sparse account of my accomplishments in a booklet sent to me explaining the qualifications of candidates, I felt I owed it to those who organizing the entire project to detail some of the these activities that they might have it for their records. ''I was always taught one should never 'boast' of any charitable activities, but on the other hand,'' she smiled, ''the Bible does say, 'Let your light so shine before men that they may see your good works, and glorify your Father which is in Heaven.' So, as a small justification for the honor bestowed upon me, I shall then ''boast'' a bit about some of the fine things that have touched my life.'' That life ended peacefully at 7:45 a.m. on January 24, 1995.

TRIBUTE TO GREGORY CARDOTT AND TOMMY DAVIS

Mr. DOLE. Mr. President, this past week, Americans lined up outside the Library of Congress for the chance to view an original copy of one of the great documents of our time—the Gettysburg Address.

In that famous speech, Lincoln said that when brave men die, ''It is their deeds, not our words,'' that should be remembered.

Today, Mr. President, I ask all Senators and all Americans to not remember my words—but to remember the deeds of Sfc. Gregory Cardott, who was killed January 12 in Haiti.

To the family and friends of Sergeant Cardott, including his wife, Darlene, whom I spoke with recently, and their two children, I say that America shares your sorrow.

And America also knows that with your sorrow, you can take great pride.

Pride in the fact that when his country called, Greg answered.

Pride in fact that although Greg knew full well his journey would be dangerous, he made it willingly, with courage and commitment, as so many others have throughout America's history.

As a nation, we also take pride in the courage and commitment of S. Sgt. Tommy Davis, who was wounded in the right arm during the same attack that killed Sergeant Cardott.

Mr. President, the bible says that ''greater love than this has no man, than to lay down his lives for his friends.''

Gregory Cardott laid down his life for his friends, and for his country. His deeds will always be remembered by this Senator, and by all those who love America.

(The remarks of Mr. SMITH pertaining to the introduction of S. 270 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

RESOLUTION CONDEMNING TERRORIST ATTACKS IN ISRAEL

Mr. SPECTER. Mr. President, a few moments ago the Senate unanimously passed a resolution by a vote of 96 to nothing, condemning the terrorist attacks 2 days ago which killed 19 Israeli soldiers and wounded dozens more.

There was not time prior to that vote to speak about that subject, which I would like to do briefly at this moment. I believe that it is very important the PLO, the Palestinian Liberation Organization, and its chairman, Yasser Arafat, act, and act promptly, to fulfill the obligations of the PLO under the Declaration of Principles, to see to it that the perpetrators of those terrorist acts are brought to justice and to immediately condemn those terrorist acts.

It is obviously not easy to find terrorists and to punish them. But in no uncertain terms, Yasser Arafat and the PLO ought to condemn those atrocious acts of terrorism, promptly and in the strongest terms. This resolution says in paragraph 3:

> Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis.

There is absolutely no excuse for that not to happen. Senator SHELBY and I introduced an amendment last year which became law, which requires the PLO to change its charter which up to the present time calls for the destruction of the State of Israel, and to take all steps to stop acts of terrorism as a condition for United States aid.

The United States has agreed to support the efforts of the PLO to govern certain territories, pursuant to the Declaration of Principles, and that was an historic meeting, back on September 13 of 1993, when President Clinton, in the Rose Garden, put his left arm around Arafat's shoulder and his right arm around Prime Minister Rabin's shoulder to bring those two men to shake hands. I found it a difficult moment, to see an international terrorist like Chairman Arafat honored at the White House, considering the fact he was personally implicated in the murder of the charge, the second of command in the United States Embassy in the Sudan in 1974, and considering his involvement in the murder of Leon Klinghoffer on the Achille Lauro.

But in those Declarations of Principles, and in the aid which the United States is giving to the PLO, there is that obligation for that firm condemnation. And Yasser Arafat and the PLO have an obligation to do that and they have not done it. There is no excuse for that. The second clause of paragraph 3 calls for taking ''immediate steps to bring to justice those responsible'' for those acts. That is more difficult. But that ought to be done as well. Then the third clause is to ''implement steps to prevent future acts of terrorism in all territory under * * *'' the control of Chairman Arafat and the PLO.

Mr. President, there is obviously a pattern of terrorism at work. On December 25th, not a month ago, a Hamas terrorist attack in Jerusalem wounded 13 civilians, including an American citizen. On the October 19th of last year a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 10 more. Mr. President, 110 Israeli citizens have been killed and hundreds more wounded in the last few months. It is just indispensable that Arafat and PLO live up to their obligations.

The resolution additionally calls for President Assad to immediately end all support for terrorist groups, including safe haven and material and financial support in all territory under his control.

As there have been efforts to try to improve relationships between the United States and Syria, that is an obligation which, or action which the Syrian government and its President, Hafez Assad, ought to undertake.

But at an absolute minimum, at an absolute minimum, Arafat and the PLO have an absolute obligation to condemn this act of terrorism 2 days ago in the killing of 19 Israeli soldiers, 18 of whom were barely old enough to vote.

The U.S. Senate has spoken unanimously in this resolution, and the PLO and Chairman Arafat ought to be on notice that when the foreign aid bill comes up this year—and this Senator sits on the Foreign Operations Subcommittee—that there will be a move to cancel U.S. aid unless the PLO lives up to its obligations and the mandates of U.S. law: To change their charter, which calls for the destruction of Israel, and their obligation to seek out the terrorists and at a minimum to make a forceful condemnation of this atrocious conduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

LORNA SIMPSON

Mr. KEMPTHORNE. Mr. President, I would like to add my voice to that of many others in expressing our heartfelt thoughts and prayers for Senator SIMPSON at the loss of his mother Lorna.

I know that Lorna Simpson had a wonderful life. I know how much pride ALAN SIMPSON brought to both his mother and his father.

So to Alan and Ann Simpson, and all of the family, again our thoughts on the passing of a remarkable woman.

IDAHO'S NATIONAL FORESTS

Mr. KEMPTHORNE. Mr. President, just 2 weeks ago—on January 9—a Federal judge issued a decision which threatens all approved and ongoing activities within six of Idaho's national forests. Working men and women in Idaho face losing their jobs in mines, lumber mills, and throughout the service industry by direct order of the U.S. Forest Service. Within a few days, many of these families may not be able to feed themselves or their children, or

even heat their homes in the middle of winter.

Mr. President, 18 of Idaho's 44 counties lie within the scope of this order. Twenty-eight million acres—more than half of the State of Idaho—are in danger of being shut down along with the natural resource jobs which provide the economic base of my State.

Do you know what this means to Idaho, Mr. President? This single court action was the equivalent of telling Detroit that they could no longer make cars. It was like telling Hollywood that they could no longer make movies. It was as if Iowa were no longer allowed to grow corn.

Absent a 1-week stay by the judge, issued late last Friday, the judge's order would have, and still may, immediately lay off hundreds of Idahoans from their jobs in mines and lumber mills. It will savage the economy of the State by removing any hope for thousands of Idahoans in the service industries that depend on the loggers, miners, and ranchers for their livelihood.

What could possibly bring on a disaster of this nature, Mr. President? Was it an earthquake? Was it a famine? Was it a flood? No, it was the Federal Government issuing pink slips to its citizens.

It was a disagreement between two agencies of the Federal Government on how to proceed in a timely manner on consultation issues under the Endangered Species Act. Consultation is sometimes referred to as the ''Interagency Cooperation'' provisions of the Endangered Species Act. What is wrong here is that the agencies have failed to cooperate, and the people of Idaho are the ones who suffer because of it.

The irony of all of this is that one agency of tax supported bureaucrats is locked in disagreements with another agency of tax supported bureaucrats while the very people who pay the taxes are being put out of work. The residents of these counties should not be getting pink slips from their Government.

The Idaho delegation and the Governor continue to work with the Federal agencies involved to reach a resolution that will not threaten the working men and women of Idaho. All of this points to the fact that we need to bring some balance into the Endangered Species Act. I am committed to that, Mr. President, because the one species the ESA ignores is the human species. And the people of my State are seeing and feeling that in a very real way.

ELECTING DR. LLOYD JOHN OGILVIE, OF CALIFORNIA, AS CHAPLAIN OF THE U.S. SENATE

Mr. KEMPTHORNE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) electing Dr. Lloyd John Ogilvie, of California, as Chaplain of the U.S. Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 70) is as follows:

Resolved, That Doctor Lloyd John Ogilvie, of California, be, and he is hereby, elected Chaplain of the Senate as of March 11, 1995.

Mr. KEMPTHORNE. I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF CHAIRMEN OF CERTAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

Mr. KEMPTHORNE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 71) designating the chairmen of certain Senate committees for the 104th Congress.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 71) is as follows:

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen:

Committee on the Budget: Mr. Domenici, Chairman.

Committee on Veterans' Affairs: Mr. Simpson, Chairman.

Committee on Indian Affairs: Mr. McCain, Chairman.

Committee on Intelligence: Mr. Specter, Chairman.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF 2 U.S.C. SEC. 61H–6

Mr. KEMPTHORNE. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 273) to amend 2 U.S.C. Section 61h-6.

The PRESIDING OFFICER. Without objection, the bill is considered read three times and passed.

So the bill (S. 273), was considered, deemed read for the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPORT OF THE STATE OF THE UNION ADDRESS—MESSAGE FROM THE PRESIDENT—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was ordered to lie on the table.

Mr. President. Mr. Speaker. Members of the 104th Congress. My fellow Americans:

Again we are here in the sanctuary of democracy, and once again our democracy has spoken. To all of you in the 104th Congress, to you, Mr. Speaker: Congratulations.

If we agree on nothing else, we must agree that the American people voted for change in 1992 and 1994. We didn't hear America singing—we heard America shouting. Now, we must say: We hear you. We will work together to earn your trust.

For we are the keepers of a sacred trust, and we must be faithful to it in this new era. Over two hundred years ago, our Founders changed the course of history by joining together to create a new country based on a powerful idea Declaration of Independence: We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are Life, Liberty and the Pursuit of Happiness. It has fallen to every generation since to preserve that idea—the American idea—and to expand its meaning in new and different times. To Lincoln and his Congress: To preserve the Union and end slavery. To Theodore Roosevelt and Woodrow Wilson: To restrain the abuses and excesses of the Industrial Revolution, and to assert America's leadership in the world. To Franklin Roosevelt: To fight the failure of the Great Depression and our century's great struggle against fascism. To all our Presidents since: To fight the Cold War. Especially to two, who struggled in partnership with Congresses of the opposite party. To Harry Truman, who summoned us to unparalleled prosperity at home and constructed the architecture of the Cold War world. And to Ronald Reagan, who exhorted us to carry on until the twilight struggle against Communism was won.

In another time of change and challenge, I became the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and insecurity for ordinary Americans.

I came to this hallowed chamber two years ago on a mission: To restore the American Dream for all our people and to ensure that we move into the 21st Century still the world's strongest force for freedom and democracy.

I was determined to tackle tough problems, too long ignored. In these efforts I have made my mistakes and learned again the importance of humility in all human endeavor. But I am proud to say that, tonight, our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and a force for peace and freedom throughout the world. We have almost six million new jobs since I became President.

We have the lowest combined rate of unemployment and inflation in over 25 years. We have expanded trade, put more police on our streets, given our citizens more tools to get an education and rebuild their communities. But the rising tide is not lifting all boats.

While our nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more competitive, too many of our people can't be sure of even having a job next year or even next month. And far more than our material riches are threatened: Things far more precious—our children, our families, our values.

Our civil life is suffering. Citizens are working together less, shouting at each other more. The common bonds of community which have been the great strength of this country from its beginning are badly frayed.

What are we to do about it? More than 60 years ago, at the dawn of another new era, Franklin Roosevelt told the nation: ''New conditions impose new requirements on government and those who conduct government.'' From that simple proposition, he shaped the New Deal, which helped restore our nation to prosperity and defined the relationship between Americans and their government for half a century.

That approach worked in its time. But we today, we face a new time and different conditions.

We are moving from an Industrial Age built on gears and sweat, to an Information Age that will demand more skills and learning. Our government, once a champion of national purpose, is now seen as a captive of narrow interests, putting more burdens on our citizens, instead of equipping them to get ahead. The values that used to hold us together are coming apart.

So, tonight, we must forge a new social compact, to meet the challenges of our time. As we enter a new era, we need a new set of understandings, not just with our government, but more important, with one another.

That is what I want to talk to you about tonight. I call it a New Covenant, but it is grounded in a very old idea: That all Americans have not just a right, but a responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return.

Opportunity and responsibility go hand-in-hand. We can't have one without the other. And our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, in our government and in ourselves.

Let us rise to the occasion. Let us put aside partisanship, pettiness, and pride. As we embark on a new course, let us put our country first, remembering that regardless of our party labels, we are all Americans. Let the final test of any action we take be a simple one: is it good for the American people?

We cannot ask Americans to be better citizens if we are not better servants. We've made a start this week by enacting a law applying to Congress the laws you apply to the private sector. But we have a lot more to do.

Three times as many lobbyists roam the streets and corridors of Washington as did 20 years ago. The American people look at their nation's capital, and they see a city where the well-connected and the well-protected milk the system, and the interests of ordinary citizens are too often left out.

As this new Congress opened its doors, lobbyists were still at work. Free travel, expensive gifts . . . business as usual. Twice this month, you have voted not to stop these gifts. Well, there doesn't have to be a law for everything.

Tonight, I challenge you to just stop taking them—now, without waiting for legislation to pass. Then, send me the strongest possible lobby reform bill, and I'll sign it.

Require the lobbyists to tell the people who they work for, what they're spending and what they want. And let's curb the role of big money in our elections, by capping the cost of campaigns and limiting the influence of PACs, and opening the people's airwaves to be an instrument of democracy, by giving free TV time to candidates.

When Congress killed political reform last year, the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, let's change the government—let's make it smaller, less costly and smarter—leaner, not meaner.

The New Covenant is an approach to governing that is as different from the old bureaucratic way as the computer is from the manual typewriter. The old way protected the organized interests. The New Covenant looks out for the interests of ordinary people. The old way divided us by interests, constituency or class. The New Covenant unites us behind a common vision of what's best for our country.

The old way dispensed services through large, hierarchical, inflexible bureaucracies. The New Covenant shifts resources and decision-making from bureaucrats to citizens, injecting choice, competition and individual responsibility into national policy.

The old way seemed to reward failure. The New Covenant has built-in incentives to reward success. The old way was centralized in Washington. The New Covenant must take hold in communities across the country.

Our job here is to expand opportunity, not bureaucracy: To empower people to make the most of their own lives; to enhance our security at home and abroad.

We should not ask government to do for us what we should only do for ourselves. But we should use government to do those things that we can only do together.

We must go beyond the sterile debate between the illusion that there is a program for every problem and the illusion that government is the source of all our problems.

Our job is to get rid of yesterday's government so our people can meet today's and tomorrow's needs.

For years before I became President, others had been saying they would cut government, but not much happened. We did it. We cut over a quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the federal bureaucracy in the last two years alone. Based on decisions we have already made, we will have cut a total of more than a quarter million positions, making the federal government the smallest it has been since John Kennedy was President.

Under the leadership of Vice President GORE, our initiatives have already saved taxpayers $63 billion. The age of the $500 hammer is gone.

Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by more than 1,200 offices. Slashed the Small Business loan form from an inch-think to a single page and thrown away the government's 10,000 page personnel manual. FEMA—the federal disaster agency—has gone from being a disaster to helping people. Government workers—hand-in-hand with private business—rebuilt southern California's fractured freeways in record time and under budget. And because the federal government moved fast, all but one of the 650 schools damaged in the earthquake are back in business educating our children.

University administrators tell me that they are saving weeks of time on college loan applications because of our new college loan program that cut costs to the taxpayers, cuts costs to students, and gives people a better way to pay back their college loans, and cut out bureaucracy.

Previous government reform reports gathered dust. We are getting results. And we're not through. There is going

to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three. Getting rid of over 100 programs we don't need—like the Interstate Commerce Commission and the helium reserve program.

These programs have outlived their usefulness. We have to cut yesterday's government to help solve tomorrow's problems.

And we need to get government closer to the people it's meant to serve. Where states and communities, private citizens and the private sector can do a better job, we should get out of the way. We're taking power away from federal bureaucracies and giving it back to communities and individuals. And it's time for Congress to stop passing on to the states the cost of the decisions we make here in Washington.

For years, Congress has concealed in the budget scores of pet spending projects—and last year was no different: A million dollars to study stress in plants, $12 million for a tick-removal program that didn't even work. Give me the line item veto and I'll save the taxpayers money.

But when we cut, let's remember that government still has important responsibilities: Our young people hold our future in their hands; we owe a debt to our veterans who were willing to risk their lives for us; the elderly have made us what we are. My budget cuts a lot, but it protects education, veterans, Social Security, and Medicare and so should you.

And when we give more flexibility to the states, let's remember certain fundamental national needs that should be addressed in every state.

Immunization against childhood disease; school lunches; Head Start; medical care and nutrition for pregnant women and infants—they're in the national interest.

I applaud your desire to get rid of costly, unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families; safer toys for our kids; safer nursing homes for our parents. Safer cars and highways. And safer workplaces. Clean water and clean air.

Do we need more common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic waste dumps. And we ought to do it. Should we cut the deficit more? Of course, we should. We must bring down spending in a way that protects the economic recovery and does not punish the middle class or seniors.

I know many of you in this chamber support the balanced budget amendment. We all want to balance the budget. Our administration has done more to bring the budget closer to balance than any one in a long time. But if you're going to pass this amendment, you have to be straight with the American people. They have a right to know what you are going to cut and how it would affect them. And you should tell them before you change the Constitution. Everyone should know, for example, whether this proposal will endanger Social Security, which I would oppose.

In the New Covenant there are problems we have the responsibility to fact.

Nothing has done more to undermine our sense of responsibility than our failed welfare system. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying child support.

That is why I have worked so long to reform welfare. We have made a good start. In the last two years, my administration has given more states the chance to find their own ways to reform welfare than the past two administrations combined. Last year, I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be: a second chance, not a way of life. We'll help those on welfare move to work as quickly as possible, provide child care and teach skills if they need them for up to two years.

But after that, the rule will be simple: Anyone who can work must go to work.

If a parent isn't paying child support, we'll make them pay. We'll suspend their driver's licenses, track them across state lines and make them work off what they owe. Governments don't raise children. Parents do.

I want to work with you to pass welfare reform. But our goal must be to liberate people and lift them up—from dependence to independence, welfare to work, mere childbearing to responsible parenting—not punish them because they happen to be poor. We should require work and mutual responsibility, but we shouldn't cut people off because they are poor, young, unmarried.

We should promote responsibility by requiring young mothers to live at home with their parents or in other supervised settings and finish school, not by putting them and their children out on the street. We shouldn't punish poor children for the mistakes of their parents.

Let this be the year we end welfare as we know it. But let this also be the year we stop using this issue to divide America. No one is more eager to end welfare than the people that are trapped on it. Let's promote education, work, good parenting. Let's punish bad behavior and the refusal to be a student, a worker, a responsible parent. Let's not punish poverty and past mistakes. All of us have made mistakes. None of us can change our yesterday's, but all of us can change tomorrow's.

Just ask Lynn Woolsey, who worked her way off welfare and is now a congresswoman from California.

I know it has become fashionable to embrace Franklin D. Roosevelt. So let's remember exactly what he said: ''Human kindness has never weakened the stamina or softened the fiber of a free people. A nation does not have to be cruel in order to be tough.''

I know members of this Congress are concerned about crime. But I would remind you that last year we passed a very tough crime bill—longer sentences, three strikes and you're out, more prevention, more prisons, and 100,000 more police. And we paid for it all by reducing the size of the federal bureaucracy and giving money back to local communities to lower the crime rate.

There may be other things we can do to be tougher on crime and to help lower the crime rate, and let's do them. But let's not create a raucous political debate in an effort to take back the good things we've already done. That's what local community leaders think. And that's what the police who put their lives on the line every day think.

Secondly, the last Congress passed the Brady Bill and the ban on nineteen assault weapons. I think everybody in this room knows that several members of the last Congress who voted for the assault weapons ban and the Brady Bill lost their seats because of it. Neither the bill supporters or I believe anything should be done to infringe upon the legitimate right of our citizens to bear arms for hunting and sporting purposes.

Those people laid down their seats in Congress to try to keep more police and children from laying down their lives in our streets under a hail of assault weapons' bullets. And I will not see that ban repealed.

NATIONAL SERVICE

We shouldn't cut government programs that help to prepare us for the new economy, promote responsibility, and are organized from the grass roots up, not by federal bureaucracies. The best example of that is the national service program—Americorps—which today has 20,000 Americans, more than ever served in one year in the Peace Corps, working all over America, helping people—person to person—in local volunteer groups, solving problems and earning some money for their education. This is citizenship at its best.

It's good for the Americorps members and good for the rest of us. It's the essence of the New Covenant. And we shouldn't stop it.

ILLEGAL IMMIGRATION

All Americans are rightly disturbed by the large numbers of illegal immigrants entering this country. The jobs they hold might otherwise be held by our citizens or legal immigrants, and the public services they use impose burdens on our taxpayers. That's why our administration has moved aggressively to secure our borders by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal aliens who try to take American jobs, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will do more to try to speed the deportation of illegal aliens who are arrested for crimes, and to better identify illegal aliens in the workplace, as recommended by the commission headed by former Congresswoman Barbara Jordan.

This is a nation of immigrants. But it is also a nation of law. And it is wrong, and ultimately self-defeating, for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years.

THE NEW ECONOMY

The most important job of government is to empower people to succeed in the new global economy. America has always been the land of opportunity, a land where if you work hard you can get ahead. We are a middle class country.

Middle class values sustain us. We must expand the middle class and shrink the underclass, while supporting the millions who are already successful in the new economy.

America is once again the world's strongest economy. Almost six million jobs in two years. Exports booming. Inflation down. High wage jobs coming back. A record number of American entrepreneurs living the American dream. If we want it to stay that way, those who work and lift our nation must have more of its benefits.

