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Senate

(Legislative day of Monday, March 27, 1995)

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

PRAYER

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

Let us pray:

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths—Proverbs 3:5–6.

Lord, what You desire from us You inspire in us. You use whom You choose; You provide for what You guide; You are working Your purposes out and know what You are about. We trust You with all our hearts. Infuse us with Your spirit and use us.

We praise You for the challenges of this day that will force us to depend more on You. Knowing that You never forget us, help us never to forget to ask for Your help. Set us free of any worries that would break our concentration on the work You have given us to do today. We entrust to Your care our loved ones and friends, those who are ill or confronting difficulties. And Lord, help us to be sensitive to the needs of people with whom we work today. Let us take no one for granted assuming that a polished exterior is the result of a peaceful interior. So enable us to be to others what You have been to us. Help us to live this day as if it were the only day we had left. So if there is any kindness we can show, and affirmation we can give, any care we can impart, Lord, help us to express it today. May we be a boost and not a burden; a source of courage and not of cynicism. Lord, this is the day You have made and we plan to rejoice and be glad in it. In Your holy name.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DOMENICI. Mr. President, this morning the leader time has been reserved and there will be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the exception of the following: Senators DOMENICI and BIDEN, 5 minutes each, Senator COVERDELL for up to 15 minutes, and Senator THOMAS for up to 35 minutes.

At the hour of 10 a.m., the Senate will begin consideration of S. 219, the moratorium bill. Amendments are expected to the bill. Therefore, Senators should be aware that rollcall votes are possible throughout today's session. Also, the Senate will stand in recess between the hours of 12:30 and 2:15 for the weekly party luncheons to occur.

MORNING BUSINESS

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

The Senator from New Mexico [Mr. DOMENICI] is recognized to speak for up to 5 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. WELLSTONE pertaining to the introduction of S. 632 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE STATE OF AMERICA'S CHILDREN

Mr. WELLSTONE. Mr. President, today, the Children's Defense Fund, a wonderful organization—and thank God there is such an organization with a strong voice for children—has issued a report, "The State of America's Children."

I would, for my State of Minnesota, like to release some statistics from this report on the floor of the Senate and then I would like to talk about what these statistics mean in personal terms for my State and for the politics of the country for this Congress.

Minnesota's children at risk—this report was issued today by the Children's Defense Fund: 60,615 children lacked health insurance in the years 1989 to 1991—over 60,000 children lacking health insurance; 27,462 reported cases of child abuse and neglect, 1992—27,462 reported cases; 116 young men died by violence, 1991; 48 children were killed by guns, 1992.

Only 71.4 percent of 2-year-olds were fully immunized, 1990—30 percent of children not fully immunized. This is my State of Minnesota and, in my humble opinion, that is the greatest State in the country; 35 percent of 4th grade public school students lacked basic reading proficiency, 1992.

Those are Minnesota's children at risk.

Mr. President, on the back of this report released today by the Children's Defense Fund, there are the following statistics, which I have read on the floor of the Senate before, but this is a new report, new data:

Every day in America, three children die from child abuse.

Every day in America, 15 children die from guns.

Every day in America, 27 children—a classroomful—die from poverty.

Every day in America, 95 babies die before their first birthday.

Every day in America, 564 babies are born to women who had late or no prenatal care.

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

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Every day in America, 788 babies are born at low birthweight, less than 5 pounds 8 ounces.

Every day in America, 1,340 teenagers give birth.

Every day in America, 2,217 teenagers drop out of school—each day.

Every day in America, 2,350 children are in adult jails.

Every day in America, 2,699 infants are born into poverty.

Every day in America, 3,356 babies are born to unmarried women.

Every day in America, 8,189 children are reported abused or neglected.

Every day in America, 100,000 children are homeless.

Every day in America 135,000 children bring guns to school.

Every day in America, 1.2 million latchkey children come home to a house in which there is a gun.

Mr. President, I would like to, from this Children's Defense Fund report that came out today on the state of America's children, talk about what this means with Minnesota children at risk.

A Nation that would rather send someone else's child to prison for $15,496 a year, or to an orphanage for over $36,000 a year, then invest in $300,000 worth of immunization and $100,000 worth of prenatal care to give a child a healthy start, $1,800 to give that child a summer job to learn a work ethic, lacks both family values and common and economic sense.

Mr. President, let me just add that as long as we are going to be talking about a budget deficit and addressing that budget deficit, I think it is time that we also address a spiritual deficit in our Nation. I have brought an amendment to the floor of the U.S. Senate four times which has been defeated. I will bring it back on the floor this week, especially with the rescissions bill over here.

I commend Senator HATFIELD, and others, for their fine work in at least restoring some of the cuts for some programs that are so important. I know that I met with citizens back in Minnesota about cuts to the Low Energy Assistance Program. In my State of Minnesota, over 100,000 households, 300,000 individuals, I say to my colleagues, 30 percent elderly, members of household, 40 percent child, over 50 percent someone working; this was a grant of about $350 that enabled somebody to get over a tough time, with 40 percent using it only 1 year. People were terrified. I will thank Senator HATFIELD and others for not zeroing out that program.