Today too many of those people are being left out. They are working harder for less security, less income, less certainty they can even afford a vacation, much less college for their children or retirement for themselves. We cannot let this continue.

If we don't act, our economy will probably do what it's done since 1978: Provide high income growth to those at the top, give very little to everyone in the middle, and leave the people at the bottom to fall even farther behind, no matter how hard they work.

We must have a government that can be a partner in making this new economy work for all Americans—a government that helps each and every one of us get an education and have the opportunity to renew our skills.

That's why we worked so hard to increase educational opportunity from Heard Start, to public schools, to apprenticeships, to job training, to making college loans available and more affordable for 20 million people. That's the first thing we have to do.

The second thing we can do to raise incomes is to lower taxes. In 1993, we took the first step with a working family tax cut for 15 million families with incomes of under $27,000 and a tax cut to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited. And we had to get economic growth up. We have done both.

Now we can cut taxes in a more comprehensive way. Tax cuts must promote and reinforce our first obligation, empowering citizens with education and training to make the most of their lives. The tax relief spotlight must shine on those who make the right choices for their families and communities.

I have proposed the Middle Class Bill of Rights—which should be called a Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children or to improve their own lives. It will, therefore, give needed tax relief and raise incomes in the short and long runs in a way that benefits all of us.

There are four provisions: First, a tax deduction for all education and training after high school. Education is even more important now than ever to the economic well-being of America, and we should do everything we can to encourage it. If businesses can get a deduction for investing in factories, why shouldn't families for investment in their future?

Second, a $500 tax credit for all children under thirteen in middle class households.

Third, an individual retirement account with penalty-free withdrawal rights for the cost of education, health care, first time home buying, and care of a parent.

And fourth, a G.I. Bill for American workers. We propose to collapse nearly 70 Federal programs and offer vouchers directly to eligible American workers. If you are laid off, or make a low wage, you will get a voucher worth $2,600 a year for up to two years to go to your local community college or get private or public job training to raise your job skills.

Anyone can call for a tax cut, but I will not accept one that explodes the deficit and puts our economic recovery at risk. We must pay for any tax cuts, fully and honestly. Two years ago, it was an open question whether we would find the strength to cut the deficit.

Thanks to the courage of many people here, and many who did not return to take their seats in this House, we began to do what others said they would do for years.

We Democrats cut the deficit by over $600 billion—that's nearly $10,000 for every family of four in this country. The deficit is coming down three years in a row for the first time since president Truman was in office.

In the budget, I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts, cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double the tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare. And I will oppose any attempt to pay for tax cuts with Medicare cuts.

I know a lot of you have your own ideas about tax relief. I want to work with you. My test for any proposal is: Will it create jobs and raise incomes? Will it strengthen families and support children? Will it build the middle class and shrink the underclass? Is it paid for? If it does, I will support it. If it doesn't, I will oppose it.

That's why I will ask you to support raising the minimum wage. It rewards work. Two and a half million Americans, often women with children, work for $4.25 an hour. In terms of real buying power, by next year, that minimum wage will be at a 40 year low.

I have studied the arguments and evidence for and against a minimum wage increase.

The weight of evidence is that a modest increase does not cost jobs, and may even lure people into the job market. But the plain fact is you can't make a living on $4.25 an hour, especially if you have kids to support.

In the past, the minimum wage has been a bipartisan issue. It should be again. I challenge you to get together and find a way to make the minimum wage a living wage.

Members of Congress have been on the job less than a month. But by the end of the week, 28 days into the new year, each Congressman has already earned as much in Congressional salary as people who work under minimum wage made in an entire year.

And everyone in this chamber has something else that too many Americans go without: health care. Last year, we almost came to blows over health care, but nothing was done. But the hard, cold fact is that, since we stared this debate, we know that more than 1.1 million Americans in working families have lost their coverage. The hard, cold fact is that millions more, mostly workers who are farmers, self-employed, and in small businesses, have seen their coverage erode with higher premium costs, higher deductibles, and higher co-payments.

I still believe we must move our nation towards providing health security for every American family. Last year, we bit off more than we could chew. This year, let's work together, step by step, and get something done.

Let's at least pass meaningful insurance reform so that no American risks losing coverage or facing skyrocketing prices when they change jobs, or lose a job, or a family member falls ill. We could start with the proposals Senator DOLE made last year. Let's make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. Let's help families provide long-term care for a sick parent or a disabled child. Let's help workers who lose their jobs keep health insurance coverage for a year while they look for work. And let's find a way to make sure our children have health care. Let's work together. This is too important for politics as usual.

NATIONAL SECURITY

Much of what is on the American people's mind is devoted to internal security concerns—the security of our jobs and incomes, our children, our streets, our health, our borders. Now that the Cold War is past, it is tempting to believe that all security issues,

with the possible exception of trade, reside within our borders. That is not so

Our security depends upon our continued world leadership for peace, freedom, and democracy. We cannot be strong at home without being strong abroad.

The financial crisis in Mexico is a powerful case in point. We have to act—for the sake of millions of Americans whose livelihoods are tied to Mexico's well-being.

If we want to secure America jobs, preserve American exports and safeguard America's borders, we must pass our stabilization program and help put Mexico back on track. And let me repeat—this is not a loan, this is not foreign aid, this is not a bail-out. We'll be giving a guarantee, like co-signing a note with good collateral that will cover our risk. This legislation is right for America, and together with the bipartisan leadership, I call on Congress to pass it quickly

Tonight, not a single Russian missile is aimed at our homes or our children. And we, with them, are on the way to destroying missiles and bombers that carry 9,000 nuclear warheads.

We've come so far so fast in the post-Cold War world that it is easy to take the decline of the nuclear threat for granted. But it is still there, and we are not finished yet.

This year, I am asking the Senate to approve START II—and eliminate weapons that carry 5,000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-Proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop, and roll back, North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It's a smart, tough deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combating terrorists, whether they strike at home or abroad.

As the cowards who bombed the World Trade Center can testify, the United States will hunt down terrorists and bring them to justice.

Just this week, another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people I extend our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard to go forward. But the terrorists are the past, not the future. We must—and we will—persist in our pursuit of a comprehensive peace between Israel and all her neighbors in the Middle East. Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the Middle East peace process and prohibits financial transactions with these groups.

Tonight, I call on our allies, and peace-loving nations around the world, to join us with renewed fervor in the global effort to combat terrorism.

From my first day in office I have pledged that our nation would maintain the best equipped, best trained and best prepared fighting force on Earth. We have—and they are. They have managed the dramatic downsizing of our forces since the Cold War with remarkable skill and spirit. To make sure our military is ready for action—and to provide the pay and quality of life that the military and their families deserve—I am asking this Congress to add $25 billion more in defense spending over the next six years. Tonight I repeat that request. We ask much of our armed forces. They are called to service in many ways—and we must give them and their families what the times demand and they deserve.

Time after time, in the last year, our troops showed America at its best: helping to save hundreds of thousands of lives in Rwanda. Moving with lightning speed to head off another Iraqi threat to Kuwait. And giving freedom and democracy back to the people of Haiti.

The United States has proudly supported peace, prosperity, freedom and democracy, from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All these endeavors make America's future more confident and more secure.

This, then, my fellow Americans, is our agenda—expanding opportunity, not bureaucracy, enhancing security at home and abroad, empowering people to make the most of their own lives.

It is ambitious and achievable, but it is not enough. We need more than new ideas changing the world, or equipping all Americans to compete in the new economy. More than a government that is smaller, smarter and wiser. More than all the changes we can make from the outside in. Our fortunes and our posterity also depend upon our ability to answer questions from within, from the values and the voices that speak to our hearts, voices that tell us we must accept responsibility for ourselves, for our families, for our communities and, yes, for our fellow citizens.

We see our families and our communities coming apart. Our common ground is shifting out from under us.

The PTA, the town hall meeting, the ball park—it's hard for many overworked Americans to find the time and space for the things that strengthen the bonds of trust and cooperation among citizens. And too many of our children don't have the parents and grandparents who can give them the experiences they need to build character and strengthen identity.

We all know that while we here in this chamber can make a difference, the real differences in America must be made by our fellow citizens where they work and where they live. More than ever before, as we move to the twenty-first century, everyone matters and we don't have a person to waste.

That means the new covenant is for everybody. For our corporate and business leaders: We are working to bring down the deficit and expand markets and to support your success in every way. But you have an obligation when you are doing well to keep jobs in our communities and give American workers a fair share of the prosperity they generate.

For those in the entertainment industry: We applaud your creativity and your worldwide success, and we support your freedom of expression. But you have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive and mindless violence, and irresponsible conduct that permeates our media. Not because we will make you, but because you should.

For our community leaders: We've got to stop the epidemic of teen pregnancies and births where there is no marriage. I have sent Congress a plan to target schools all over the country with anti-pregnancy programs that work. But government can only do so much. Tonight, I am calling on parents and leaders across the country to join together in a National Campaign Against Teen Pregnancy—to make a difference.

For our religious leaders: You can ignite your congregations to carry their faith into action, reaching out to all our children, to those in distress, to those who have been savaged by the breakdown of all we hold dear. Because so much of what has to be done must come from the inside out. You can make all the difference.

Responsibility is for all our citizens. It takes a lot of people to help all the kids in trouble to stay off the streets and in school, to build the Habitat for Humanity houses, to provide the people power for all the civic organizations that make our communities grow. It takes every parent to teach their children the difference between right and wrong, and to encourage them to learn and grow, to say no to the wrong things in life and to believe they can become whatever they want to be.

I know it is hard when you are working harder for less money and you are under great stress to do these things.

I also know it's hard to do the work of citizenship when for years, politicians in both parties have treated you like consumers and spectators, promising you something for nothing and playing on your fears and frustrations. And more and more of the information you get comes in very negative ways, not conducive to real conversation. But the truth is, we have got to stop seeing each other as enemies, even when we have different views. If you go back to the very beginning of this country, the great strength of America has always been our ability to associate with people who were different from ourselves and to work together to find common ground. And in the present day, everybody has a responsibility to do more of that.

That is the first law of democracy, the oldest lesson of most of our faiths: That we are stronger together than alone. That we all gain when we give. That is why we must make citizenship matter again. Here are five shining examples of citizenship:

Cindy Perry teaches second graders to read in AmeriCorps, in rural Kentucky. She gains when she gives: She is a mother of four, and she says that her service ''inspired'' her to get her high-school equivalency last year. Now, like thousands of other members, she will use her scholarship from AmeriCorps to go to college to equip herself to compete and win in the new economy.

With so many forces pulling us apart, we cannot stop a force like AmeriCorps that's pulling us together.

Chief Stephen Bishop gains when he gives: He has worked with AmeriCorps to build community policing in Kansas City—and has seen crime go down because of it. He stood up for our Crime Bill and the Assault Weapons ban, and knows that the people he serves and the people he leads are all safer because of it.

Corporal Gregory Depestre gains when he gives: He went to Haiti as part of his adopted country's force to help secure democracy. And he saw the people of his native land—Haiti—are restoring democracy for themselves.

Reverend John Cherry * * *

And Jack Lucas gained when he gave. Fifty crowded years ago, in the sands of Iwo Jima, he taught and he learned the lessons of citizenship. February 20, 1945 was no ordinary day for a small-town boy. As he and his three buddies moved along a slope, they encountered the enemy—and two grenades at their feet. Jack Lucas threw himself on them both, and, in that moment, saved the lives of his companions. And what did he gain? In the next instant, a medic saved his life. He gained a foothold for freedom. And he gained this: Jack Lucas—at 17 years old, just a year older than his grandson is today—became the youngest Marine in our history, the youngest man in this century, to be awarded the Congressional Medal of Honor.

All these years later, here's what he says about that day: ''It didn't matter where you were from, who you were. You relied on one another. You did it for your country.''

We all gain when we give. We reap whatever we sow. That's at the heart of the New Covenant: Responsibility. Citizenship. Opportunity. They are more than stale chapter headings in some remote civics book. They are the virtues by which we can fulfill ourselves and our God-given potential—the virtues by which we can live out, the eternal promise of America, the enduring dream of that first and most sacred covenant: That we hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. And that among these are Life, Liberty and the Pursuit of Happiness.

This is a very great country. And our best days are yet to come. God bless you, and God bless the United States of America.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF EXECUTIVE ORDER RELATIVE TO THE MIDDLE EAST—MESSAGE FROM THE PRESIDENT—PM 3

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:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process and to issue an Executive order that:

—Blocks all property, including bank deposits, of foreign persons or organizations designated in the Executive order or pursuant thereto, which is in United States or in the control of United States persons, including their overseas branches; and

—Prohibits any transaction or dealing by United States persons in such property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have designated in the Executive order 12 foreign organizations that threaten to use violence to disrupt the Middle East peace process. I have authorized the Secretary of State to designate additional foreign persons who have committed, or pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or who assist in, sponsor, or provide financial, material or technological support for, or services in support of, such acts of violence. Such designations are to be made in coordination with the Secretary of the Treasury and the Attorney General.

The Secretary of the Treasury is further authorized to designate persons or entities that he determines, in coordination with the Secretary of State and the Attorney General, are owned or controlled by, or acting for or on behalf of, any of the foreign persons designated under this order. The Secretary of the Treasury is also authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these measures in consultation with the Secretary of State and the Attorney General and to coordinate such implementation with the Federal Bureau of Investigation. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective at 12:01 a.m., eastern standard time on January 24, 1995.

I have authorized these measures in response to recurrent acts of international terrorism that threaten to disrupt the Middle East peace process. They include such acts as the bomb attacks in Israel this past weekend and other recent attacks in Israel, attacks on government authorities in Egypt, threats against Palestinian authorities in the autonomous regions, and the bombing of the Jewish Mutual Association building in Buenos Aires, as well as the car bomb at the Israeli Embassy in London.

Achieving peace between Israel and its neighbors has long been a principal goal of American foreign policy. Resolving this conflict would eliminate a major source of instability in a part of the world in which we have critical interests, contribute to the security and well-being of Israel, and strengthen important bilateral relationships in the Arab world.

Attempts to disrupt the Middle East peace process through terrorism by groups opposed to peace have threatened and continue to threaten vital interests of the United States, thus constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Terrorist groups engaging in such terrorist acts receive financial and material support for their efforts from persons in the Middle East and elsewhere who oppose that process. Individuals and groups in the United States, too, have been targets of fundraising efforts on behalf of terrorist organizations.

Fundraising for terrorism and use of the U.S. banking system for transfers on behalf of such organizations are inimical to American interests. Further, failure to take effective action against similar fundraising and transfers in foreign countries indicate the need for

leadership by the United States on this subject. Thus, it is necessary to provide the tools to combat any financial support from the United States for such terrorist activities. The United States will use these actions on our part to impress on our allies in Europe and elsewhere the seriousness of the danger of terrorist funding threatening the Middle East peace process, and to encourage them to adopt appropriate and effective measures to cut off terrorist fundraising and the harboring of terrorist assets in their territories and by their nationals.

The measures we are taking demonstrate our determination to thwart acts of terrorism that threaten to disrupt the Middle East peace process by attacking any material or financial support for such acts that may emanate from the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995.*

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–2. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 96

''Whereas, California is still, at best, in the early stages of recovery from our most serious economic downturn since the Great Depression of the 1930's; and

''Whereas, our generating a sustaining recovery depends upon our being visionary and smart and collaborative in preparing ourselves to be competitive in the ever changing world in which we live and operate and do business; and

''Whereas, our overall challenge is to realize the promise of our multicultural democracy in the emerging global economy in the age of technology and knowledge; and

''Whereas, it is especially incumbent upon each and all of us in the entire California public sector to become thoroughly informed regarding the latest developments that affect our economic competitiveness and prospects for our future well-being, so that we can operate collaboratively and smartly and effectively; and

''Whereas, the public and private sectors of California have been for far too long much too unfamiliar with and uninformed about each other's realities and challenges, and even more failing to collaborate smartly and effectively in all the ways required by the new world into which we are moving; and

''Whereas, as repeatedly heard by the Assembly Democratic Economic Prosperity Team in its rounds of 70 consultations with business and other leaders over the past 14 months, the California private sector consistently complains about the failure of the various levels and agencies of California's public sector to understand and appreciate the value and realities and problems and challenges of California's various private sector endeavors, including the public sector's failure to appropriately educate Californians for employment in those private sector endeavors in public sector operations; and

''Whereas, it is ever more essential that all the agencies of the public sector of California become and remain apprised of the latest developments regarding the foremost industries which will contribute to California's economic recovery and future economic prosperity and well-being; and

''Whereas, a creative and systematic vehicle for mutual dialogue and learning would prove of enormous value as we seek to prepare ourselves as a state to be competitive in this emerging global economy and age of technology; now, therefore, be it

''*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That California, as a state and especially throughout the various levels and agencies of its public sector, commit itself to becoming a learning enterprise, so as to prepare our public sector to act and respond more smartly and effectively in a timely fashion to the emerging problems and challenges of our times; and be it further

''*Resolved,* That the State of California, in particular, immediately initiate the designing and implementation of a systematic vehicle that will serve to further assure this learning, and particularly now in our time of economic crisis, assure this learning with respect to the causes and cures of our economic crisis; and be it further

''*Resolved,* That California create an ''Industry of the Month'' program, which will, every other month until June 30, 1996, feature one leading California industry for a day-long intensive dialogue in the State Capitol; and be it further

''*Resolved,* That the audience for each intensive day-long learning experience is to be comprised of the leadership of all the relevant agencies of California's public sector, including, but not limited to, the Governor of California, the Secretary of Trade and Commerce, both houses and both parties of the Legislature, the County Supervisors Association of California and the League of California Cities, the University of California and the California State University, the California Community Colleges, and the California public school system; and be it further

''*Resolved,* That the agenda for that day is to be determined and designed by the leaders of the particular featured industry, and to include other leaders with any concerns regarding the industry; and be it further

''*Resolved,* That the agenda include an assessment of at least each of, but not limited to, the following: the character of the industry and its value and potential to California's economic well-being, the current status and challenges and problems of the industry, and ways in which the various levels and agencies of California's public sector are failing to serve or utilize the industry, and ways in which they could better facilitate the healthy success of each industry; and be it further

''*Resolved,* That the convening of each day-long intensive learning experience shall be coordinated by a team of five leaders of the state government or the designee of each: the Governor of the State of California, the President pro Tempore of the Senate, the Speaker of the Assembly, and the minority leaders of both houses of the Legislature, with the Governor, or his or her designee, to serve as convener and chair of this coordinating team, and five leaders of the particular industry; and be it further

Resolved, That it is the intent of the Legislature, in initiating this program, to engage especially the principals in both the public and private sectors, whose knowledge, commitment, and action are essential to California's future economic well-being and therefore it is not to be deemed sufficient that staff persons from the public sector or advocates from the private sector be centrally involved in the actual conduct of each event itself; while they are necessarily to be involved in the planning of each event, it is the intention of the Legislature that they be involved as members of the presenting team and immediate audience; and be it further

Resolved, That the day shall be smartly designed, in consultation with the Californians who are experts in the design of group learning experiences, so as to most profoundly facilitate the mutual learning and trust and team building of all parties concerned, both public and private; and be it further

Resolved, That the coordinating team make every effort to broadly publicize the proceedings so that the California public can watch and listen and learn as well, including, but not limited to, presentation on Cal-Span; and be it further

Resolved, That the following key California industries shall especially be considered by the selection team, and chosen in an order to be determined by the design team: agriculture, apparel industry, biotechnology, defense and space, electronics, entertainment, international trade, petroleum, software, telecommunications, environmental technology, and tourism; and be it further

Resolved, That the design team create and operate a process, including explicit criteria, whereby other California industries can also compete for ''Industry of the Month'' slots in each two-year cycle; and be it further

Resolved, That the Secretary of Trade and Commerce shall disseminate copies of this resolution to at least the 100 foremost trade and industry associations in California, and shall, for the consideration of the coordinating team, seek its advice regarding how best to effectively conduct, and their active endorsement and support of this ''Industry of the Month'' program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California and the Secretary of Trade and Commerce.''

POM–3. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 139

''Whereas, due to its convenience, adaptability, and low cost, plastic is a ubiquitous material in modern life, and a variety of plastic materials are used to make a vast array of products; and

''Whereas, according to the 1993 Annual Report of the California Integrated Waste Management Board, more than 2.6 million tons of plastics are disposed of annually in California, and less than 3 percent of this amount is recycled; and

''Whereas, many products made from plastics are designed to be disposed of after limited use, rather than being reused or recycled; and

''Whereas, despite the technical capability for some products containing plastics to be recycled, the vast majority of those products cannot be recycled conveniently by consumers; and

''Whereas, the improper disposal of plastics can damage the environment and pose life-threatening hazards to birds, fish, and other wildlife; and

''Whereas, plastic materials that are degradable by exposure to earth, water, or sunlight have been developed for a wide variety of commercial applications; and

''Whereas, state and local governments are the single largest purchasers in the state, accounting for approximately 8 percent of California's gross product; and

''Whereas, the state has established programs to increase state purchasing of products made with recycled materials, including plastic, but there is no specific program to encourage state purchasing of biodegradable plastics; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That state agencies act expeditiously to increase their purchase of biodegradable plastics to the maximum extent feasible; and be it further

''*Resolved,* That the California Integrated Waste Management Board and other appropriate state agencies analyze the efficacy of biodegradable plastics, including an analysis of potential impacts resulting from the mixing of biodegradable plastic resins with other plastic resins, as one means of reducing the state's solid waste stream and protecting public health and safety and the environment; and be it further

''*Resolved,* That the board adopt standards and specifications, as appropriate, for biodegradable plastics to ensure that the state continues to benefit from new technological development of those plastics; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the California Integrated Waste Management Board, and the Office of Procurement within the Department of General Services.''

POM–4. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 138

''Whereas, the California Code Enforcement Council is celebrating Code Enforcement Week during the week of September 24 through September 30, 1994; and

''Whereas, it is the purpose of the California Code Enforcement Council:

''(1) To build and maintain a statewide organization of code enforcement officials who represent cities, counties, state government, and other related agencies;

''(2) To foster standards, both professional and educational, for all persons employed in or performing duties which relate to or depend upon knowledge of code enforcement procedures and regulations;

''(3) To administer periodic and regular training and educational opportunities for its members;

''(4) To promote certification of members who meet minimum educational, training and other requirements; and,

''(5) To foster mutual support among members and to promote and develop the code enforcement profession; and

''Whereas, the code enforcement profession plays an integral role in maintaining a high quality of life for Californians by increasing the public's safety, preventing deterioration and blight in neighborhoods, and protecting property values throughout the state; and

''Whereas, by calling attention to the purpose of the California Code Enforcement Council and the effects the code enforcement profession has on improving the quality of life in our communities, Californians will recognize the code enforcement profession's worthy commitment to the future of our state; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature hereby proclaims the week of September 24 through September 30, 1994, as Code Enforcement Week and urges all Californians to recognize and support code enforcement officials statewide for their efforts to improve the quality of life in our state.''

POM–5. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

''ASSEMBLY CONCURRENT RESOLUTION NO. 127

''Whereas, during World War II, thousands of Italian American immigrants in California were arrested, and hundreds were interned for the duration of the war in military camps; and

''Whereas, during World War II, the freedom of more than 100,000 Italian-born immigrants in California and their families was restricted by government measures than included carrying identification cards, curfews, travel restrictions, and seizure of personal property; and

''Whereas, during World War II, more than 10,000 Italian citizens living in California were forced to leave their homes and were prohibited from entering California's coastal zones; and

''Whereas, thousands of Italian Americans performed exemplary service and sacrificed their lives in defense of the United States during World War II; and

''Whereas, at the time, Italians were the largest immigrant group in California and in the entire United States; and

''Whereas, Italian immigrants were among the earliest pioneers of California and have contributed greatly to the development of the state; and

''Whereas, Italian Americans today are the fifth largest ancestry group in the United States, numbering over 15 million people, and more than 1.5 million Italian Americans live in California; and

''Whereas, the impact of the wartime experience was devastating to the Italian communities in California, the effects of which are still being felt; and

''Whereas, these federal and state government actions were based on the Italian nationality and citizenship of these Californians; and

''Whereas, this story needs to be told and included in our state's history books to acknowledge that these events happened and to help repair the damage to the Italian community of California; now, therefore, be it

''*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature welcomes the exhibit ''Una Storia Segreta—The Secret Story'' to the Capitol Rotunda from April 16 to May 8, 1994: and be it further

''*Resolved,* That the Legislature encourages all Californians to view the exhibit to promote greater awareness of this painful period in the experience of California's Italian population; and be it further

''*Resolved,* That the Legislature recognizes these events of 1942 and the effects of those whose lives were unjustly disrupted and whose freedoms were violated; and be it further

''*Resolved,* That the Legislature encourages teachers and professors, school and university administrators, governing boards, and the State Department of Education to include the study of the Italian American experience in the public schools and universities of the state; and be it further

''*Resolved,* That the Legislature encourages the California Arts Council to promote Italian American historical, artistic, and cultural projects; and be it further

''*Resolved,* That the Legislature study the feasibility of establishing an Italian American Museum to give attention to the many contributions of Italian Americans to California's rich history; and be it further

''*Resolved,* That the Legislature join with the Governor to establish an Italian American Task Force to address the concerns of Italian Americans in California.''

POM–6. A petition from citizens of the District of Columbia relative to defense spending; to the Committee on Armed Services.

POM–7. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

''ASSEMBLY JOINT RESOLUTION NO. 92

''Whereas, the national security interests of the United States are constantly changing in response to changing world conditions and threats; and

''Whereas, the Armed Forces of the United States must adapt to these changing circumstances and be prepared to respond to them with resourcefulness and innovation; and

''Whereas, the Southwest Complex consists of China Lake and Point Mugu Naval Air Weapons Station, the Naval Air Warfare Center Weapons Division (China Lake and Point Mugu) (NAWCWPNS), the Naval Air Weapons Station, Point Mugu, Edwards Air Force Base, National Training, Center-Fort Irwin (Army), Marine Corps Air Ground Combat Center (MCAGCC) at Twentynine Palms, all in California plus Nellis Air Force Base and Fallon Air Naval Station in Nevada, and the Utah Test Training Center; and

''Whereas, the retention of these facilities that comprise the Southwest Complex is vital, not only to the State of California, but to national security; and

''Whereas, the Southwest Complex contains the largest protected military air corridor and flight zone in the United States. The climactic conditions of the complex permit more than 350 flight and test days annually; the corridor is not endangered by community encroachment, and the operations involve all military services in a cooperative effort; and

''Whereas, the National Aeronautic Space Agency (NASA) Dryden Flight Research Center at Edwards Air Force Base is the agency's premier installation for aeronautical flight research and also supports the space shuttle program as the primary and backup landing site; and

''Whereas, Edwards Air Force Base, with its Rogers and Rosamond Dry Lake Beds within 68 miles of runway, the largest being seven and one-half miles long, provides the longest emergency landing field in the world; and

''Whereas, Edwards Air Force Base, with over 20,000 square miles of uninterrupted air space for flight testing over numerous unpopulated areas cannot be duplicated in the United States; and

''Whereas, the Benefield Anechoic Facility at Edwards Air Force Base is the largest radar and electronic threat testing system in the world; and

''Whereas, Edwards Air Force Base is home to the Air Force Flight Test Center, NASA Dryden Flight Research Center, the Army Aviation Flight Test activity, and the Phillips Laboratory; and

''Whereas, the 21,000 plus employees provide a combined economic impact of approximately $2.2 billion per year to the Antelope Valley and southern California; and

''Whereas, Point Mugu controls and operates a 36,000 square mile sea test range for the purpose of testing weapons and targeting systems over a sea environment stimulating at-sea conditions; and

''Whereas, located within the sea test range are radar and communication facilities located on Santa Cruz and San Nicolas Islands and the Navy operates an outlying landing facility on the Navy-owned San Nicolas Island; and

''Whereas, these islands as well as a 1,457 foot nearby peak next to Point Mugu provide for a unique geographic location to conduct the highly instrumented tests and record the precise measurements necessary in the development and testing of new weapons; and

''Whereas, no other test site offers this unique geographic setting of island-sea-mountains with this kind of sophisticated measuring and tracking capabilities; and

''Whereas, the NAWCWPNS (Point Mugu and China Lake) mission is to be the premier facility for the development and testing of air warfare systems and missile weapons systems for the Fleet and Joint Department of Defense efforts; and

''Whereas, the Naval Air Warfare Center Weapons Division with principle sites at China Lake and Point Mugu, California provides the Department of Defense with product-focused full life cycle management; and

''Whereas, the China Lake R–2506 restricted and instrumented air space of 17,000 square miles and the sea range at Point Mugu of 36,000 square miles allow earth to infinity testing and evaluation of airborne weapons systems, missiles, and missile subsystems; and

''Whereas, the Naval Air Warfare Center Weapons Division at China Lake is the site of the Navy's largest research and development laboratory consisting of 38 percent of the Navy's land holdings; and

''Whereas, most of the airborne weapons used in the Gulf War had developmental or test and evaluation roots in China Lake, 75 percent of all weapons used in Vietnam were developed or tested at China Lake; and

''Whereas, the estimated worth of the China Lake physical plant is $2 billion including more than $50 million of construction now underway or scheduled for groundbreaking this fiscal year. The budget for the China Lake site in the 1993–94 fiscal year is between $1 and $2 billion and the total China Lake payroll is $242 million for the 1994–94 fiscal year; and

''Whereas, the National Training Center (NTC) was selected by the United States Army as the best of 11 possible sites and was activated at Fort Irwin, California in 1960, and became the Army's first combat training center. The NTC contains 400,000 acres for maneuver areas and favorable weather conditions; and

''Whereas, all of the units committed to combat in Iraq during the recent Persian Gulf War had been trained at the NTC. These units took only 100 hours to subdue the world's fourth most powerful Army while sustaining minimal American casualties thus making the Persian gulf War the best illustration of the importance of the NTC; and

''Whereas, NASA operates its Goldstone Deep Space Communication Center on 32,000 acres of property at Fort Irwin; and

''Whereas, the NTC with over six million square feet in real property and two complete fleets of armed battlefield equipment operates annually on a combined budget that approached $180 million, and with an average payroll of nearly $120 million responsible for approximately 20 percent of the greater Barstow area's economy; and

''Whereas, the NTC is home to 4,500 soldiers, nearly 6,000 Army family members with Department of the Army civilian workers and base operations contractors, making the NTC similar to a city of 12,000; and

''Whereas, the NTC of today prepares combat maneuver task forces, battalions, brigades, divisions, and corps for combat for an environment that permits individuals and units to sharpen their skills in the most realistic environment short of actual combat; and

''Whereas, the Marine Corps Training Center (MCTC) at Twentynine Palms, occupies 932 square miles of the Southern Mojave Desert and each year trains one-third of the Fleet Marine Reserve units; and

''Whereas, the MCTC's two major tenant commands are: the 7th Marines (Reinforced) whose mission is to prepare combat ready units and serve as a source of desert and mountain operations experience, as well as to provide the ground combat element for the Marine Air Ground Tax Force (MAGTF) and to maintain in amphibious readiness capability as part to the 1st Marine Division; and

''Whereas, there are more than 350 Marine and Navy officers and nearly 6,000 Marines and Sailors within the 7th Marines (Reinforced); and

''Whereas, the Marine Corps Communication-Electronics School (MCCES) which evaluates new communication and electronic systems trains Marines in electronic fundamentals, operational communication, air control, antiair warfare, and maintenance of communication-electronics equipment. The MCCES is the Marine Corps' largest formal school graduating 6,000 Marines a year; and

''Whereas, the Marine Corps Training Center is the site of the thousands of yearly aircraft operations associated with training exercises; and, now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature acknowledges and supports the southwest complex; and be it further

''*Resolved.* That the Legislature memoralizes the Base Realignment and closure Commission, the president, and the Congress of the United States to support the Southwest Complex; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to each member of the Base Realignment and Closure Commission, to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–8. A resolution adopted by the Bar Association of Puerto Rico relative to Cuba; to the Committee on Energy and Natural Resources.

POM–9. A resolution adopted by the Bar Association of Puerto Rico relative to the militarization of Puerto Rico; to the Committee on Energy and Natural Resources.

POM–10. A resolution adopted by the Bar Association of Puerto Rico relative to political prisoners; to the Committee on Energy and Natural Resources.

POM–11. A resolution adopted by the Bar Association of Puerto Rico relative to the death penalty; to the committee on energy and Natural Resources.

POM–12. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

''ASSEMBLY JOINT RESOLUTION NO. 90

''Whereas, the Presidio Army Base, which was originally founded in 1776, is a unique national resource that is rich in the history and beauty of the State of California; and

''Whereas, the entire 1,480 acres of the Presidio Army Base was declared a national historic landmark in 1962, in recognition of its Civil War architecture, its place in the history and development of the frontier that became the State of California, its subsequent use as the Army's Fort Scott which provided protection to the western United States, and its recent designation as the central part of the Golden Gate National Recreation Area which serves nearly 20,000,000 visitors a year; and

''Whereas, in 1972, the Congress of the United States designated the Presidio Army Base, if the site is determined to be nonessential to the Army's needs, to be designated a national park, and since 1989, with the announced closure of the Presidio Army Base, the National Park Service and the Army have worked together to facilitate the transition and improvement of the site for greater public use; and

''Whereas, in recent years California has been struggling, with the announcement of a number of United States military base closures, including three bases that are located in the City and County of San Francisco, thereby necessitating the development of close cooperation between the state, and local governments affected by the military base closures, and requiring that federal, state, and local officials work together to ensure that each site is used in a way that maximizes its potential; and

''Whereas, the National Park Service, after a long series of public discussions and debates, has been preparing for the conversion of the Presidio Army Base into a national park, and has proposed a plan for the Presidio National Park that will be a model for future national parks, and, using unique real estate management expertise, requires a federal public corporation to manage, lease, maintain, and finance capital improvements to the Presidio properties; and

''Whereas, legislation now pending before the Congress of the United States (H.R. 3433 and S. 1639) provide for the establishment of the federal public benefit corporation to reinvest lease income in the preservation, restoration, maintenance, repair, and improvement of the Presidio properties, and ensure a unique public/private partnership approach to the newest national park; and

''Whereas, the enactment of H.R. 3433 and S. 1639, and the development and implementation of the public benefit corporation, will require an operating budget consistent with the operating budgets of the nation's larger national parks: and

''Whereas, the State of California has a strong interest in the passage of that legislation, which, by designating the Presidio National Park, would create a tourist attraction for millions of visitors and ensure that an essential piece of California's history and an area of significant natural resources and environmental values will be preserved; and

''Whereas, Governor Wilson has called for bipartisan support for the designation of the Presidio National Park and the enactment of H.R. 3433 and S. 1639; now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California hereby supports the designation of the Presidio National Park as proposed in H.R. 3433 and S. 1639; and be it further

''*Resolved,* That the Legislature of the State of California memorializes the Congress of the United States to enact H.R. 3433 and S. 1639 and urges the Congress and the President of the United States to support the full implementation of these measures; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the National Park Service, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States.''

POM–13. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 94

''Whereas, in the decade of the Gold Rush, miners, farmers, and merchants of the Counties of Shasta and Siskiyou were unable to communicate with the outside world or bring their produce to market except over dangerous pack trails due to the rugged terrain in the Sacramento River Canyon; and

''Whereas, after other wagon road building efforts failed, Elias B. Stone and his sons secured a state franchise to build a wagon road; and

''Whereas, with brawn, black powder, mules, and oxen, the Stone family built nine bridges across the Sacramento River, 15 bridges across creeks and gulches, and a narrow road notched into the Sacramento River Canyon's walls, running 43 miles, from the Siskiyou-Shasta county line to the Stone family's ferry boat and landing on the Pit River, a few miles above that river's junction with the Sacramento River; and

''Whereas, the Stone family completed the Stone Turnpike in the Sacramento River Canyon in 1861; and

''Whereas, in 1861, after only a few months of collecting tolls on the Stone Turnpike, disaster, in the form of the worst winter storm known in the area to that time, destroyed most of their work; and

''Whereas, the Stone family mortgaged all of its property and rebuilt a better toll road despite several legal entanglements; and

''Whereas, other parties finally gained full control of the Stone family's company and the Stone Turnpike in 1868; and

''Whereas, in the 1870s, the Stone Turnpike became the major north to south stage route to Oregon; and

''Whereas, in 1887, the steel rails of the Central Pacific Railroad displaced the Stone Turnpike in some sections to complete the rail link into southern Oregon; and

''Whereas, in 1915, the dusty old stage road became Shasta County's part of the Pacific Highway, the predecessor of U.S. Highway 99, remaining sections of which have been recently recognized as ''Historic U.S. Highway 99''; and

''Whereas, it is fitting that the people of California recognize the persevering efforts and contributions of the Stone family in successfully completing their historic turnpike, whose route is the basic route of Interstate Route 5 through the Sacramento River Canyon; now, therefore be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the portion of Interstate Route 5 between the Pit River Bridge in Shasta County and the Shasta-Siskiyou County line is hereby officially designated the Stone Turnpike Memorial Freeway; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–14. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 92

''Whereas, it is appropriate that California recognize the sacrifices of those citizens who distinguished themselves in their community and in combat in the Vietnam War; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the O'Neill Forebay Bridge on State Highway Route 152 is hereby officially designated the Celano-Norris Memorial Bridge; and be it further

''*Resolved,* That the bridge on State Highway Route 152 east of the intersection with Interstate Highway Route 5 is hereby officially designated the Sandvig-Scanlon Memorial Bridge; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–15. A Concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 62

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That, in honor of the Nisei Soldiers of World War II who served in units of the United States Armed Forces comprising the 100/442/MIS triad, the segments of State Highway Routes 23 and 99 described herein are hereby officially designated as follows:

''(a) State Highway Route 23, from Highway 101 to Highway 118, as the Military Intelligence Service Memorial Highway.

''(b) State highway Route 99, between the Cities of Fresno and Madera, as the 100th Infantry Battalion Memorial Highway.

''(c) State Highway Route 99, between the Cities of Salida and Manteca, as the 442nd Regimental Combat Team Memorial Highway; and be it further

''*Resolved,* That each of the signs carrying those designations also include, in the lower right-hand corner, the following notations:

''A unit of the 100/422/MIS traid; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designations and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–16. A concurrent resolution adopted by the Legislature of the State of California to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 79

''Whereas, H. Dana Bowers served with distinction as this state's first supervising landscape architect for the Division of Highways, having served in that capacity from 1936 until his retirement in 1964; and

''Whereas, in that capacity, Mr. Bowers was the creator of the highway beautification program as we know it today; and

''Whereas, during his tenure as the division's supervising landscape architect, H. Dana Bowers was responsible for developing and overseeing the Division of Highways' statewide roadside development and highway planting programs; and

''Whereas, H. Dana Bowers established a world standard for highway design with the landscaping and aesthetic enhancement of the Arroyo Seco Parkway in 1940 and subsequent work on the Four Level Interchange in Los Angeles; and

''Whereas, H. Dana Bowers personally directed the design of California's urban freeway landscaping, rural tree planting, and median planting installed in the 1940s, 1950s, and early 1960s, to mitigate the impacts of highway construction on the environment, thereby beautifying the State of California; and

''Whereas, the landscaping techniques and developments of Mr. Bowers have spread throughout the nation and have contributed significantly to making highway driving more pleasurable today; and

''Whereas, Mr. Bowers was instrumental in the design of many prominent highway landmarks, including the vista point located on United States Highway 101 at the north end of the Golden Gate Bridge; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the highway vista point located immediately north of the end of the Golden Gate Bridge on United States Highway 101 be officially designated the H. Dana Bowers Memorial Vista point; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–17. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 54

''Whereas, the Honorable Frank P. Belotti, a Member of the Assembly from 1950 to 1972, was an effective advocate of preserving the unique scenic beauty of the redwood groves and was instrumental in securing the legislation that made possible the freeway bypass of the groves and the preservation of the existing state highway designated as the ''Avenue of the Giants''; and

''Whereas, the Assembly of the State of California resolved in 1961 to designate the portion of the State Highway Route 101 bypass from Sylvandale to Englewood, a distance of approximately 21 miles, as the Frank P. Belotti Freeway; and

''Whereas, the Senate of the State of California, the Assembly thereof concurring, resolved in 1972 to designate the bridge numbered 04–212, located on State Highway Route 101 over the South Fork of the Eel River as the Frank P. Belotti Bridge; and

''Whereas, the Frank P. Belotti Bridge is situated approximately 10 miles south of the southerly end of the Frank P. Belotti Freeway; and

''Whereas, the Honorable Frank P. Belotti passed away in 1972, and is survived by his wife, Delphine Moranda Belotti; and

''Whereas, the Honorable Frank P. Belotti worked side by side with various district engineers of District I of the California Department of Transportation to expedite the construction of the Redwood Freeway, including Mr. Sam Helwer, the District Engineer of District I from 1957 to 1967; and

''Whereas, Mr. Sam Helwer, who was born in Russell, Kansas, on August 23, 1913, passed away in 1991, and is survived by his wife, Cordy, and his children, Paul and Joan; and

''Whereas, Mr. Helwer served his country in the United States Army Air Corps, and was an active member of the Rotary Club of Eureka; and

''Whereas, his first engineering job was as chief of a construction survey party for the Civilian Conservation Corps in Sequoia National Park in 1933; and

''Whereas, his first job with the then California Division of Highways was as an Under Engineering Aide in District III at Marysville on a survey party in 1936; and

''Whereas, during his early career, he worked in District I in Eureka, District XI in San Diego, District X in Stockton, District VII in Los Angeles, and Headquarters Office, Sacramento, in the Bridge Department and the Design Department; and

''Whereas, during his tenure in the Headquarters Office in the Design Department from 1948 to 1952, Mr. Helwer served as the Division's acknowledged expert on freeway interchange design, and he lectured throughout the state, including the Institute of Transportation and Traffic Engineering at the University of California; and

''Whereas, he served as District Engineer in District I from 1957 to 1967, and during that period, all units of the nearly 30-mile long segment of the Redwood Freeway (State Highway Route 101) from north of Garberville to south of Scotia were completed or placed under construction; and

''Whereas, during Christmas week of 1964, the north coast of California was rocked by a record storm that caused unprecedented flooding, with a frequency of occurrence of once in 1,000 years, causing severe damage to 55 miles of state highway and 40 bridges, 18 of which were totally destroyed, including bridges across the Eel, Klamath, Salmon, Smith, Trinity, and Van Duzen Rivers; and

''Whereas, entire towns were destroyed, 11 lives were lost in the Eel River delta flooding alone, and nearly $8.5 million was spent on emergency openings and an additional $26 million was spent on restoration work; and

''Whereas, within one month after the beginning of the storms, all state highways, except for one, were opened to at least one-way traffic, under the dynamic leadership of District Engineer Sam Helwer; and

''Whereas, in 1967 Mr. Helwer returned to Headquarters Office, Sacramento, as a Deputy State Highway Engineer; in 1972 he transferred to District III in Marysville as a District Director, 36 years after starting there as an Under Engineering Aide; and

''Whereas, in 1975 he retired from the California Department of Transportation, and for a three-month period in 1976 and in 1977, he served as Executive Secretary of the California Highway Commission; and

''Whereas, it is proper that the late Sam Helwer be recognized for his contributions to the principles of good design, beauty, utility, and outstanding transportation leadership that are the hallmark of the streets and highways system of California; and

''Whereas, it is also proper that in order to memorialize the close friendship and working relationship between these two outstanding individuals, the Honorable Frank P. Belotti, a legislator, and Mr. Sam Helwer, an engineer, adjoining segments of the Redwood Freeway be dedicated to each; now, therefore, be it

''*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That the portion of State Highway Route 101 in the area known as the Redwood Freeway, from the Bridge numbered 04–241, over the South Fork of the Eel River at Smith Point, to Myers Flat, a distance of approximately 22 miles, which includes the Frank P. Belotti Bridge, is hereby officially designated as the Frank P. Belotti Memorial Freeway; and be it further

''*Resolved,* That the portion of State Highway Route 101 in the area known as the Redwood Freeway, from Myers Flat to Stafford, a distance of approximately 20 miles, is hereby officially designated the Sam Helwer Memorial Freeway; and be it further

''*Resolved,* That the Department of Transportation is directed to determine the cost of, and to erect, appropriate plaques and markers consistent with the signing requirements for the State Highway System, showing these official designations, upon receiving donations from nonstate sources to cover the cost of erecting those plaques and markers; and be it further

''*Resolved,* That the California Transportation Foundation, a nonprofit, public benefit organization, may serve as the recipient of funds from nonstate sources donated to cover the cost of purchasing and erecting the plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to Delphine Moranda Belotti and Cordy Helwer, and to the Director of Transportation, the Secretary of the Business, Transportation and Housing Agency, and the California Transportation Foundation.''

POM–18. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

''ASSEMBLY CONCURRENT RESOLUTION NO. 137

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the portion of Interstate Highway Route 10 extending five miles to the east and five miles to the west of mile marker number 84 located east of the Chiriaco Summit is hereby officially designated the Veterans' Memorial Freeway; and be it further

''*Resolved,* That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.''

POM–19. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

''ASSEMBLY RESOLUTION NO. 11

''Whereas, the federal Clean Air Act Amendments of 1990 require the State to achieve certain reductions in air pollution by 2005 through the implementation of complex and costly programs such as the enhanced inspection and maintenance program for automobiles; and

''Whereas, the provisions of the federal law and the rules and regulations adopted by the United States Environmental Protection Agency pursuant to the law allow very little flexibility in the implementation of these programs; and

''Whereas, the State is being asked to commit upwards of $1 billion over 10 years for the implementation of the enhanced inspection and maintenance program alone, and is attempting to develop ways to address the law's requirements in a timely, cost-effective and environmentally beneficial way but has been unable to implement the program rapidly while addressing these concerns; and

''Whereas, failure to implement the enhanced inspection and maintenance program by February 2, 1995 will result in the freezing of certain federal transportation funding, which promises to eliminate the 6,200 jobs anticipated to be generated by projects funded by those federal moneys; and

''Whereas, because the State has not been given the opportunity to develop a reasonable alternative to the draconian program currently being imposed on the State, the State anticipates further sanctions of 2 to 1 offsets to be imposed on industry in the State on August 2, 1995, costing the State more jobs and increasing the economic hardships of State businesses and employers; and

''Whereas, the Commissioner of Environmental Protection has stated, and representatives of the United States Environmental Protection Agency have agreed that it may be the case, that even if the State implements all the programs and restrictions required by the Clean Air Act Amendments of 1990, the State will still not be in compliance with the National Ambient Air Quality Standards imposed by federal law; and

''Whereas, in large part, the inability to meet the federal standards is due to the pollution generated in other states, whether from plants, factories or other stationary sources of air pollution, and the transported pollution is further contributed to by vehicles coming from other states that pass through New Jersey, the state with the densest population and the highest daily volume of motor vehicle traffic in the country; and

''Whereas, it is unfair and unreasonable to require burdensome, costly programs of New Jersey, if the air pollution from other states render these programs ineffective and futile; and

''Whereas, it is altogether fitting and proper for the General Assembly of the State of New Jersey to respectfully memorialize the President and Congress of the United States to enact legislation amending the federal Clean Air Act Amendments of 1990 to provide the State with more flexibility in complying with the requirements of the act and avoid the severe economic hardships threatening the State; now, therefore, be it

''*Resolved by the General Assembly of the State of New Jersey:*

''1. The President and the Congress of the United States are respectfully memorialized to enact legislation amending the federal Clean Air Act Amendments of 1990 to provide the State with more flexibility in complying with the requirements of the act because the current law imposes an undue economic hardship on the State.

''2. Copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice President of the United States, the Administrator of the United States Environmental Protection Agency, the Regional Administrator and the Deputy Regional Administrator for Region II of the United States Environmental Protection Agency, the Speaker of the House of Representatives, every member of Congress elected from the State, the Governor of the State, the Commissioner of Environmental Protection, the State Attorney General, and the Director of the Division of Motor Vehicles within the Department of Law and Public Safety.''

POM–20. A resolution adopted by the Texas and Southwestern Cattle Raisers Association relative to the United Nations' Convention on Biological Diversity; to the Committee on Foreign Relations.

POM–21. A joint resolution adopted by the legislature of the State of California; to the Committee on Foreign Relations.

''ASSEMBLY JOINT RESOLUTION NO. 88

''Whereas, on April 29, 1993, the Legislature of the State of California, through Resolution Chapter 23 of the Statutes of 1993 (Assembly Joint Resolution 28), called upon the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of the Republic of Armenia and called upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armenia; and

''Whereas, since that time, the blockades imposed officially by Azerbaijan and de facto by Turkey have been continued in flagrant

violation of international law, resulting in thousands of additional deaths and untold suffering falling disproportionately to infants and elderly persons within the Republic of Armenia; and

''Whereas, the blockades against the Republic of Armenia constitute an extension of the ethnic cleansing perpetrated by Azerbaijan against the inhabitants of the independent, ethnically Armenian enclave of Nagorno Karabagh; and

''Whereas, Azerbaijan has not responded to repeated calls by the international community to cease its attacks on Nagorno Karabagh, but has instead, with the assistance of Turkey, recruited foreign mercenaries and military advisers in an escalation of the conflict which threatens to destabilize the entire region; and

''Whereas, the Republic of Armenia is not at war with any other country, makes no territorial claims against any other country, and has continuously called for an unconditional cease fire and for a peaceful resolution of the conflict involving neighboring Nagorno Karabagh; and

''Whereas, the Republic of Armenia is among the first democracies to emerge from the former Soviet Union and has undertaken the most comprehensive legal, economic, political, and social transformation to a Western-oriented free market economy; and

''Whereas, the Republic of Armenia's transformation to democratic and free market institutions is supported through advice and assistance from the United States, which has joined with Armenia as its partner in development through most-favored nation trade relations, through establishment in the Republic of Armenia of the first United States foreign aid mission to the former Soviet Union, and through representation of numerous American governmental, educational, and private sector institutions; and

''Whereas, the State of California is a particular partner in the transformation and development of the Republic of Armenia through the assistance of University of California extension programs, and a broad range of public and private educational, agricultural, and institution-building activities, as well as considerable private investment and cooperative undertakings linking the business communities of California and the Republic of Armenia; and

''Whereas, the continuing blockades of the Republic of Armenian by Azerbaijan and Turkey, along with the recruitment of foreign mercenaries and military advisers, threatens the peace and stability of the entire region and undermines the policies, interests, and ongoing efforts of the United States to bring about a peaceful resolution of Azerbaijan's conflict with Nagorno Karabagh; and

''Whereas, the continuing blockades of the Republic of Armenia undermine efforts of the United States and the State of California to further the Republic of Armenia's continued peaceful economic development and transition to Western-oriented democratic and free market institutions; and

''Whereas, California remains vitally concerned with the survival and well-being of the democratic Republic of Armenia and its people; and

''Whereas, California remains unwilling to bear witness to the second genocide of Armenians in this century, especially at a time when the United States can exercise significant influence on Azerbaijan and Turkey to comport their conduct with international law; and, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California once again respectfully memorializes the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of the Republic of Armenia and calls upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armmenia, to respect international calls for a comprehensive cease fire in Nagorno Karabagh, and to remove foreign mercenaries and advisers at once; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–22. A resolution adopted by the City Council of Passaic, New Jersey relative to pending legislation entitled ''The Language of Government Act''; to the Committee on Governmental Affairs.

POM–23. A joint resolution adopted by the Legislature of the State of California; to the Committee on Indian Affairs.

''ASSEMBLY JOINT RESOLUTION NO. 96

''Whereas, Gabrielino tribal territory encompasses the entire Los Angeles Basin area and the Channel Islands of Santa Catalina, San Nicholas, and San Clemente; and

''Whereas, the Gabrielino were, at one time, one of the most prosperous and generous Native American tribes of southern California. Long before European contact, the Gabrielinos already had a major society in place with a government, laws, religion, music, dance, art, a monetary system, and cultural exchange; and

''Whereas, the State of California has had consistent interaction with the Gabrielinos, known originally as the San Gabriel Band of Mission Indians; and

''Whereas, the State of California recognizes that the Gabrielino Indian community existed and has continued to exist without interruption to the present day; and

''Whereas, the State of California recognizes that the Gabrielinos have held general membership meetings in the San Gabriel, California region for over 100 years; and

''Whereas, the State of California recognizes that Gabrielino members participate consistently in tribal affairs; now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the State of California recognizes the Gabrielinos as the aboriginal tribe of the Los Angeles Basin and takes great pride in recognizing the Indian inhabitance of the Los Angeles Basin and the continued existence of the Indian community within our state; and be it further

''*Resolved,* That the California Legislature respectfully memorializes the President and Congress of the United States to likewise give recognition to the Gabrielinos as the aboriginal tribe of the Los Angeles Basin; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States.''

POM–24. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

''ASSEMBLY CONCURRENT RESOLUTION NO. 110

''Whereas, the State of California is committed to improving geographic literacy and cross-cultural understanding among its pupils; and

''Whereas, since 1961, over 19,000 Californians have served overseas as Peace Corps volunteers, the largest number of volunteers from any state. Many thousands of those volunteers have returned to California with valuable experience to share; and

''Whereas, currently the Peace Corps has over 6,000 volunteers serving in nearly 100 countries around the world, many of whom are eager to share their experiences with American pupils; and

''Whereas, the Peace Corps established the World Wise Schools program in 1989 with three goals: to promote the study of geography, to enhance awareness of the world's many cultures, and to demonstrate the value of volunteer service; and

''Whereas, since 1989, the World Wise Schools program has provided a linkage between individual volunteers and classes to help pupils in the United States understand other cultures and improve their performance in geography and other subjects through the exchange of ideas, experiences, artifacts, photographs, and stories, either via correspondence or personal visits after the volunteers' return; and

''Whereas, the World Wise Schools program produces award-winning educational videotapes and study guides, featuring countries served by the Peace Corps, which have provide valuable to teachers all over the country; and

''Whereas, in sharing the Peace Corps experience, good citizenship and the spirit of volunteerism is exemplified for pupils; and

''Whereas, three hundred forty-three California teachers, in both public and private schools, participate in the World Wise Schools program; and

''Whereas, in a changing world that is increasingly interdependent, it is very important that our pupils learn all they can about the people and countries outside of our borders; now, therefore, be it

''*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature endorses the goals of, and supports the concept and philosophy of, the Peace Corps' World Wise Schools program; an be it further

''*Resolved,* That the State Department of Education, and other public and private educational entities are urged, to the best of their ability, to expand the scope of the program in this state, to make the World Wise Schools program's productions accessible to every school in California, and to make teachers aware of this unique educational opportunity.''

POM–25. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

''ASSEMBLY CONCURRENT RESOLUTION NO. 90

''Whereas, between 800,000 and 1,200,000 commercial buildings are estimated to have some form of ''sick building syndrome'' due to indoor air quality problems, according to the Occupational Safety and Health Administration; and

''Whereas, these problems manifest themselves in employee complaints of headaches, nausea, dry eyes, and respiratory infections; and

''Whereas, energy conservation measures instituted during the 1970's have minimized the infiltration of outside air and contributed to a buildup of indoor air contaminants; and

''Whereas, a World Health Organization committee estimates that up to 30 percent of new and remodeled buildings may have this problem; and

''Whereas, as more and more work is done indoors in sealed high-rise office buildings,

the number of persons subjected to harmful indoor air over long periods of time may grow; and

''Whereas, indoor air can be as much as 100 times as polluted as the air just outside, according to the Environmental Protection Agency, which estimates that indoor air pollution costs the nation tens of billions of dollars each year in lost work time, medical costs, and decreased productivity; and

''Whereas, the Environmental Protection Agency has ranked indoor air pollution as one of the top five environmental risks to human health and has classified environmental tobacco smoke as a Group A carcinogen; and

''Whereas, indoor air quality may be improved significantly by ensuring an adequate fresh air supply and maintaining ventilation rates and temperature ranges a suggested by A.S.H.R.A.E. guidelines; and

''Whereas, indoor air quality may also be improved significantly by controlling factors other than ventilation rates and levels of fresh air supply, including factors that may produce detrimental effects upon public health, such as vapors from building materials; and

''Whereas, the Occupational Safety and Health Standards Board has jurisdiction to adopt an indoor air standard that would protect the health of California workers from ''sick building syndrome,'' now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Occupational Safety and Health Standards Board is requested to adopt an occupational safety and health standard for indoor air quality, including the elimination of environmental tobacco smoke, and the Division of Occupational Safety and Health is requested to work in consultation with representatives of labor, management, the National Institute of Occupational Safety and Health, the Environmental Protection Agency, the California Council of the American Institute of Architects, the Building Owners and Managers Association of California, the California Hotel and Motel Association, and the California Council for Interior Design Certification, and indoor air specialists to prepare a draft indoor air quality standard for presentation to the board on or before December 31, 1995; and be it further

Resolved, That the Division of Occupational Safety and Health is to coordinate with the California Building Standards Commission to ensure that the draft standard takes into account the effect of building standards on indoor air quality; and be it further.

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Occupational Safety and Health Standards Board.''

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget (Rept. No. 104–5).

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. GRASSLEY (for himself, Mr. ROTH, Mr. DOLE, and Mr. PRYOR):

S. 262. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. CAMPBELL:

S. 263. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Armed Services.

By Mr. AKAKA:

S. 264. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the dollar limitations on the dependent care credit; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 265. A bill to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 266. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself, Mr. KERRY, Mr. GORTON, Mrs. MURRAY, and Mr. MURKOWSKI):

S. 267. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS:

S. 268. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOLE (for Mr. SIMPSON):

S. 269. A bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. SIMPSON, Mr. D'AMATO, Mr. COCHRAN, Mr. REID, and Mr. GREGG):

S. 270. A bill to provide special procedures for the removal of alien terrorists; to the Committee on the Judiciary.

By Mr. BROWN:

S. 271. A bill to ratify the States' right to limit congressional terms; to the Committee on Rules and Administration.

S. 272. A bill to limit congressional terms; to the Committee on Rules and Administration.

By Mr. KEMPTHORNE (for Mr. DOLE):

S. 273. A bill to amend section 61h–6, of title 2, United States Code; considered and passed.

By Mr. MCCONNELL:

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second amendment relating to Presidential term limitations; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. PELL, Mr. D'AMATO, Mr. PACKWOOD, Mrs. BOXER, Mr. ROBB, Mr. FORD, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. SPECTER, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. MCCONNELL, Mr. COHEN, and Mr. BROWN):

S. Res. 69. A resolution condemning terrorist attacks in Israel; considered and agreed to.

By Mr. KEMPTHORNE (for Mr. DOLE):

S. Res. 70. A resolution electing Doctor John Ogilvie, of California, as Chaplain of the United States Senate; considered and agreed to.

S. Res. 71. A resolution designating the Chairman of certain Senate committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. ROTH, Mr. DOLE, and Mr. PRYOR):

S. 262. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

THE SELF-EMPLOYED HEALTHCARE DEDUCTION ACT OF 1995

Mr. GRASSLEY. Mr. President, today, along with Senators ROTH, DOLE, and PRYOR, I am introducing a bill to restore and increase the health care deduction for the self-employed.

Most of the major health care bills introduced in the last Congress called for an increased extension of the 25-percent health insurance deduction for the self-employed. There's a broad consensus that an increased health insurance deduction would contribute to tax fairness and would also lead to a significant reduction in the number of uninsured Americans.

Unfortunately, as we all know, the self-employed health insurance deduction expired on December 31, 1993, with the understanding that an extension, and possible expansion, would be part of health care reform in 1994. However, we all know what happened to President Clinton's disastrous health care reform effort. And, unfortunately, the self-employed deduction went down with it.

Mr. President, if the 25-percent deduction is not retroactively reinstated, the self-employed will be hit with a sizeable tax increase. Moreover, it would be a tax increase on predominantly middle-income persons, since about 73 percent of those persons who pay self-employment tax earn under $50,000 in adjusted gross income.

Mr. President, our bill will reinstate the 25-percent deduction for the 1994 tax year, and then increase the deduction to 50 percent this year, 75 percent next year, and 100 percent the year after.

Organizations as diverse as the Farm Bureau, the National Federation of

Independent Businesses, the Association for the Self-Employed, and the National Restaurant Association support this legislation.

I understand the House Ways and Means Committee will be holding a hearing this Friday on restoring this deduction, at least for 1994. I look forward to the Congress dealing with this problem in the near future for 1994, and then expanding the deduction up to 100 percent for future years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 262

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

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) DEDUCTION MADE PERMANENT.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Section 162(l) of such Code, as amended by subsection (a), is amended—

(1) by striking ''25 percent'' in paragraph (1) and inserting ''the applicable percentage'', and

(2) by adding at the end of the following new paragraph:

''(6) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

For taxable years beginning in:	The applicable percentage is:
1994	25
1995	50
1996	75
1997 and thereafter	100.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

By Mr. CAMPBELL:

S. 263. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Armed Services.

THE MINERAL LEASING ACT AMENDMENT ACT OF 1995

Mr. CAMPBELL. Mr. President, trapped beneath the naval oil shale reserves, two of which are located in Garfield County, CO, are billions of cubic feet of natural gas. I am sending legislation to the desk that will:

Allow the Department of the Interior and the Department of Energy to work cooperatively to establish a program to competitively lease or sell this resource;

Allow the Secretary of the Interior, acting through the Bureau of Land Management, to manage the surface of these lands pursuant to the Federal Land Policy and Management Act of 1976; and to require that a royalty be paid to the Federal treasury.

Two Executive orders, in 1916 and 1924, withdrew public lands for the purpose of establishing three naval oil shale reserves. The purpose of the reserves was to ensure the military sufficient oil from the oil shale in the event of a cutoff of oil supplies during a war.

Naval Oil Shale Reserve Nos. 1, 40,760 acres, and 3, 14,130 acres, are located in northwest Colorado near Rifle, and Naval Oil Shale Reserve No. 2, 90,400 acres, is in eastern Utah. Profitable development of shale oil currently is considered to be decades away.

The reserves are owned by the Federal Government and are operated by the Department of Energy [DOE]. Management of the reserves was transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act in 1977. The Department of Energy has a cooperative agreement with the Bureau of Land Management to manage the surface resources of the reserves.

Under the Naval Petroleum Reserves Production Act of 1976, the Secretary of Energy has discretionary authority to undertake certain activities, such as oil and gas development in the reserves, but only as necessary to protect, conserve, maintain, or test the reserves. Production for other purposes may take place only with the approval of the President and Congress.

The reserves located in Colorado are situated on portions of three large natural gas producing fields, the Parachute, Rulison, and Grand Valley, and are estimated to contain substantial natural gas hydrocarbons. There has been significant private natural gas drilling and extraction activity on the southern border of the third reserve since 1978. Since 1980, 277 private wells have been drilled contiguous to the boundaries of reserve Nos. 1 and 2; and through fiscal year 1992, 89 commercial producing gas wells were drilled by private industry within 1 mile of the boundary of the reserves.

The Department of Energy determined in 1983 that the potential existed for drainage of natural gas from the reserves due to the private development outside of the reserves. To prevent drainage of public resources, the Department of Energy began a protection program, drilling 35 offset and communitization wells. According to the Department of Energy's Annual Report of Operations for Fiscal Year 1992, natural gas production between fiscal years 1977 and 1992 totaled 5.4 billion cubic feet. Revenues from the reserves totaled $5 million between fiscal years 1977 and 1992; expenditures for the same period totaled $24.8 million.

This legislation does not specify what royalty should be collected. The royalty could be anywhere between 12.5 and 25 percent. The Secretary will have the discretion to decide what that royalty should be. There is no evidence, however, supporting a royalty rate at higher than 20 percent. Leases outside the reserve that mandate a royalty above this rate have not been executed. The royalty rate that is eventually chosen should reflect fair market value. It should not be set too high, discouraging development, nor too low, depriving the Government of needed revenues.

It has clearly been Congress' intent to make oil and gas leasing a profitable enterprise. It is time for the DOE to get out of the gas producing business. The Vice President's Performance Review is seeking to avoid duplication and save money. Requiring the DOE and the Department of the Interior to cooperatively lease the resources of the naval oil shale reserves will generate revenue, save money, help private industry, enrich local governments, and protect the environment.

By Mr. AKAKA:

S. 264. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the dollar limitations on the dependent care credit; to the Committee on Finance.

THE WORKING FAMILIES TAX RELIEF ACT OF 1995

• Mr. AKAKA. Mr. President, today I am introducing legislation to provide a measure of tax relief to working families throughout America. My bill would restore value to the child and dependent care credit by allowing an annual adjustment of the credit for inflation.

Mr. President, economic security is the paramount concern for millions of American families. For the first time in our Nation's history, living standards are not keeping pace with economic growth and new job creation. Median family income, after almost two decades of stagnation, is now declining. Many Americans are working harder and longer to make ends meet for their families.

The availability and affordability of adequate child care is an increasingly important consideration for many middle-income working parents. Many families are forced to patch together a network of child care providers to secure care for their children. My legislation responds to the critical need for affordable, quality child-care services without creating costly new Government programs or agencies. It is a simple, flexible solution that will reestablish the full benefit of the child and dependent care credit for millions of working families.

The evidence in support of improving the child and dependent care credit is clear. The number of single mothers working outside the home has dramatically increased in recent years. More than 56 percent of all mothers with children under 6 years work outside the home, and over 70 percent of women with children over age 6 are in the labor market.

The percentage of Hawaii households in which both parents work outside the home is even higher than the national average. According to projections developed by the Bank of Hawaii based on the 1990 census, 61.8 percent of all Hawaii families have both parents employed, and 71.3 percent of all households have at least two individuals in the work force.

The increased participation of single mothers in the labor market and the large number of two-parent families in which both parents work outside the home have made the dependent care credit one of the most popular and productive tax incentives ever enacted by Congress. Unfortunately, the value of the credit has declined significantly over the years as inflation has slowly eroded the value of this benefit. Measured in constant dollars, the maximum credit of $2,400 has decreased in value by more than 45 percent since it was enacted in 1981.

The maximum amount of employment-related child care expenses allowed under current law—$2,400 for a single child, and $4,800 for two or more children—has simply failed to keep pace with escalating care costs. Unlike the earned income tax credit [EITC], the standard deduction, the low-income housing credit, and a number of other sections of our Tax Code, the dependent care credit is not adjusted for inflation.

The purpose of this credit is to partially offset the expense of dependent and child care services incurred by parents working outside the home. While the cost of quality child care has increased as demand exceeds supply, the dependent care credit has failed to keep up with the spiraling costs. The bill I introduce today corrects this problem by automatically adjusting the dependent and child care credit for inflation. Under this legislation, both the dollar limit on the amount creditable and the limitation on earned income would be adjusted annually.

Mr. President, in the past 12 years, the average middle-class family with children has seen its income fall 5 percent, almost $1,600 after inflation. A family of four earning $35,000 a year has seen its tax burden increase since 1981. In part, this is due to the diminished value of the child and dependent care credit. In 1981, the flat credit for dependent care was replaced with a scale to give the greatest benefit of the credit to lower income working families. Since that time, neither the adjusted gross income figures employed in the scale, nor the limit on the amount of employment-related expenses used to calculate the credit, has been adjusted for inflation. Our bill provides a measure of much needed relief to working American families. It would index the child and dependent care credit and restore the full benefit of the credit.

The average cost for out of home child care exceeds $3,500 per child, per year. Child care or dependent care expenses can seriously strain a family's budget. This burden can become unbearable for single parents, almost invariably single mothers, who must balance the need to work with their parental responsibilities.

Numerous economic studies have shown that the economic policies of the 1980's had a disastrous impact upon the incomes of middle-income families. Inflation adjusted wages for the median worker fell 7.3 percent from 1979 to 1991. Working Americans have been losing ground in their struggle to preserve their standard of living. To compensate, American families have been forced to work longer hours, deplete their life savings, and go deeper into debt. There is an urgent need to enact changes in our Tax Code that are pro-family and pro-children. The Working Families Tax Relief Act meets both of these goals.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 264

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 ''Working Families Tax Relief Act''.

SEC. 2. INFLATION ADJUSTMENT OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Subsection (e) of section 21 of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended by adding at the end the following new paragraph:

''(10) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1995, each dollar amount contained in subsections (c) and (d)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 265. A bill to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Research Natural Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE BISTI AND DE-NA-ZIN WILDERNESS EXPANSION AND FOSSIL FOREST PROTECTION ACT

● Mr. DOMENICI. Mr. President, I introduce legislation that will amend the San Juan Wilderness Protection Act of 1984. This legislation will combine two existing wilderness areas in New Mexico, designate additional lands as wilderness, and establish the Fossil Forest Research Natural Area.

In December 1991, approximately 10,750 acres between the Bisti and the De-Na-Zin Wilderness Areas were transferred by exchange to the Bureau of Land Management, with the Bureau of Indian Affairs acting in trust for the Navajo Nation. These newly acquired lands are immediately adjacent to the existing boundaries of the Bisti and De-Na-Zin Wilderness areas and are of high wilderness quality. The area appears to have been affected primarily by the forces of nature with the imprint of human activity substantially unnoticeable.

The acquired lands are included in the approximately 16,674 acres that will be designated by this legislation as wilderness, and join the Bisti and De-Na-Zin into one wilderness area. This bill includes additional lands that will require further exchanges with the State of New Mexico and the Navajo Tribe. Both parties indicate that they are willing to enter into agreements to consummate the exchange of lands.

The joining of the Bisti and De-Na-Zin Wilderness Areas will enhance the wilderness experience for visitors and help ensure continued protection of this resource for future generations of Americans. The two wilderness areas previously designated and the expansion area will be combined into one wilderness area with more manageable boundaries. The joint wilderness area will include a large, striking, and open natural landscape.

The scenic badlands that dominate this area provide an outstanding opportunity for solitude as well as activities such as hiking, backpacking, photography and geological sightseeing in an unconfined and primitive environment. The badlands topography of the expanded area naturally bridge the two wilderness areas into one picturesque expanse with a variety of rich colors and landform.

The establishment of the Fossil Forest Research Natural Area, named for the abundant petrified tree stumps and logs which lie exposed on its surface, provide a wealth of data and fossil material that are found within the Fossil Forest. Many of these stumps are preserved in place with root systems still intact. Four major dinosaur bone quarries and several microvertebrate and invertebrate localities have been excavated over the past decade, including a critically important Cretaceous Age—75 million years ago—mammal quarry. The occurrence of this diverse assemblage of fossil fauna and flora provides a unique opportunity to peek through a small window of time, 70 to 80 million years ago, to examine an important episode of geological and biological change.

Mr. President, I urge the Senate to move rapidly on this important legislation in an effort to enhance the National Wilderness Preservation System and to conserve a unique paleontological area that represents an important period of time and space in our country's natural history.●

By Mr. AKAKA:

S. 266. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes; to the Committee on Labor and Human Resources.

THE HAWAII PREPAID HEALTH CARE EXEMPTION ACT

● Mr. AKAKA. Mr. President, I reintroduce legislation to exclude the Hawaii

Prepaid Health Care Act from the Employee Retirement Income Security Act of 1974, known as ERISA.

As we have witnessed during the opening weeks of the session, reinventing Government will be a major legislative theme for the 104th Congress. In the months ahead, Congress will examine unnecessary restrictions that the Federal Government imposes on States.

Hawaii's experience with ERISA is an excellent example of a Federal restriction that should be curtailed so the State can improve access to affordable health care. ERISA is the major constraint on Hawaii's ability to improve health care coverage. My bill would give the State the flexibility it needs to find creative and cost-effective ways of delivering high-quality health care.

Ensuring that all Americans will have access to affordable health care is the most profound challenge facing our country. As the cost of providing care is growing at an alarming rate, the number of uninsured or underinsured individuals continues to rise.

State governments have a major stake in financing and providing health care. A growing portion of State budgets are devoted to health care. But budgetary problems are not the only constraints facing the States. Federal laws and regulations often conspire to make health care more expensive or less universal. A case in point is the State of Hawaii's experience with the Hawaii Prepaid Health Care Act and ERISA.

In 1974, Hawaii became the first State to require employers and employees to share responsibility for the cost of health insurance when it enacted the Prepaid Health Care Act [PPHCA]. By dramatically reducing the number of uninsured, this measure allowed Hawaii to implement a system of near-universal health care coverage.

In a 1980 decision, the Ninth Circuit Court of Appeals held that ERISA preempts the State from enacting minimum health care requirements for employers governed by ERISA. The court determined that in the absence of an expressed exemption for the Hawaii statute, Federal law governs. The U.S. Supreme Court affirmed the lower court ruling, and concluded that relief could come only from Congress.

Soon thereafter, I sponsored legislation to grant an exemption for the Hawaii statute. After considerable congressional debate, a limited ERISA exemption was signed into law on January 14, 1983. However, the exemption was not prospective, and only permitted Hawaii to require the specific benefits set forth in the State's 1974 statute.

An unfortunate consequence of these events is that the Hawaii Prepaid Health Care Act has been frozen in time, and the State is prevented from making changes other than those that would enhance effective administration.

In recognition of Hawaii's determined effort to provide universal health care, my bill would exempt the State's prepaid health care act from restrictions contained in ERISA. Such an exemption would give Hawaii greater flexibility to improve both the quality and scope of health coverage for working men and women and their families. Among other things, the State could reevaluate the employer-employee cost sharing levels, examine the feasibility of requiring dependent coverage, and explore measures to assist businesses in providing health benefits.

Since 1974, Hawaii has had a mandated employer health benefits program, the first and only one of its kind in the United States. Nearly all of Hawaii's employers are required to provide employee health insurance, with the employee paying up to half the premium cost, but no more than 1.5 percent of monthly wages, and the employer providing the balance. Eligible employees must work at least 20 hours a week. Employers may offer one or two basic plans—a fee-for-service plan or a designated health maintenance organization plan.

The results of Hawaii's innovative approach are impressive. Hawaii has led the Nation in ensuring that basic health care is available to all its people. This system delivers high-quality care at relatively low cost, despite a cost of living that is 30 to 40 percent higher than the rest of the country.

Of all the States, Hawaii is the closest to achieving universal health care coverage. The Hawaii State Department of Health estimates that between 2 and 4 percent of Hawaii's residents lack health insurance. This compares with national estimates that between 14 and 17 percent of U.S. residents are not covered.

Today, Hawaii has one of the lowest infant mortality rates and one of the highest life expectancy rates in the Nation. Although the incidence of chronic diseases, such as cancer and heart disease, is similar to that of other States, the death rates from these diseases are lower. The substantial investment Hawaii has made in the prepaid health care law has clearly paid off.

Yet, there is an urgent need to bring the State statute up to date. We need to allow a State that has been at the forefront of innovative approaches to health care to make changes which better reflect the needs of today's population and their employers. Hawaii should not have to resort to back-door approaches in order to ensure basic health care to its citizens. My legislation will permit the State to address these issues and upgrade its successful health care programs for the 1990's and beyond.

Although we must continue the quest for national health care reform, we should not allow a dynamic State like Hawaii to remain hobbled by Federal limitations on a truly innovative program with a proven record of success.

I urge my colleagues to support this bill, and I ask unanimous consent that it be printed in the RECORD.

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

S. 266

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

SECTION 1. PREEMPTION OF HAWAII PREPAID HEALTH CARE ACT.

Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

''(5)(A) Except as provided in subparagraphs (B) and (C), subsection (a) shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. Chapter 393, as amended) or any insurance law of the State.

''(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefits plans.

''(C) If the Secretary of Labor notifies the Governor of the State of Hawaii that as the result of an amendment to the Hawaii Prepaid Health Care Act enacted after the date of the enactment of this paragraph—

''(i) the proportion of the population with health care coverage under such Act is less than such proportion on such date, or

''(ii) the level of benefit coverage provided under such Act is less than the actuarial equivalent of such level of coverage, on such date,

subparagraph (A) shall not apply with respect to the application of such amendment to such Act after the date of such notification.''.●

By Mr. STEVENS (for himself, Mr. KERRY, Mr. GORTON, Mrs. MURRAY, and Mr. MURKOWSKI):

S. 267. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FISHERIES ACT OF 1995

● Mr. STEVENS. Mr. President, I am pleased to introduce a bill which contains a number of provisions important to the conservation of fishery resources on the high seas.

Senators KERRY, GORTON, MURRAY, and MURKOWSKI join me in introducing this package today, which is titled, the ''Fisheries Act of 1995.''

The High Seas Fisheries Licensing Act of 1995, title I of the bill, would provide for the domestic implementation of the agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

This agreement was adopted by the U.N. Food and Agriculture Organization in 1993.

The implementing legislation would establish a system of licensing, reporting, and regulation for all U.S. vessels fishing on the high seas.

It will set an example for other nations to the agreement to follow, and will begin to allow the United States to obtain information from other countries about their fishing vessels on the high seas.

The Northwest Atlantic Fisheries Convention Act, title II of the bill, would implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

This convention calls for establishment of the Northwest Atlantic Fisheries Organization [NAFO] to assess and conserve high seas fishery resources off the coasts of Canada and New England.

Among other provisions, this title of the bill would provide for: First, U.S. representation in NAFO; second, coordination between NAFO and appropriate regional fishery management councils; and third, authorization for the Secretaries of Commerce and State to carry out U.S. responsibilities under the convention.

Title III of the bill would extend the authorization of appropriations for the Atlantic Tunas Convention Act through fiscal year 1998.

It would also: First, provide for the development of a research and monitoring program for bluefin tuna and other wideranging Atlantic fish stocks; second, establish operating procedures for the International Commission for the Conservation of Atlantic Tunas [ICCAT] Advisory Committee; and third, clarify procedures for dealing with nations that fail to comply with ICCAT recommendations.

Title IV of the bill would reauthorize and amend the Fishermen's Protective Act of 1967 to allow the Secretary of State to reimburse U.S. fishermen forced to pay transit passage fees required by a foreign country that are regarded by the United States as inconsistent with international law.

Similar legislation was passed in both the Senate and House last year in response to the $1,500, in Canadian dollars, transit fee charged to United States fishermen last year for passage off British Columbia.

Title V of the bill would prohibit United States fishermen from fishing in the Central Sea of Okhotsk, known as the ''Peanut Hole'', except where such fishing is conducted in accordance with a fishery agreement to which both the United States and Russia are parties.

This provision is intended to provide assistance to Russia in conserving the fish stocks in the Sea of Okhotsk, which is bordered by Russian waters.

Title VI would prohibit the United States from entering into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the U.N. global moratorium on large-scale driftnet fishing.

The intent is to ensure that the United States takes every opportunity to assist in the full implementation—and to strengthen where possible—the U.N. moratorium on driftnet fishing.

The final section of the bill, title VII, authorizes the entry into force of a Governing International Fishery Agreement [GIFA] between the United States and the Republic of Estonia.

I would like to thank Senator KERRY for his help in putting this package together.

This is a noncontroversial bill with bipartisan support, and I hope my colleagues on the Commerce Committee and in the full Senate will support its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 267

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 ''Fisheries Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—HIGH SEAS FISHERIES LICENSING

Sec. 101. Short title.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Licensing.
Sec. 105. Responsibilities of the Secretary.
Sec. 106. Unlawful activities.
Sec. 107. Enforcement provisions.
Sec. 108. Civil penalties and license sanctions.
Sec. 109. Criminal offenses.
Sec. 110. Forfeitures.
Sec. 111. Effective date.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

Sec. 201. Short title.
Sec. 202. Representation of United States under convention.
Sec. 203. Requests for scientific advice.
Sec. 204. Authorities of Secretary of State with respect to convention.
Sec. 205. Interagency cooperation.
Sec. 206. Rulemaking.
Sec. 207. Prohitibed acts and penalties.
Sec. 208. Consultative committee.
Sec. 209. Administrative matters.
Sec. 210. Definitions.
Sec. 211. Authorization of appropriations.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

Sec. 301. Short title.
Sec. 302. Research and monitoring activities.
Sec. 303. Advisory committee procedures.
Sec. 304. Regulations.
Sec. 305. Fines and permit sanctions.
Sec. 306. Authorization of appropriations.
Sec. 307. Report and certification.
Sec. 308. Management of Yellowfin Tuna.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

Sec. 401. Findings.
Sec. 402. Amendment to the Fishermen's Protective Act of 1967.
Sec. 403. Reauthorization.
Sec. 404. Technical corrections.

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

Sec. 501. Short title.
Sec. 502. Fishing prohibition.

TITLE VI—DRIFTNET MORATORIUM

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Prohibition.
Sec. 604. Negotiations.
Sec. 605. Certification.
Sec. 606. Enforcement.

TITLE VII—GOVERNING INTERNATIONAL FISHERY AGREEMENT

Sec. 701. Agreement with Estonia.

TITLE I—HIGH SEAS FISHERIES LICENSING

SEC. 101. SHORT TITLE.

This title may be cited as the ''High Seas Fisheries Licensing Act of 1995''.

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term ''Agreement'' means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term ''FAO'' means the Food and Agriculture Organization of the United Nations.

(3) The term ''high seas'' means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term ''high seas fishing vessel'' means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term ''international conservation and management measures'' means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term ''length'' means—

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term ''person'' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term ''Secretary'' means the Secretary of Commerce.

(9) The term ''vessel of the United States'' means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(vi) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individial in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms ''vessel subject to the jurisdiction of the United States'' and ''vessel without nationality'' have the same meaning as in section 1903(c) of title 46, United States Code Appendix.

SEC. 104. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstarting that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless the Secretary is satisified that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires for the purposes of implementing the Agreement.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States Under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) Fees.—

(1) The Secretary shall by regulation establish the level of fees to be charged for licenses issued under this section. The amount of any fee charged for a license issued under this section shall not exceed the administrative costs incurred in issuing such licenses. The licensing fee may be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) DURATION.—A license issued under this section is valid for 5 years. A license issued under this section is void in the event the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 104, including all information submitted under section 104(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any license granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody,

control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or license issued under this title; or

(10) to violate any provision of this title or any regulation or license issued under this title.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or license issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this title or any regulation or license issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or license issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(e) LIABILITY FOR COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any living marine resource or other property seized in connection with the violation.

SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) LICENSE SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on such license.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 111. EFFECTIVE DATE.

This title shall take effect 120 days after the date of enactment of this Act.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Northwest Atlantic Fisheries Convention Act of 1995''.

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a ''United States Commissioner to the Northwest Atlantic Fisheries Organization''; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experience concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a ''United State Representative to the Northwest Atlantic Fisheries Organization Scientific Council''.

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specific by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meeting of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 208.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b)(1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—

(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.) shall not apply to the consultative committee established under this section.

SEC. 209. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 208.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term ''authorized enforcement officer'' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term ''Commissioner'' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) CONVENTION.—The term ''Convention'' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) FISHERIES COMMISSION.—The term ''Fisheries Commission'' means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) GENERAL COUNCIL.—The term ''General Council'' means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) MAGNUSON ACT.—The term ''Magnuson Act'' means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) ORGANIZATION.—The term ''Organization'' means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term ''Representative'' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) SCIENTIFIC COUNCIL.—The term ''Scientific Council'' means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, 1997 and 1998.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Atlantic Tunas Convention Authorization Act of 1995''.

SEC. 302. RESEARCH AND MONITORING ACTIVITIES.

(a) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) RESEARCH AND MONITORING PROGRAM.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by striking the last sentence;

(3) by inserting ''(a) BIENNIAL REPORT ON BLUEFIN TUNA.—'' before ''The Secretary of Commerce shall''; and

(4) by adding at the end the following:

''(b) HIGHLY MIGRATORY SPECIES RESEARCH AND MONITORING.—

''(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

''(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

''(B) provide for appropriate participation by nations which are members of the Commission.

''(2) The program shall provide for, but not be limited to—

''(A) statistically designed cooperative tagging studies;

''(B) genetic and biochemical stock analyses;

''(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

''(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

''(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

''(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

''(G) integration of data from all sources and the preparation of data bases to support management decisions; and

''(H) other research as necessary.

''(3) In developing a program under this section, the Secretary shall provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards. The Secretary through the Secretary of State shall encourage other member nations to adopt a similar program.''.

SEC. 303. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting ''(a)'' before ''There''; and

(2) by adding at the end the following:

''(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

''(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

''(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State. Meetings of the advisory committee shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

''(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

''(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

''(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

''(6) The advisory committee shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.).''.

SEC. 304. REGULATIONS.

Section 6(c)(3) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding ''or fishery mortality level'' after ''quota of fish'' in the last sentence.

SEC. 305. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

''(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.''.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

''(1) For fiscal year 1995, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

''(2) For fiscal year 1996, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

''(3) For fiscal year 1997, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

''(4) For fiscal year 1998, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.''.

SEC. 307. REPORT AND CERTIFICATION.

The Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended by adding at the end thereof the following:

''ANNUAL REPORT

''SEC. 11. Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

''(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

''(2) identifies those fishing nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

''(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

''(4) describes actions taken by the Secretary under section 12.

''CERTIFICATION

''SEC. 12. (a) If the Secretary determines that vessels of any nation are harvesting fish which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the convention area in a manner or under circumstances which would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Secretary shall certify such fact to the President.

''(b) Such certification shall be deemed to be a certification for the purposes of section 8 of the Fishermen's Protective Act (22 U.S.C. 1978).

''(c) Upon certification under subsection (a), the Secretary shall promulgate regulations under section 6(c)(4) with respect to a nation so certified.''.

SEC. 308. MANAGEMENT OF YELLOWFIN TUNA.

(a) Not later than 90 days after the date of the enactment of this act, the Secretary of Commerce in accordance with this section shall publish a preliminary determination of the level of the United States recreational and commercial catch of yellowfin tuna on an annual basis since 1980. The Secretary shall publish a preliminary determination in the Federal Register for comment for a period not to exceed 60 days. The Secretary shall publish a final determination not later than 140 days from the date of the enactment of this section.

(b) Not later than June 1, 1996, the Secretary of Commerce shall implement the recommendations of International Commission for the Conservation of Atlantic Tunas regarding yellowfin tuna.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

SEC. 401. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the ''Inside Passage'' off the Pacific Coast of Canada;

(2) Canada recently required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a ''license which authorizes transit'' through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen's Protective Act of 1967 provides for the reimbursement of vessel

owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay cannot be reimbursed under the Fishermen's Protective Act;

(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

(12) the President should continue to immediately convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

(13) the United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

SEC. 402. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

''SEC. 11. (a) In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall reimburse the vessel owner for the amount of any such fee paid under protest.

''(b) In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

''(1) a copy of the receipt for payment;

''(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

''(3) a copy of the vessel's certificate of documentation.

''(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

''(d) such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Guaranty Fund established under section 7 and the Fishermen's Protective Fund established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a).

''(e) The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

''(f) For purposes of this section, the term 'owner' includes any charterer of a vessel of the United States.

''(g) This section shall remain in effect until October 1, 1996.''.

(b) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is further amended by adding at the end the following:

''SEC. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

''(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

''(c) For the purposes of this section, the term 'fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

''(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a).''.

SEC. 403. REAUTHORIZATION.

(a) Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by striking the third sentence.

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''October 1, 1993'' and inserting ''October 1, 2000''.

SEC. 404. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103-238 is amended by striking ''April 1, 1994,'' and inserting ''May 1, 1994,''.

(2) The amendment made by paragraph (1) shall be effective on and after April 30, 1994.

(b) Section 803(13)(C) of Public Law 102-567 (16 U.S.C. 5002(13)(C)) is amended to read as follows:

''(C) any vessel supporting a vessel described in subparagraph (A) or (B).''.

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 501. SHORT TITLE.

This title may be cited as the ''Sea of Okhotsk Fisheries Enforcement Act of 1995''.

SEC. 502. FISHING PROHIBITION.

(a) ADDITION OF CENTRAL SEA OF OKHOTSK.—Section 302 of the Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended by inserting ''and the Central Sea of Okhotsk'' after ''Central Bering Sea''.

(b) DEFINITION.—Section 306 of such Act is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.''.

TITLE VI—DRIFTNET MORATORIUM

SEC 601. SHORT TITLE.

This title may be cited as the ''High Seas Driftnet Fishing Moratorium Protection Act''.

SEC. 602. FINDINGS.

The Congress finds that—

(1) Congress has enacted and the President has signed into law numerous Acts to control or prohibit large-scale driftnet fishing both within the jurisdiction of the United States and beyond the exclusive economic zone of any nation, including the Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (Title IV, P.L. 100-220), the Driftnet Act Amendments of 1990 (P.L. 101-627), and the High Seas Driftnet Fisheries Enforcement Act (Title I, P.L. 102-582);

(2) the United States is a party to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention;

(3) the General Assembly of the United Nations has adopted three resolutions and three decisions which established and reaffirm a global moratorium on large-scale driftnet fishing on the high seas, beginning with Resolution 44/225 in 1989 and most recently in Decision 48/445 in 1993;

(4) the General Assembly of the United Nations adopted these resolutions and decisions at the request of the United States and other concerned nations;

(5) the best scientific information demonstrates the wastefulness and potentially destructive impacts of large-scale driftnet fishing on living marine resources and seabirds; and

(6) Resolution 46/215 of the United Nations General Assembly calls on all nations, both individually and collectively, to prevent large-scale driftnet fishing on the high seas.

SEC. 603. PROHIBITION.

The United States, or any agency or official acting on behalf of the United States, may not enter into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the global moratorium on large-scale driftnet fishing on the high seas, as such moratorium is expressed in Resolution 46/215 of the United Nations General Assembly.

SEC. 604. NEGOTIATIONS.

The Secretary of State, on behalf of the United States, shall seek to enhance the implementation and effectiveness of the United Nations General Assembly resolutions and decisions regarding the moratorium on large-scale driftnet fishing on the high seas

through appropriate international agreements and organizations.

SEC. 605. CERTIFICATION.

The Secretary of State shall determine in writing prior to the signing or provisional application by the United States of any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that the prohibition contained in section 603 will not be violated if such agreement is signed or provisionally applied.

SEC. 606. ENFORCEMENT.

The President shall utilize appropriate assets of the Department of Defense, the United States Coast Guard, and other Federal agencies to detect, monitor, and prevent violations of the United Nations moratorium on large-scale driftnet fishing on the high seas for all fisheries under the jurisdiction of the United States and, in the case of fisheries not under the jurisdiction of the United States, to the fullest extent permitted under international law.

TITLE VII—GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 701. AGREEMENT WITH ESTONIA.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the government of the Republic of Estonia as contained in the message to Congress from the President of the United States dated January 19, 1995, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.●

● Mr. KERRY. Mr. President, today I am pleased to join my friend, the senior Senator from Alaska, in introducing the Fisheries Act of 1995. This legislation addresses an issue of great importance to the people of Massachusetts, the Nation and, indeed, the world—the promotion of sustainable fisheries on a worldwide basis.

One of the world's primary sources of dietary protein, marine fish stocks were once thought to be an inexhaustible resource. However, after peaking in 1989 at a record 100 million metric tons, world fish landings now have begun to decline. The current state of the world's fisheries has both environmental and political implications. Last year, the U.N. Food and Agriculture Organization [FAO] estimated that 13 of 17 major ocean fisheries may be in trouble. Competition among nations for dwindling resources has become all too familiar in many locations around the world.

The bill before us today will strengthen international fisheries management. Among the provisions reinforcing U.S. commitments to conserve and manage global fisheries, are the following: First, implementation of the FAO Agreement To Promote Compliance With International Convention and Management Measures by Fishing Vessels on the High Seas; second, implementation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; third, improved research and international cooperation with respect to Atlantic bluefin tuna and other valuable highly migratory species; fourth, reimbursement of United States fishermen for illegal transit fees charged by the Canadian Government; fifth, a ban on U.S. fishing activities in the central Sea of Okotsk; sixth, a prohibition on U.S. participation in international agreements which undermine the U.N. moratorium on large-scale driftnet fishing, and seventh, approval of the governing international fishing agreement between the United States and the Republic of Estonia.

The measures of this bill will make a substantial contribution to U.S. leadership in the conservation and management of international fisheries. I encourage my colleagues to join with me to support its passage.●

By Mr. BUMPERS:

S. 268. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Environment and Public Works.

THE TRIPLOID GRASS CARP CERTIFICATION ACT OF 1995

● Mr. BUMPERS. Mr. President, these days we hear a lot about the need to reinvent Government and make it more responsive and less costly. Today, I am introducing legislation along with Senator PRYOR that will help the Fish and Wildlife Service achieve both these goals.

For many years, the Fish and Wildlife Service has conducted a triploid grass carp certification program. The triploid grass carp is a sterile fish that is used by 29 States to help control aquatic vegetation in lakes, ponds, and reservoirs. This fish has proven to be both effective and economical and many States prefer using it over chemicals and pesticides.

As more and more States have legalized the use of the triploid grass carp, they have adopted regulations requiring that the Fish and Wildlife Service verify through certification that these fish are sterile. If a reproducing triploid grass carp was to accidentally enter a pond or river ecosystem it could seriously damage the habitat of existing fish species. Certification by the Fish and Wildlife Service ensures that the fish are ecologically sound and clears the way for them to be shipped to various States by private producers.

Last year, the Fish and Wildlife Service conducted 550 triploid grass carp certifications, free of charge. The cost for providing this service was $70,000. Unfortunately, because of severe fiscal constraints, the agency can no longer afford to absorb the costs associated with the certification process and is moving to discontinue the program in the next 60 days. The producers of the triploid grass carp have informed the Fish and Wildlife Service they are willing to pay the agency for this service, provided that the money comes back to the agency and is used only for the triploid grass carp certification program. The agency supports this ''fee for service'' concept but needs congressional authorization before it can be instituted.

Mr. President, the bill I am introducing today, will give the Fish and Wildlife Service the authority it needs to charge a user fee and apply it to the triploid grass carp certification program. Without this legislation, a valuable program that benefits the public will be terminated.

I urge my colleagues to join me in support of this legislation and look forward to its speedy passage.

Mr. President, I ask unanimous consent that the full 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. 268

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

SECTION 1. COLLECTION OF FEES FOR TRIPLOID GRASS CARP CERTIFICATION INSPECTIONS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service (referred to in this section as the ''Director''), may charge reasonable fees for expenses to the Federal Government for triploid grass carp certification inspections requested by a person who owns or operates an aquaculture facility.

(b) AVAILABILITY.—All fees collected under subsection (a) shall be available to the Director until expended, without further appropriations.

(c) USE.—The Director shall use all fees collected under subsection (a) to carry out the activities referred to in subsection (a).

By Mr. DOLE (for Mr. SIMPSON):

S. 269. A bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens; to the Committee on the Judiciary.

THE IMMIGRANT CONTROL AND FINANCIAL RESPONSIBILITY ACT

● Mr. SIMPSON. Mr. President, I introduce legislation which will provide the Immigration Service with some badly needed tools to further the goal of achieving control over immigration. The bill will also reduce the abuse of the public welfare system by immigrants.

For years, as chairman or ranking member of the Immigration Subcommittee, I have advocated strong measures to control illegal immigration so that we can maintain a legal immigration program that will have the support of the American people. This legislation will continue that effort by authorizing additional Border Patrol officers and an increase in the personnel who investigate alien smuggling and the hiring of unlawful aliens. Most important, the bill will provide

for the establishment of a new verification system to enable the Immigration Service, and employers, to verify the work authority of new hires. The system will also verify the eligibility of applicants for public assistance.

Alien smuggling has become a serious and growing problem. This measure will provide new authority to the Justice Department to assist them in combating what the U.N. High Commissioner for Refugees has referred to as a ''modern day slave trade.''

The manufacture and use of fraudulent documents has reached such proportions that one can obtain high quality Social Security cards, driver's licenses, voter registration cards, or whatever, simply by placing a morning order on a Los Angeles street corner and picking up the documents later that day for less than $100. My legislation will increase the penalty for such document fraud. It will also provide new penalties for false statements in documents required by the Immigration Service.

To combat the abuse of our immigration laws by persons who arrive at our ports-of-entry with no documents, or with fraudulent documents, the bill will provide for the expedited exclusion of such aliens. To more effectively remove persons found to be unlawfully in the United States, the bill will streamline our deportation proceedings.

In recent months we have seen the Attorney General's parole authority being used to admit groups of persons for permanent residence in the United States. This is an abuse of the spirit, if not the letter, of the law allowing the Attorney General to parole aliens into the United States in certain circumstances. This bill will limit the use of parole authority to individual cases for humanitarian reasons or significant public benefit, and will require that the number of parolees who remain more than a year must be offset by a reduction in regular immigration.

In recent years many unlawful aliens have discovered the key to extending their stay in the United States. By claiming fear of political persecution at home, they are able to delay their departure for years as they remain here and work while awaiting their hearing. There are over 400,000 persons in the backlog of such asylum claimants. This legislation will make clear that asylum claimants are not necessarily entitled to work authority, and it will provide increased resources for addressing the asylum application backlogs.

The Refugee Act, passed nearly 15 years ago, set the ''normal flow'' of refugees to be resettled in the United States at 50,000 per year. But the number of refugees resettled here in those 15 years has exceeded that number by hundreds of thousands. Every single year since the Refugee Act passed in 1980 refugee admissions have far exceeded the ''normal flow.'' This legislation will require congressional approval for the admission of more than 50,000 refugees in a fiscal year—except in a refugee emergency.

Thirty years ago, in order to provide a legal status for the hundreds of thousands of Cubans who had fled Cuba after Castro's Communist intentions became clear, Congress passed the Cuban Adjustment Act. This allowed those Cubans who had fled the island in the 1960's to adjust to permanent resident status after 1 year in the United States. The persons for whom this extraordinary legislation was enacted have long since regularized their status in the United States. Yet, the Cuban Adjustment Act remains on the books as an anachronism that is both unfair and unnecessary. While nearly 4 million persons await their immigration visas in our vast immigration backlogs, some for as long as 20 years, any Cuban who gets to the United States, legally or illegally, can get a green card after 1 year. This special treatment is no longer justifiable and is not right. This bill will repeal the Cuban Adjustment Act.

It has been the tradition of the United States for more than 100 years that newcomers to this country should be self-sufficient. Our laws have long provided that those persons who are ''likely at any time to become a public charge'' are inadmissible, and that those immigrants who later do become ''public charges'' are deportable. These provisions have proven to be unenforced, or unenforceable. This legislation will make clear that an American resident or citizen who sponsors his or her relatives will be financially responsible for them until they become citizens. The bill also makes clear that those immigrants who do become ''public charges'' become deportable. My bill will not deny legal immigrants access to our public welfare system—the safety net will be there—but those immigrants who become dependent upon public assistance will run the risk of deportation. Under this legislation any immigrant who receives public assistance for more than 12 months will be deportable. Illegal immigrants will be denied all public assistance except certain emergency and child health and nutrition benefits.

Finally, this bill will impose a border crossing users fee to help offset the cost of maintaining our border controls. This fee will raise moneys that can be used to improve our border crossing facilities and deter the entry of unlawful aliens.

There will be other comprehensive legislation introduced in the Senate. And I understand the Clinton administration is working on their own legislative package on immigration reform. I intend the legislation I introduced today to be the basis for hearings at which we will consider all other responsible proposals.

The Commission on Immigration Reform has provided as with serious and thoughtful recommendations. Those that were not already in legislation I introduced in the last Congress, I have included in this legislation, such as a new system to verify eligibility to work in the United States. This bill also follows the Commission's recommendation for an enforceable contract of support, signed by the person in this country who sponsors any immigrant relative for immigration to the United States. This will require such a sponsor to reimburse governments which provide the immigrant with welfare or other assistance.

The bill I introduce today focuses on illegal immigration control issues. Our legal immigration program is also in need of thoughtful reform and revision. I am presently drafting the legislation to accomplish these needed reforms. I understand the Commission on Immigration Reform will present us with their recommendations on legal immigration reform in the early spring. I look forward to those.

To be sustainable, immigration must always serve the national interest. We must be able to assure the American people that whatever other goals our immigration policy may further, its overriding goal is to serve the long-term interest of the majority of our citizens.

We have much to do on immigration reform. The election last November demonstrated clearly that the American people wish us to ''get on with the job.'' This bill I introduce today is the first step and other serious steps will soon follow.●

By Mr. SMITH (for himself, Mr. SIMPSON, Mr. D'AMATO, Mr. COCHRAN, Mr. REID, and Mr. GREGG):

S. 270. A bill to provide special procedures for the removal of alien terrorists; to the Committee on the Judiciary.

THE ALIEN TERRORIST REMOVAL ACT OF 1995

Mr. SMITH. Mr. President, we have a major opportunity early in this Congress to enact vitally important legislation to protect our Nation against the scourge of international terrorism. On behalf of myself, the distinguished chairman of the Immigration Subcommittee, Senator SIMPSON, and Senators D'AMATO, COCHRAN, GREGG, and REID, I introduce the Alien Terrorist Removal Act of 1995.

Mr. President, one of this Senator's greatest disappointments about last year's crime bill was that certain members of the conference committee from the House side insisted on stripping from it the Smith-Simpson alien terrorist removal amendment. Apparently at the instigation of a number of aliens' rights organizations, they killed a sorely needed antiterrorism measure that had been proposed by the Reagan Justice Department and actively promoted by the Bush Justice Department. In her letter to the conferees regarding the crime bill, in fact, Clinton administration Attorney General Janet Reno said that our amendment is both constitutional and addresses a problem that needs to be solved.

FBI Director Louis Freeh has now made clear that he shares our disappointment. A December 2, 1994, article in the Los Angeles Times quotes Director Freeh as saying that the Justice Department should make resurrecting the Smith-Simpson amendment one of its highest antiterrorism legislative priorities in the 104th Congress.

Let us explain briefly what our proposal is all about. The Alien Terrorist Removal Act of 1995 would establish a special procedure under which classified information could be used to establish the deportability of alien terrorists. It is designed to safeguard national security interests, while at the same time according appropriate protection to the constitutional due process rights of aliens.

THE PROBLEM ADDRESSED BY THE BILL

Under current law, classified information can be used to establish the excludability of aliens, but not their deportability. Thus, when there is insufficient unclassified information available to establish the deportability of a terrorist alien, the Government faces two equally unacceptable choices.

First, the Justice Department could declassify enough of its evidence against the alien to establish his deportability. Too often, however, that simply cannot be done because the information in question is so sensitive that its disclosure would endanger the lives of human sources or compromise highly sensitive methods of intelligence gathering.

The Government's second, and equally untenable, choice would be simply to let the terrorist alien involved remain here. Unfortunately, that is not just a hypothetical situation. It happens in real cases. Recently, in fact, we understand, it happened in the case of an alien terrorist who is a high-ranking member of a notorious Middle Eastern terrorist organization. Due to the unavailability of the procedure that would be established by our bill, that terrorist had to be allowed to remain at large in the United States.

HOW THE BILL WOULD SOLVE THE PROBLEM

Utilizing the existing definitions of terrorism in the Immigration Act of 1990 and of classified information in the Classified Information Procedures Act, our bill would establish a special alien terrorist removal court made up of sitting U.S. district judges that is modeled on the special court created by the Foreign Intelligence Surveillance Act. The special court procedure established by our bill could only be invoked when the Justice Department certifies under seal that: First, the Attorney General or the Deputy Attorney General has personally approved invoking the special procedure; second, an alien terrorist is physically present in the United States; and third, the removal of the alien in normal public immigration proceedings would pose a risk to the national security because it would disclose classified information.

Under our bill, once the Justice Department made those certifications, a U.S. district judge would determine whether the invocation of the special procedure is justified. In order for the procedure to be invoked, the district judge would have to determine that: First, the alien involved has been correctly identified; second, a public deportation hearing would pose a risk to the lives of human sources or the national security because it would disclose classified information; and third the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm to American citizens.

Our bill provides that if the U.S. district judge makes those determinations, a special removal hearing would be held. The alien would be provided the right to be present at the hearing and to be represented by counsel, at public expense if necessary. The alien also would be given the right to introduce evidence on his or her own behalf and to ask the judge to issue subpoenas for witnesses. For its part, the Justice Department would provide the U.S. district judge with the classified information, in camera and ex parte, to establish the need for the alien terrorist's removal.

Under our legislation, the U.S. district judge then would review the classified information in chambers. Where possible, without compromising the classified evidence, the Federal judge would give the alien an unclassified summary of the evidence and/or the facts established by that evidence. Ultimately, the Federal judge would determine whether, considering the record as a whole, the Justice Department has proven, by clear and convincing evidence, that the alien is a terrorist and should be removed. Finally, under our bill, the alien involved would be given the right to appeal to the U.S. Court of Appeals for the Federal Circuit and to petition for a writ of certiorari from the Supreme Court.

WHY THE BILL IS CONSTITUTIONAL

When the Bush Justice Department was in the process of deciding whether to adopt the Reagan administration proposal that our bill embodies, the Justice Department's Office of Legal Counsel reviewed its constitutionality. As a result of that review, the OLC determined that the proposal is constitutional and the Bush administration subsequently endorsed it. When the Senate considered the Smith-Simpson amendment late in 1993, our colleague, then-Senate Judiciary Committee Chairman JOSEPH BIDEN, agreed. Calling the case for the constitutionality of this proposal irrefutable, Senator BIDEN commented that nothing in the proposal rises to the level of being unconstitutional. Finally, as we have noted, when the Senate adopted our amendment and sought the Clinton Justice Department's comments, the Department wrote to members of the conference committee that it continues to regard our proposal as constitutional.

The constitutionality of our bill would be determined under the test set forth by the Supreme Court in *Mathews* v. *Eldridge*, 424 U.S. at 335. The Court set forth these three factors to inform a court's decision, in a given case, whether due process has been satisfied:

> First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Given the compelling nature of the national security interests at stake in the rare cases in which the need for this special procedure would arise and the protections that are afforded to the alien by our bill, we have no doubt that our proposal is fully constitutional.

Mr. President, I urge the Judiciary Committee to hold prompt hearings on this important measure. I would hope that it can be passed and sent to the President in the early months of this historic 104th Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 270

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 ''Alien Terrorist Removal Act of 1995.''.

SEC. 2. REMOVAL OF ALIEN TERRORISTS.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

''REMOVAL OF ALIEN TERRORISTS

''SEC. 242C. (a) DEFINITIONS.—As used in this section—

''(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

''(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(4) the term 'special court' means the court described in subsection (c) of this section; and

''(5) the term 'special removal hearing' means the hearing described in subsection (e) of this section.

''(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

''(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

''(2) an alien terrorist is physically present in the United States; and

''(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

''(c) SPECIAL COURT.—

''(1) The Chief Justice of the United States shall publicly designate up to seven judges from up to seven United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

''(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

''(d) INVOCATION OF SPECIAL COURT PROCEDURE.—

''(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

''(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

''(A) the alien who is the subject of the application has been correctly identified;

''(B) a deportation proceeding described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

''(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

''(e) SPECIAL REMOVAL HEARING.—

''(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

''(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

''(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

''(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

''(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

''(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

''(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

''(6) If the judge determines—

''(A) that the substituted evidence described in paragraph (5)(A) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

''(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person, then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

''(f) DETERMINATION OF DEPORTATION.—

(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

''(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

''(g) APPEALS.—

''(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

''(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

''(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte.''.

By Mr. MCCONNELL:

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

JOINT RESOLUTION TO REPEAL THE 22D AMENDMENT

● Mr. MCCONNELL. Mr. President, it is not without a sense of irony that I am introducing legislation today contrary to the spirit of one of the more notable provisions in the renowned Republican Contract With America. This resolution I put forth would repeal the Presidential term limit—the 22d amendment to the Constitution which Republicans hastily, and regrettably, passed nearly 50 years ago.

This is, in my view, the only term limits bill which should pass Congress.

As we all know, the Contract with America, signed by Republican candidates for the House of Representatives last year, included a call for congressional term limits. Term limits are wildly popular in some areas of the country. But term limits also are misguided, undemocratic and a particularly bad idea for some sparsely populated States where the clamor for them is greatest.

Fortunately, the contract promised a House vote on term limits, not passage. That vote is a promise the House should keep. And for the Nation's sake, it is my hope that the vote result will be a resounding ''no.''

The popular sentiment for term limits is the ultimate and, perhaps, inevitable manifestation of public disdain for government. It is what Congress gets for being irresponsible on the fundamentals—principally money matters. People justifiably do not feel they are getting a return on their investment in government. As their elected tax money managers, so to speak, we are in the crosshairs. And they are coming after us with term limits—a very blunt instrument of electoral revenge.

Term limits are the legislative translation of voters leaning out their windows screaming: We're mad as hell and not going to take it anymore.

Fifty years ago, there was such a sentiment, confined primarily to the Republican caucus, contained in the 1940 and 1944 Republican Party platforms, and directed at the architect of the New Deal—President Franklin Delano Roosevelt. In 1947, a Republican congressional majority, fresh from a virtual political exile, passed the 22d amendment to the Constitution to limit Presidents to two terms in office. They were determined that history not repeat itself—there would be no more four-term Roosevelts. They would see to it.

Mr. President, not a single Republican in the House or Senate voted against that term limit amendment in 1947. It was a brash, ill-conceived, hastily executed and strictly partisan response to the unprecedented tenure of President Roosevelt. As constitutional scholars have observed, this was the first constitutional modification that constricted voter suffrage. And Republicans should take heed, for it is we who have been hoisted by their petard. It is poetic justice, in a sense, that Presidents Eisenhower and Reagan are the only ones, thus far, who have been constrained by the 22d amendment.

The Presidential term limit does not, as some have contended, argue for congressional term limits. The 22d amendment was a mistake, Mr. President, and that is why I am introducing today a Senate Joint Resolution to repeal it. It would be fitting, and in the national interest, for the Republican majority of 1995 to rectify a mistake made by the Republican majority of 1947. Democrats hesitant to change that which has been the status quo for half a century may want to review President Harry S. Truman's words in favor of repeal:

> What have you done? You have taken a man and put him in the hardest job in the world, and sent him out to fight our battles in a life and death struggle. And you have sent him out to fight with one hand tied behind his back, because everyone knows he cannot run for reelection.
>
> He is still the President of the whole country, and all of us are dependent upon him to do his job. If he is not a good president, and you do not want to keep him, you do not have to reelect him.

Mr. President, it is that simple. The vote gives voters the power to limit terms. Term limits, Presidential and congressional, are unnecessary and unwise.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon

[Mr. HATFIELD], the Senator from Arizona [Mr. KYL], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 92

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.

S. 94

At the request of Mr. COVERDELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 94, a bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 191

At the request of Mrs. HUTCHISON, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. KYL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 191, a bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes.

S. 205

At the request of Mrs. BOXER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 17, a joint resolution naming the CVN–76 aircraft carrier as the U.S.S. *Ronald Reagan*.

AMENDMENT NO. 178

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of amendment No. 178 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 178 proposed to S. 1, supra.

SENATE RESOLUTION 69—CONDEMNING TERRORIST ATTACKS IN ISRAEL

Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. PELL, Mr. D'AMATO, Mr. PACKWOOD, Mrs. BOXER, Mr. ROBB, Mr. FORD, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. SPECTER, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. COHEN, and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 69

Whereas on January 22, 1995 a brutal and cowardly terrorist attack near Netanya, Israel killed 19 Israelis and wounded dozens more;

Whereas the terrorist group ''Islamic Jihad'' claimed credit for the January 22, 1955 attack in a statement issued in Damascus, Syria;

Whereas on December 25, 1994, a ''Hamas'' terrorist attack in Jerusalem wounded 13 civilians, including 1 American citizen;

Whereas on October 19, 1994, a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 48 more;

Whereas 110 Israeli citizens have been killed and hundreds more have been wounded in terrorist attacks since the Declaration of Principles was signed on September 13, 1993;

Whereas the Declaration of Principles obligates the Palestinian Authority to publicly condemn terrorist attacks, and to bring to justice perpetrators of such acts in territories under their control;

Whereas no perpetrators of these terrorist attacks have been brought to justice for their acts of violence by the Palestinian Authority;

Whereas the governments of Syria and Iran continue to provide safe haven and support for terrorist groups, including Islamic Jihad and Hamas, among others;

Whereas continued acts of terrorism threaten the peace process in the Middle East;

Therefore, be it *resolved* by the Senate that—

(1) The terrorist attacks in Israel are condemned in the strongest possible terms;

(2) Condolences are extended to the families of all those killed, and hopes are expressed for the rapid and complete recovery of all wounded in the January 22, 1995 attack;

(3) Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis, take immediate steps to bring to justice those responsible for such acts, and implement steps to prevent future acts of terrorism in all territory under his control;

(4) President Assad should immediately end all support for terrorist groups, including safe haven, material and financial support, in all territory under his control;

(5) The administration should undertake strong efforts to end the safe haven, training, and financial and other support granted terrorists by Iran, Syria and other states.

Mr. DOLE. Mr. President, I rise in support of this resolution condemning the brutal terrorist attack in Israel. Any peace process must show benefits if it is to work. Unfortunately, average Israelis are seeing increased terrorism and increased insecurity as extremists seek to use violence to derail peace. If the Israeli population concludes that the peace process is not in their interest, the process will halt.

Since September 13, 1993, when the Declaration of Principles was signed, 110 Israelis have been killed in acts of terrorism. Hundreds more have been wounded. And despite requirements for the Palestinian authority to bring those responsible for acts of violence to justice, not one terrorist has been convicted and sentenced.

Just as troubling as Chairman Arafat's inaction in the face of terrorism is the continued refusal of Syrian President Assad to crack down on terrorist groups operating from Syria and Syrian-controlled Lebanon. It is a sad fact that the statement claiming credit for last Sunday's barbaric attack was issued by Islamic Jihad from Syria. Syria and Syrian-controlled Lebanon remain the address of choice for many of the most bloodthirsty terrorists in the world.

The peace process in the Middle East is at a crossroads. Israel is divided over the best course to protect its future. We in the United States cannot and should not get involved in the internal Israeli debate. We can and should, however, express our condolences to those

murdered, and our hope that those injured recover completely. We should also express our outrage that these acts continue—without adequate responses from Syria or the PLO. I am pleased to be joined by my colleagues in passing this expression of the Senate's views. I ask unanimous consent that a list of Israelis killed in terrorist attacks since September 13, 1993, be printed in the RECORD.

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

Israeli deaths from terrorism since September 13, 1993

Deaths since September 13, 1993 (as of Jan. 24, 1995)	110
Civilian deaths	70
IDF deaths	40
1995 Deaths (as of Jan. 23)	20
Civilian	2
IDF deaths	18
1994 Deaths	70
Civilian	35
IDF deaths	35
Deaths between Sept. 13 and Dec. 31, 1993	20
Civilian	15
IDF deaths	5
Deaths Since May 4, 1994	64
Civilian	32
IDF deaths	32
Deaths between Jan. 1 and May 4, 1994	26
Civilian	23
IDF deaths	3
Deaths between Sept. 13 and Dec. 31, 1993	20
Civilian	15
IDF deaths	5
Deaths between Sept. 13, 1993 and May 4, 1994	46
Civilian	38
IDF deaths	8

Mr. PELL. Mr. President, I watched with utter revulsion and horror the news accounts of the terrorist attack in Netanya, Israel. The casualties now stand at 19 dead and more than 60 injured, all apparently at the hands of the radical Islamic Jihad organization.

Once again, Israelis are reminded of the human costs of pursuing peace with the Palestinians. Once again, the Islamic radicals have demonstrated their capacity to seize the initiative with their craven acts of terror. Once again, Israel is forced to seal off the territories and reexamine its willingness to participate in the Palestinian experiment with self-rule. And once again, in a perverse twist of logic, the enemies of peace become the beneficiaries of a horrible tragedy.

The Israeli Government, to its enormous credit, has concluded that it will not allow the terrorists to dictate Israel's decision to implement its peace agreement with the Palestinians. Prime Minister Rabin has, in my opinion, made the right and courageous decision to stand by his pledge.

What concerns me most, Mr. President, and what I wish to highlight today, is the price to be paid for that decision. All of us who follow events in Israel know that Prime Minister Rabin has a limited mandate to reach peace with the Palestinians and Israel's other neighbors. With each act of terror, with each addition to the list of casualties, the Prime Minister's political standing, and his ability to take risks for peace, are eroded.

Even more important, there is a real danger that the Israeli public will change its fundamental view of the peace process. In Israeli minds, last year's moving images of White House signing ceremonies and hopeful talk of peace and understanding have been replaced by the bloody carnage of the bombing site and the mournful cries of the victims' families.

Although opposition to the peace process—even violent opposition—is to be expected, my fear is that is that we are fast approaching a point of no return, a point where Israeli government calls to continue the peace talks will fall on deaf ears. In order to maintain their support for the peace process, Israelis have to know that they will be secure, and that the Palestinians are making a good faith effort to ensure that is the case. Otherwise the Israeli public will see no reason to make other difficult concessions for peace.

If the Palestinians do not take dramatic steps to reign in Hamas and the Islamic Jihad, then the simple fact is that more terrorist acts will occur. At some point in the not too distant future, Israelis—and even the Israeli government—could decide that adherence to the process is no longer worth the effort. It is up to all interested parties—the Israelis, the United States, the Syrians who provide support and safe haven to the terrorists, and, more to the point, to the Palestinians themselves, to see that does not happen.

Mr. President, I am pleased to cosponsor a resolution condemning the acts of terrorism, which will be offered shortly by Senators DOLE, DASCHLE, and others.

SENATE RESOLUTION 70—ELECTING CHAPLAIN OF THE U.S. SENATE

Mr. KEMPTHRONE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 70

Resolved, That Doctor Lloyd John Ogilvie, of California, be, and he is hereby, elected Chaplain of the Senate as of March 11, 1995.

SENATE RESOLUTION 71—RELATING TO THE DESIGNATION OF COMMITTEE CHAIRMEN FOR THE 104TH CONGRESS

Mr. KEMPTHRONE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 71

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen: Committee on the Budget: Mr. Domenici, Chairman; Committee on Veterans' Affairs: Mr. Simpson, Chairman; Committee on Indian Affairs: Mr. McCain, Chairman; Select Committee on Intelligence: Mr Specter, Chairman.

AMENDMENTS SUBMITTED

UNFUNDED MANDATE REFORM ACT OF 1995

BYRD AMENDMENT NO. 200

Mr. BYRD proposed an amendment to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes; as follows:

On page 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

''(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress.

BOXER AMENDMENTS NOS. 201–202

Mrs. BOXER proposed two amendments to the bill, S. 1, supra, as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike ''or'' after the semicolon.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following:

''(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.''

BOXER (AND DODD) AMENDMENT NO. 203

Mrs. BOXER (for herself and Mr. DODD) proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, line 5, strike ''or''.

On page 13, line 8, strike the period and insert ''; or''.

On page 13, between lines 8 and 9, insert the following new paragraph:

''(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.''.

WELLSTONE AMENDMENTS NOS. 204–205

Mr. WELLSTONE proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 204

Insert at the appropriate place the following:

''( ) The term 'direct savings'—

''( ) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, or tribal government as a result of compliance with the federal intergovernmental mandate;

''( ) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate;

''( ) shall be interpreted no less broadly than the terms 'Federal mandate direct costs' and 'direct costs.' ''

AMENDMENT NO. 205

Insert at the appropriate place, the following:

''( ) Notwithstanding any other provision of this Act, no point of order under paragraph (1)(A) of Section 408(c) shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director reasonably to carry out the Director's responsibilities under this Act.''

FORD AMENDMENT NO. 206

Mr. FORD proposed an amendment to the bill, S. 1, supra; as follows:

On page 26, strike beginning with line 11 through line 8 on page 27.

GRASSLEY AMENDMENTS NOS. 207–208

Mr. GRASSLEY proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 207

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—Not later than January 1, 1998, the Director shall submit a report to the Congress including—

(1) an estimate of the costs of regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall provide to the Director of the Congressional Budget Office data and cost estimates for regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

AMENDMENT NO. 208

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 as amended by inserting ''408(c)(1)(A),'' after ''313,''.

KEMPTHORNE AMENDMENTS NOS. 209–210

Mr. KEMPTHORNE proposed two amendments to the bill S. 1, supra; as follows:

AMENDMENT NO. 209

On page 26, after line 5, insert the following new subsection:

''( ) LIMITATION ON APPLICATION.—This section shall not apply to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute if adoption of the bill, joint resolution, amendment, motion, or conference report—

''(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

''(2)(A) would not result in a net reduction or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

''(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by as corresponding amount.''

AMENDMENT NO. 210

Strike out all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the ''Unfunded Mandate Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(f) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

''(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

''(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

''(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

''(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

''(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

''(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

''(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

''(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

''(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

''(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

''(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

''(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

''(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

''(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

''(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

''(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

''(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

''(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

''(C) If the Director determines that it is not required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

''(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

''(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

''(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

''(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

''(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider—

''(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

''(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

''(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

''(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

''(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

''(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year;

''(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

''(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

''(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

''(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

''(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

''(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

''(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

''(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

''(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

''(e) EXCLUSIONS.—This section shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

''(1) enforces constitutional rights of individuals;

''(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

''(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

''(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

''(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

''(6) the President designates as emergency legislation and that the Congress so designates in statute.

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

''(1) The term 'Federal intergovernmental mandate' means—

''(A) any provision in legislation, statute, or regulation that—

''(i) would impose an enforceable duty upon State, local, or tribal governments, except—

''(I) a condition of Federal assistance; or

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

''(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

''(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

''(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

''(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

''(A) would impose an enforceable duty upon the private sector except—

''(i) a condition of Federal assistance; or

''(ii) a duty arising from participation in a voluntary Federal program; or

''(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

''(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

''(4) The terms 'Federal mandate direct costs' and 'direct costs'—

''(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

''(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

''(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

''(C) shall not include—

''(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

''(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

''(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

''(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

''(I) compliance with the Federal mandate; or

''(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

''(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

''(5) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

''(6) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

''(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

''(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

''(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

''(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United States Code.

''(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

''(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Legislative mandate accountability and reform.''.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

''(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

''(A) a significant budgetary impact on State, local, or tribal governments; or

''(B) a significant financial impact on the private sector.'';

(B) by amending subsection (h) to read as follows:

''(h) STUDIES.—

''(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

''(2) FEDERAL MANDATE STUDIES.—

''(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

''(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

''(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

''(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

''(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

''(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

''(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

''(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

''(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

''(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

''(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.''; and

(2) in section 301(d) by adding at the end thereof the following new sentence: ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation introduced on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the ''Advisory Commission''), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

DOLE AMENDMENT NO. 211

Mr. KEMPTHORNE (for Mr. DOLE) proposed an amendment to the bill S. 1, supra; as follows:

Strike out all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the ''Unfunded Mandate Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(f) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

''SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

''(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

''(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

''(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

''(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

''(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

''(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

''(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

''(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

''(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

''(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

''(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

''(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

''(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

''(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

''(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

''(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

''(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

''(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

''(C) If the Director determines that it is not required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

''(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

''(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

''(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

''(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

''(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

''(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider—

''(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on

the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

''(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

''(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

''(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

''(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

''(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year;

''(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

''(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

''(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

''(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

''(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

''(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

''(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

''(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

''(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

''(e) EXCLUSIONS.—This section shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

''(1) enforces constitutional rights of individuals;

''(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

''(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

''(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

''(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

''(6) the President designates as emergency legislation and that the Congress so designates in statute.

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

''(1) The term 'Federal intergovernmental mandate' means—

''(A) any provision in legislation, statute, or regulation that—

''(i) would impose an enforceable duty upon State, local, or tribal governments, except—

''(I) a condition of Federal assistance; or

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

''(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

''(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

''(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

''(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

''(A) would impose an enforceable duty upon the private sector except—

''(i) a condition of Federal assistance; or

''(ii) a duty arising from participation in a voluntary Federal program; or

''(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

''(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

''(4) The terms 'Federal mandate direct costs' and 'direct costs'—

''(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

''(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

''(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

''(C) shall not include—

''(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

''(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

''(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

''(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

''(I) compliance with the Federal mandate; or

''(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

''(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

''(5) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

''(6) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

''(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

''(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village

corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

''(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

''(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.

''(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

''(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Legislative mandate accountability and reform.''.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

''(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

''(A) a significant budgetary impact on State, local, or tribal governments; or

''(B) a significant financial impact on the private sector.'';

(B) by amending subsection (h) to read as follows:

''(h) STUDIES.—

''(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

''(2) FEDERAL MANDATE STUDIES.—

''(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

''(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

''(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

''(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

''(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

''(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

''(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

''(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

''(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

''(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

''(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.''; and

(2) in section 301(d) by adding at the end thereof the following new sentence: ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including

the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the ''Advisory Commission''), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

GLENN AMENDMENT NO. 212

Mr. GLENN proposed an amendment to the bill, S. 1, supra; as follows:

On page 5, line 19, strike ''impose'' and insert ''establish''.

On page 7, line 11, strike ''impose'' and insert ''established''.

On page 8, line 5, before ''amounts'' insert ''new or additional''.

On page 8, line 15, before ''amounts'' insert ''new or additional''.

On page 9, line 7, strike ''or''.

On page 9, between lines 7 and 8, insert the following:

''(II) to comply with or carry out the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized reenacted replaced or revised by the same bill or joint resolution or proposed or final Federal regulation

containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; or.

On page 9, line 8, strike ''(II)'' and insert ''(III)''.

On page 9, line 22, strike ''or''.

On page 10, line 4, strike ''and'' and insert ''or''.

On page 10, between lines 4 and 5, insert the following:

''(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments or the private sector from levels that would be required under the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as through such terms and requirements were retained and extended without change; and

On page 10, between lines 14 and 15, insert the following:

''For purposes of determining amounts not included in direct costs pursuant to subparagraph (C)(i) and amounts of direct savings pursuant to subparagraph (C)(ii), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced before January 1, 1996, or by Federal regulations adopted before such date shall be calculated without regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements. Notwithstanding the provisions of subparagraphs (C)(i)(II) and (C)(ii)(III), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced on or after January 1, 1996, or by Federal regulations adopted on or after such date shall be calculated with regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements.

BYRD AMENDMENT NO. 213

Mr. BYRD proposed an amendment to the bill, S. 1, supra; as follows:

On page 23, line 17, strike ''(IV)(aa);'' and insert ''(III)(aa); and''.

On page 23, strike line 18 through line 6 on page 25 and insert the following:

''(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

''(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress; and

''(cc) provides that such mandate shall be ineffective until such time as Congress has completed action on the recommendations of the responsible Federal agency.

D'AMATO (AND SARBANES) AMENDMENT NO. 214

Mr. SARBANES (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to the bill, S. 1, supra; as follows:

On page 12, line 3, strike the period after ''Code'' and insert '', or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.''.

GRAMM AMENDMENT NO. 215

Mr. GRAMM proposed an amendment to the bill, S. 1, supra; as follows:

''(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form.''

GRAMM AMENDMENT NO. 216

Mr. GRAMM proposed an amendment to the bill, S. 1, supra; as follows:

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting ''408(c),'' after ''313,''.

BYRD AMENDMENT NO. 217

Mr. BYRD proposed an amendment to the bill, S. 1, supra; as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

''(I) a condition of Federal assistance;

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty that establishes or enforces any statutory right of employees in both the public and private sectors with respect to their employment; or

LEVIN AMENDMENT NO. 218

Mr. LEVIN proposed an amendment to the bill, S. 1, supra; 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 ''Federal Mandate Accountability and Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate before the Senate votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instances;

(5) to establish a point-of-order vote on the consideration in the Senate of legislation containing significant Federal mandates; and

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL INTERGOVERNMENTAL MANDATE.—The term ''Federal intergovernmental mandate'' means—

(A) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that—

(i) would impose a duty upon States, local governments, or tribal governments that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty; or

(B) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority (as defined in section 3(9) of the Congressional Budget Act of 1974 (2 U.S.C. 622(9))), if—

(i)(I) the bill or joint resolution or regulation would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the bill or joint resolution or regulation.

(2) FEDERAL PRIVATE SECTOR MANDATE.—The term ''Federal private sector mandate'' means any provision in a bill or joint resolution before Congress that—

(A) would impose a duty upon the private sector that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program); or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of complying with any such duty.

(3) FEDERAL MANDATE.—The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

(4) DIRECT COSTS.—

(A) FOR A FEDERAL INTERGOVERNMENTAL MANDATE.—In the case of a Federal intergovernmental mandate, the term ''direct costs'' means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate, or, in the case of a bill or joint resolution referred to in paragraph (1)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) FOR A FEDERAL PRIVATE SECTOR MANDATE.—In the case of a Federal private sector mandate, the term ''direct costs'' means the aggregate amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate.

(C) NOT INCLUDED.—The term ''direct costs'' does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations adopted before the adoption of the Federal mandate; or

(II) to continue to carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities established at the time of adoption of the Federal mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) ASSUMPTION.—Direct costs shall be determined on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations.

(5) AMOUNT OF AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL FINANCIAL ASSISTANCE.—The term ''amount'' with respect to an authorization of appropriations for Federal financial assistance means—

(A) the amount of budget authority (as defined in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A))) of any Federal grant assistance; and

(B) the subsidy amount (as defined as ''cost'' in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(a))) of any Federal program providing loan guarantees or direct loans.

(6) PRIVATE SECTOR.—The term ''private sector'' means all persons or entities in the United States, except for State, local or tribal governments, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

(7) OTHER DEFINITIONS.—

(A) AGENCY.—The term ''agency'' has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(B) DIRECTOR.—The term ''Director'' means the Director of the Congressional Budget Office.

(C) LOCAL GOVERNMENT.—The term ''local government'' has the same meaning as in section 6501(6) of title 31, United States Code.

(D) REGULATION OR RULE.—The term ''regulation'' or ''rule'' has the meaning of ''rule'' as defined in section 601(2) of title 5, United States Code.

(E) SMALL GOVERNMENT.—The term ''small government'' means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

(F) STATE.—The term ''State'' has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, age, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of any of them;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as he may reasonably request to assist him in performing his responsibilities under this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) COMMITTEE REPORT.—

(1) REGARDING FEDERAL MANDATES.—

(A) IN GENERAL.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character that includes any Federal mandate, the committee shall issue a report to accompany the bill or joint resolution containing the information required by subparagraphs (B) and (C).

(B) REPORTS ON FEDERAL MANDATES.—Each report required by subparagraph (A) shall contain—

(i) an identification and description, prepared in consultation with the Director, of any Federal mandates in the bill or joint resolution, including the expected direct costs to States, local governments, and tribal governments, and to the private sector, required to comply with the Federal mandates; and

(ii) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the enhancement of health and safety and the protection of the natural environment).

(C) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required by subparagraph (A) shall also contain—

(i)(I) a statement of the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to the Federal intergovernmental mandates; and

(II) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention;

(ii) any existing sources of Federal assistance in addition to those identified in clause (i) that may assist States, local governments, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(iii) an identification of one or more of the following: reductions in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified clause (i)(I)).

(2) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) IN GENERAL.—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 102(c), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available soon enough to be included in the printed report.

(2) IF NOT INCLUDED.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 102. DUTIES OF THE DIRECTOR.

(a) STUDIES.—

(1) PROPOSED LEGISLATION.—As early as practicable in each new Congress, any committee of the House of Representatives or the Senate which anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on States, local governments, or tribal governments, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall request that the Director initiate a study of the proposed legislation in

order to develop information that may be useful in analyzing the costs of any Federal mandates that may be included in the proposed legislation.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Director shall—

(A) solicit and consider information or comments from elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and such other persons as may provide helpful information or comments;

(B) consider establishing advisory panels of elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and other persons if the Director determines, in the Director's discretion, that such advisory panels would be helpful in performing the Director's responsibilities under this section; and

(C) consult with the relevant committees of the House of Representatives and of the Senate.

(b) CONSULTATION.—The Director shall, at the request of any committee of the House of Representatives or of the Senate, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(1) a significant budgetary impact on State, local, or tribal governments; or

(2) a significant financial impact on the private sector.

(c) STATEMENTS ON NONAPPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will not equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(ii) ESTIMATES.—The estimate required by clause (i) shall include—

(I) estimates (and brief explanations of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates;

(II) estimates, if and to the extent that the Director determines that accurate estimates are reasonably feasible, of—

(aa) direct costs of Federal intergovernmental mandates up to 10 years beyond the effective date to the extent that they significantly differ from the 5-year time period referred to in clause (i); and

(bb) any disproportionate budgetary effects of Federal intergovernmental mandates and of any Federal financial assistance in the bill or joint resolution upon any particular regions of the country or particular States, local governments, tribal governments, or urban or rural or other types of communities; and

(III) any amounts appropriated in the prior fiscal year to fund the activities subject to the Federal intergovernmental mandate.

(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will not equal or exceed $200,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(ii) ESTIMATES.—Estimates required by this subparagraph shall include—

(I) estimates (and a brief explanation of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by the private sector for activities subject to the Federal private sector mandates;

(II) estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(aa) costs of Federal private sector mandates up to 10 years beyond the effective day to the extent that they differ significantly from the 5-year time period referred to in clause (i);

(bb) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(cc) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services; and

(III) any amounts appropriated in the prior fiscal year to fund activities subject to the Federal private sector mandate.

(C) FAILURE TO MAKE ESTIMATE.—If the Director determines that it is not reasonably feasible for him to make a reasonable estimate that would be required by this section with respect to Federal intergovernmental or private sector mandates, the Director shall not make the estimate, but shall report in his statement that the reasonable estimate cannot be reasonably made and shall include the reasons for that determination in the statement.

(3) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If the Director has prepared a statement that includes the determination described in paragraph (1)(B)(i) for a bill or joint resolution, and if that bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the language of a bill or joint resolution from the other House) or is reported by a committee of conference in an amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director prepare a supplemental statement for the bill or joint resolution. The requirements of section 103 shall not apply to the publication of any supplemental statement prepared under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Congressional Budget Office to carry out the provisions of this Act $4,500,000, for each of the fiscal years 1995, 1996, 1997, and 1998.

(e) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

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

(2) by striking ''(a)''; and

(3) by striking subsections (b) and (c).

SEC. 103. POINT OF ORDER IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by any committee of authorization of the Senate unless, based upon a ruling of the presiding Officer—

(1) the committee has published a statement of the Director in accordance with section 101(c) prior to such consideration; and

(2) in the case of a bill or joint resolution containing Federal intergovernmental mandates, either—

(A) the direct costs of all Federal intergovernmental mandates in the bill or joint resolution are estimated not to equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, or

(B)(i) the amount of the increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or

joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates is at least equal to the estimated amount of direct costs of the Federal intergovernmental mandates; and

(ii) the committee of jurisdiction has identified in the bill or joint resolution one or more of the following: a reduction in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified in clause (i)).

(b) WAIVER.—The point of order under subsection (a) may be waived in the Senate by a majority vote of the Members voting (provided that a quorum is present) or by the unanimous consent of the Senate.

(c) AMENDMENT TO RAISE AUTHORIZATION LEVEL.—Notwithstanding the terms of subsection (a), it shall not be out of order pursuant to this section to consider a bill or joint resolution to which an amendment is proposed and agreed to that would raise the amount of authorization of appropriations to a level sufficient to satisfy the requirements of subsection (a)(2)(B)(i) and that would amend an identification referred to in subsection (a)(2)(B)(ii) to satisfy the requirements of that subsection, nor shall it be out of order to consider such an amendment.

SEC. 104. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, and 105 are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 105. EFFECTIVE DATE.

This title shall apply to bills and joint resolutions reported by committee on or after January 1, 1996.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, assess the effects of Federal regulations on States, local governments, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL GOVERNMENT, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (including their designated representatives) and other representatives of States, local governments, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) IN GENERAL.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input pursuant to subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION.—There are hereby authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandates that may result in the expenditure by States, local governments, or tribal governments, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to States, local governments, and tribal governments of complying with the Federal intergovernmental mandates, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of Federal intergovernmental mandates; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandates upon any particular regions of the country or particular States, local governments, tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandates (such as the enhancement of health and safety and the protection of the natural environment); and

(4)(A) a description of the extent of any input to the agency from elected representatives (including their designated representatives) of the affected States, local governments, and tribal governments and of other affected parties;

(B) a summary of the comments and concerns that were presented by States, local governments, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required by subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall collect from agencies the statements prepared under section 202 and periodically forward copies of them to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

TITLE III—BASELINE STUDY

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations, in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to States, local governments, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to States, local governments and tribal governments.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Advisory Commission on Intergovernmental Relations to carry out the purposes of this title, and for no other purpose, $1,000,000 for each of the fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW; SUNSET

SEC. 401. JUDICIAL REVIEW.

Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review. The provisions of this Act shall not create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination under this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

SEC. 402. SUNSET.

This Act shall expire December 31, 1998.

LEVIN AMENDMENT NO. 219

Mr. LEVIN proposed an amendment to the bill, S. 1, supra; as follows:

On page 18, line 25, insert before ''and'' the following: ''but no more than ten years beyond the effective date of the mandate''.

BROWN AMENDMENT NO. 220

Mr. BROWN proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, insert between lines 13 and 14 the following new section:

SEC. 6. REVIEW OF IMPLEMENTATION.

It is the sense of the Senate that before the adjournment of the 106th Congress, the appropriate committees of the Senate should review the implementation of the provisions of this Act with respect to the conduct of the business of the Senate and report thereon to the Senate.

BROWN (AND HATCH) AMENDMENT NO. 221

Mr. BROWN (for himself and Mr. HATCH) proposed an amendment to the bill, S. 1, supra; as follows:

Strike title IV of the bill and insert the following:

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under titles I or III of this Act, and any compliance or noncompliance with the provisions of titles I or III of this Act, and any determination concerning the applicability of the provisions of titles I or III of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of titles I or III of this Act or amendment made by titles I or III of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of titles I or III of this Act or amendments made by titles I or III of this Act shall be considered by any court in determining the intent of Congress.

ROTH AMENDMENT NO. 222

Mr. ROTH proposed an amendment to the bill, S. 1, supra; as follows:

On page 33, strike all on lines 10 through 12, and insert the following:

This title shall take effect on January 1, 1996, and shall apply to—

(1) bills and joint resolutions reported, and to amendments and motions offered, on and after such date, and

(2) conference reports on such legislation.

NOTICE OF MEETING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Tuesday, January 31, 1995, at 9:30 a.m., to receive testimony on S. 91 and S. 218.

For further information concerning this business meeting, please contact Mark C. Mackie of the Rules Committee staff on 224–3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, January 24, 1995, at 9:30 a.m. in open session to discuss the requirements for ballistic missile defenses.

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

COMMITTEE ON FINANCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, January 24, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the methods of estimating the impact of Federal fiscal policies on Federal revenues.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 24, 1995, at 10 a.m. to hold a hearing on the North Korea Nuclear Agreement.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the National Endowment for the Arts, during the session of the Senate on Tuesday, January 24, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, January 24, 1995, at 9 a.m., in Senate Dirksen Room 226, on The Line-Item Veto: A Constitutional Approach.

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

ADDITIONAL STATEMENTS

NATCHEZ BLUFFS STABILIZATION—S. 255

● Mr. LOTT. Mr. President, I ask unanimous consent that S. 255 be printed in the CONGRESSIONAL RECORD. S. 255, a bill to authorize the Corps of Engineers to stabilize the bluffs at Natchez, MS, was introduced on January 20, 1995, along with accompanying statements from myself and Senator COCHRAN. Due to an inadvertent omission at the time, the bill was not printed in the RECORD.

S. 255

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

SECTION 1. STABILIZATION OF NATCHEZ BLUFFS.

(a) IN GENERAL.—In accordance with the recommendations of the reports prepared by the Army Corps of Engineers entitled ''The Natchez Bluff Study'', ''The Natchez Bluff Study: Supplement I'', and ''The Natchez Bluff Study: Supplement II'', dated September 1985, June 1990, and December 1993, respectively, the Secretary of the Army shall carry out such activities as are necessary to stabilize the portions of the bluffs along the Mississippi River in the vicinity of Natchez, Mississippi, designated in figure 4 of the December 1993 report as—

(1) Clifton Avenue, area 3;

(2) the bluff above Natchez Under-the-Hill, area 7;

(3) the bluff above Silver Street, area 6; and

(4) Madison Street to State Street, area 4.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army such sums as are necessary to carry out this section.●

VETERANS' HEALTH ADMINISTRATION ACT

● Mr. INOUYE. Mr. President, I am introducing legislation today to amend chapter 74 of title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration [VHA].

The VHA has a long history of maintaining a staff of the very best health care professionals to provide care to those men and women who have served their country in the Armed Forces. It is certainly fitting that this should be done.

Recently a quite distressing situation regarding the care of our veterans has come to my attention. In particular, the recruitment and retention of psychologists in the VHA of the Department of Veterans Affairs has become a significant problem.

The Congress has recognized the important contribution of the behavioral sciences in the treatment of several conditions from which a significant portion of our veterans suffer. For example, programs related to homelessness, substance abuse, and post traumatic stress disorder [PTSD] have received funding from the Congress in recent years.

Certainly, psychologists, as behavioral science experts, are essential to the successful implementation of these programs. However, the high vacancy and turnover rates for psychologists in the VHA—over 11 and 18 percent, respectively, as reported in one recent survey—might seriously jeopardize these programs and will negatively impact overall patient care in the VHA.

Recruitment of psychologists by the VHA is hindered by a number of factors including a pay scale not commensurate with private sector rates of pay as well as by the low number of clinical and counseling psychologists appearing on the register of the Office of Personnel Management [OPM]. Most new hires have no postdoctoral experience and are hired immediately after a VA internship. Recruitment, when successful, takes up to 6 months or more.

Retention of psychologists in the VA system poses an even more significant problem. I have been informed that almost 40 percent of VHA psychologists had 5 years or less of postdoctoral experience. Without doubt, our veterans would benefit from a higher percentage of senior staff who are more experienced in working with veterans and their particular concerns. My bill provides incentives for psychologists to continue their work with the VHA and seek additional education and training.

Several factors are associated with the difficulties in retention of VHA psychologists including low salaries and lack of career advancement opportunities. It seems that psychologists are apt to leave the VA system after 5 years because they have almost reached peak levels for salary and professional development in the VHA. Furthermore, under the present system

psychologists cannot be recognized nor appropriately compensated for excellence or for taking on additional responsibilities such as running treatment programs.

In effect, the current system for hiring psychologists in the VHA supports mediocrity, not excellence and mastery. Our veterans with behavioral disorders and mental health problems are deserving of better psychological care from more experienced professionals than they are currently receiving.

A hybrid title 38 appointment authority for psychologists would help ameliorate the recruitment and retention problems in several ways. The length of time it takes to recruit psychologists could be abbreviated by eliminating the requirement for applicants to be rated by the Office of Personnel Management. This would also facilitate the recruitment of applicants who are not recent VA interns by reducing the amount of time between identifying a desirable applicant and being able to offer that applicant a position.

It is expected that problems in retention of behavioral science experts will be greatly alleviated with the implementation of a hybrid title 38 system for VA psychologists, primarily through offering financial incentives for psychologists to pursue professional development with the VHA. Achievements that would merit salary increases under title 38 should include such activities as assuming supervisory responsibilities for clinical programs, implementing innovative clinical treatments that improve the effectiveness and/or efficiency of patient care, making significant contributions to the science of psychology, earning the ABPP diplomate status, and becoming a fellow of the American Psychological Association.

Currently, psychologists are the only doctoral level health care providers in the VHA who are not included in title 38. This is, without question, a significant factor in the recruitment and retention difficulties that I have addressed. Ultimately, an across-the-board salary increase might be necessary. However, the conversion of psychologists to a hybrid title 38, as proposed by this amendment, would provide relief for these difficulties and enhance the quality of care for our Nations' veterans and their families.

Mr. President, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

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

S. 82

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

SECTION 1. REVISION OF AUTHORITY RELATING TO THE APPOINTMENT OF CLINICAL AND COUNSELING PSYCHOLOGISTS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7401(3) of title 38, United States Code, is amended by striking out ''who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary''.

(b) CERTAIN OTHER APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) in paragraph (1)(B), by striking out ''Certified or'' and inserting in lieu thereof ''Clinical or counseling psychologists, certified or''; and

(2) in paragraph (2)(B), by striking out ''Certified or'' and inserting in lieu thereof ''Clinical or counseling psychologists, certified or''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(d) APPOINTMENT REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall begin to make appointments of clinical and counseling psychologists in the Veterans Health Administration under section 7401(3) of title 38, United States Code (as amended by subsection (a)), not later than 1 year after the date of the enactment of this Act.●

RULES OF THE APPROPRIATIONS COMMITTEE

● Mr. HATFIELD. Mr. President, pursuant to rule XXVI(2) of the Standing Rules of the Senate, I ask that the rules of the Appropriations Committee for the 104th Congress be printed in the CONGRESSIONAL RECORD. These rules were adopted by the full committee membership on January 11, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES[1]

I. Meetings:

The Committee will meet at the call of the Chairman.

II. Quorums:

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.●

[1] Adopted pursuant to Rule XXVI, paragraph 2, of the ''Standing Rules of the Senate.''

COMMENDING THE JEWISH FEDERATION OF GREATER BRIDGEPORT

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Jewish Federation of Greater Bridgeport for their extraordinary efforts to provide for the Jewish population in the State of Connecticut.

For nearly 55 years, the Jewish Federation of Greater Bridgeport has served and represented Jews in need in its service cities and towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull by providing health, social, and educational opportunities to their citizens through agencies such as the Greater Bridgeport Jewish Community Center, the Jewish Home for the Elderly, Jewish Family Service, and Hillel Academy and Merkaz Community Hebrew High School.

The Jewish Federation of Greater Bridgeport, through the continuing national work of the United Jewish Appeal, has aided both with social and humanitarian services countless hundreds of thousands of Jews in Israel and in 40 countries the world over.

The tide of peace in 1994 has rolled in and washed over the nations and peoples of the Middle East as never before, witnessed by the signing of a treaty ensuring peaceful cohabitation in the region between the people of Jordan and Israel, limited self-rule of the Palestine Liberation Organization in Jericho and the Gaza Strip, and the final emigration of Jews from Syria while talks continue between those two nations toward a comprehensive peace.

The annual combined super Sunday telethon campaign of the Jewish Federation of Greater Bridgeport, and the United Jewish Appeal will take place on Sunday, February 5, 1995, in order to raise vitally needed funds to continue providing these worthwhile services here at home, in Israel, and around the world.●

MR. EDELMAN'S QUALIFICATIONS

● Mr. SIMON. Mr. President, I read George Will's column attacking Peter Edelman. It was a column written by someone who, obviously, has not had a chance to get acquainted with Peter Edelman. Knowing both George Will and Peter Edelman, my instinct is that if the two of them got acquainted, George Will would be one of his enthusiastic supporters, or at least a supporter.

John Douglas, who headed the Civil Division of the Justice Department under Robert Kennedy, is the son of our former colleague Senator Paul Douglas. Paul Douglas was one of the finest people who ever served in the U.S. Senate, and John is cut from the same cloth.

I believe my colleagues would be interested in his letter to the editor, which appeared in the Washington Post.

I join in the sentiment it expresses.

I've known Peter Edelman for a number of years, and I've always regarded him as a solid, substantial, well-balanced person, who would be a great judge.

I ask to insert the John Douglas letter into the RECORD at this point.

The letter follows:

MR. EDELMAN'S QUALIFICATIONS

(By John W. Douglas)

I write in response to George Will's attack on Peter Edelman's qualifications to be a judge on the U.S. Court of Appeals here, an attack centering on a law review article he wrote some years ago on the 14th Amendment [op-ed, Dec. 18].

I have known Mr. Edelman for more than 30 years and have the highest opinion of his character and competence. He worked as my special assistant in 1963 and 1964 when I was an assistant attorney general in charge of the Justice Department's Civil Division. He performed in outstanding fashion in a variety of matters, including litigation for which he was directly responsible, handling his work with skill, excellent judgment and high standards.

He has earned equally high marks for his subsequent work as an assistant to Sen. Robert Kennedy, a vice president of the University of Massachusetts and a law professor at Georgetown. This long record of distinguished and principled service commends him strongly for nomination to the federal judiciary.

Thus, it would be a shame if his critics' attacks on his article's treatment of theoretical constitutional issues were allowed to preclude his nomination. I am confident that at a confirmation hearing Mr. Edelman would be able to convince the committee that, if confirmed, he would faithfully follow the law, as is required of all federal judges, and that he fully understands that neither the due-process clause nor any other constitutional provision guarantees subsistence, or any level of subsistence, to its citizens; consequently, these are matters for the political branches, particularly the legislatures, to deal with and decide.

In any event, this particular question should not be decided in advance of a hearing and in a vacuum without giving due weight to Mr. Edelman's impressive record.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that during the past week, 17 people were killed with firearms in New York City, bringing this year's total to 44.

I should point out to my colleagues that the average age of those murdered with firearms in New York City so far this year is approximately 25. Some have been as young as 16 years old. Consistently, those between the ages 15–24 comprise the largest percentage of those murdered with firearms, according to mortality statistics compiled by the Centers for Disease Control and Prevention. In 1993, according to the F.B.I.'s Uniform Crime Report, 6,244 of the 16,189 people murdered with firearms were between the ages of 15–24. That is nearly 40 percent. A similar percentage of murder offenders in 1993 were between the ages of 15–24. These are, in many cases, children killing children.

Mr. President, as I have often reminded the Senate, we must begin to recognize the epidemic nature of gun violence in America. Homicide is the second leading cause of death among our youth and the leading cause of death among our black youth. A disproportionate number of these murders are carried out with firearms.●

TRIBUTE TO JONATHAN H. WOODWARD

● Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's most devoted civic servants, Mr. Jonathan H. Woodward. Mr. Woodward was educated in private schools from the 1st grade. After attending St. Paul's School in New Hampshire, Mr. Woodward studied at Harvard College. There he excelled both in the classroom and on the baseball field. Following his graduation Mr. Woodward joined the Army Air Force and served under a wide variety of different posts until the end of the war in 1945.

Following his service in the military, Mr. Woodward went to work at, and ultimately purchased, the J.M. Layton Company. Indeed, his business sense would propel Mr. Woodward to such positions as director of the Merchant's Bank and Trust Company, South Norwalk Savings/Gateway Bank, Greater Norwalk Chamber of Commerce, Connecticut Public Expenditure Council, and Maritime Center at Norwalk. As stated by his son David, Mr. Woodward, ''Believed that in hiring good people and having them serve the clientele to the best of their ability both the firm and the individuals would prosper.''

In 1953, Mr. Woodward was elected to Norwalk Hospital's Board of Trustees. He would later be elected and serve as the hospital's president from 1966 to 1970. His involvement in the development of this hospital was capped by his efforts to raise nearly $20 million to expand the facility in 1991. Through this astounding effort, the Norwalk hospital has been able to greatly increase its service to the state of Connecticut.

Counterbalanced by his strong business prowess, was his undeniable desire to serve the public good. ''He was a towering figure in the city both psychically and civically . . . he was very proud of his heritage and equally interested in the good of all citizens in the city.'' Through this desire to serve the populace, Mr. Woodward became the director of such charitable institutions as the Norwalk YMCA, Norwalk Community-Technical College Foundation, and United Way of Norwalk.

John Woodward lived a life that should be an example to all of us. He loved and provided for his family while at the same time excelling both in the workplace and in his service to the environment. He will forever be remembered as a man who touched many and helped countless others. The state of Connecticut has much to remember him by. We are grateful for his good work and for his dedication to the people of our fine state.●

ORDERS FOR THIS EVENING AND TOMORROW

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 8:35 p.m. tonight, and that upon reconvening at 8:35, the Senate assemble as a body and proceed to the House of Representatives for the purpose of receiving such communication as the President wishes to make during the joint session; that at the close of the joint session, the Senate then stand in recess until the hour of 9:30 a.m., on Wednesday, January 25; that on Wednesday following the prayer, the Journal of proceedings be approved to date and the time for two leaders be reserved; that there then be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with the time between 9:30 and 10:30 under the control of Senator CRAIG or his designee; I further ask that at the hour of 10:30, the Senate resume consideration of S. 1, the unfunded mandates bill.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of title 20, United States Code, sections 42 and 43, reappoints the Senator from New York [Mr. MOYNIHAN] to the Board of Regents of the Smithsonian Institution.

RECESS

Mr. KEMPTHORNE. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 8:34 p.m. this evening.

There being no objection, the Senate, at 7:06 p.m., recessed until 8:34 p.m.;

whereupon, the Senate reassembled when called to order by the PRESIDENT pro tempore.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon, at 8:34 p.m., the Senate, preceded by the Secretary of the Senate, Sheila P. Burke; the Deputy Sergeant at Arms, Joyce A. McCluney; and the President of the Senate (Vice President AL GORE), proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL TOMORROW AT 9:30 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:41 p.m. the Senate recessed until Wednesday, January 25, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 24, 1995:

THE JUDICIARY

MAXINE M. CHESNEY, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE JOHN P. VUKASIN, JR., DECEASED.

KAREN NELSON MOORE, OF OHIO, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ROBERT B. KRUPANSKY, RETIRED.

SECURITIES INVESTOR PROTECTION CORPORATION

MARIANNE C. SPRAGGINS, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1997, VICE THOMAS J. HEALEY, TERM EXPIRED.