As I look at these cuts that are before us, Mr. President, I would like to raise some questions not about the budget deficit but about the spiritual deficit. Minnesota children at risk. I will have this amendment on the floor and I will ask one more time for my colleagues to go on record that we will not pass any legislation, take any action that would increase the number of hungry or homeless children in America. That amendment has failed in four separate votes, though the support for the amendment is going up; the last time it received 47 votes.

Mr. President, I want to ask the following question: Who decides that we are going to cut child nutrition programs but not subsidies for oil companies? Who decides that we are going to cut the Headstart Program but not subsidies for insurance companies? Who decides that we are going to cut child care programs but not tobacco company subsidies? Who decides, Mr. President, that we are going to cut educational programs for children, but not military contractors?

Mr. President, some people are very generous with the suffering of others. And it is time that we understand that we should not be making budget cuts based on the path of least political resistance, making cuts that affect citizens with the least amount of clout that are not the heavy hitters and do not have the lobbyists.

There needs to be a standard of fairness. I will insist on that during this debate. Mr. President, if you will allow me 15 seconds for a conclusion, over and over again on the floor of the U.S. Senate, I will, if you will, shout it from the mountain top. There will not be any real national security for our Nation until we invest in the health and the skills and the intellect and the character of our children. That is what this debate is about.

I thank the Chair and I thank my colleagues for their generosity and graciousness.

The PRESIDING OFFICER. The Senator from Georgia is recognized to speak for up to 15 minutes.

OUR NATION'S STRIKING DILEMMA

Mr. COVERDELL. Mr. President, I want to begin by thanking the members of the bipartisan commission that concluded its work last year—the entitlement commission and the Congressional Budget Office and the Senate Budget Committee, and others, who have contributed to my purpose and reason for speaking to the Senate this morning.

In perusing their work—and we do get inundated with information in this Capital City—but as I was going through the material they had provided, I suddenly fell upon a page for which this chart is a near replica. It has been improved and modified with new information. But this single page riveted my attention, and I think if known, it would command the attention of every American, every American family, and every American business. It poses for our Nation a striking dilemma.

Mr. President, what it points to is this fact and this condition: Within 10 years—maybe 8, maybe 12—the entirety of all U.S. revenues—all U.S. revenues—are consumed but by five outlays, five expenditures. You just have to think for a moment of the thousands and thousands of Federal expenditures that we accrue each year. When you start saying that, within a decade, I suppose most everybody within the sound of my voice, with God's permission, expects to be here in 10 years. In 10 years, all of our Government's revenues are consumed by just five expenditures.

Mr. President, those expenditures are Social Security, Medicare, Medicaid, Federal retirement, and the interest on the United States of America's debt. Those five things will consume every dime the country has.

This chart shows those five expenditures and U.S. revenues meeting in the year 2006, but 10 years away. I believe it will occur sooner than that.

But, in any event, on or about this date, we are confronted with this calamity. We were just listening to the Senator from Minnesota talk about a program for children in which he has great interest. The point is that if we allow this to happen to ourselves, within 10 years, anything the U.S. Government wanted to do either could not be done because there would be no revenue to do it, or we would have to borrow it. In short, we would be saying that to run the U.S. Government, the Defense Department, to build a road, a canal, to widen a port, to take care of the program for children mentioned by the Senator from Minnesota, and the School Lunch Program which has been debated in the House, it would either have to be discontinued, or we would have to borrow to do it. Think of it—borrow to run the entirety of the U.S. Government, or not do it, because all the money will have been consumed but by five outlays.

Mr. President, from time to time, in America's history, Americans have been called upon to do extraordinary things—those that founded the Nation, those that fought to keep it a union, the Americans that went to Europe in the name of freedom in 1918, and again in 1940. Mr. President, my view is that no generation of Americans—none—will have ever been called upon to do more than the current generation of Americans as they face this staggering crisis.

I repeat that: I do not believe there is any generation of Americans other than those living today that will have been asked to do more in the name of saving this Union.

Mr. President, this is not a message of gloom. Mr. President, this is a message of challenge. Challenge. I have never known a generation of Americans that would flinch or cower from facing a crisis that had to do with the saving of the Union.

First, Americans have to know about this problem, which I do not believe they do. I think Americans understand that we have difficulties and problems. But they do not know that the problem is at their back door. They have heard policymakers for years talk about the growing crisis of our fiscal affairs.

What they do not realize is that there is not another generation to pass

this problem to. We cannot pass the baton to someone else. It is our problem. We are going to have to confront it now. We are going to have to try to prevail. That means move to a balanced budget. That means it has to be done fairly and evenhandedly.

Mr. President, we are going to have to take steps in these Chambers to remove the burdens of business so that we can expand our economy.

I contend that when we look at this conversion of but five outlays that consume all of our revenues, we are going to have to confront what I would characterize as generational contracts. We are going to have to take these entitlements and honor our agreements to those who are at the end of their work careers. But for those coming into the work career, we are going to have to entertain and shape new agreements.

Mr. President, this generation of Americans has a choice. It can do those things I just talked about—tighten the belt, move to a balanced budget, expand the economy, move to generational contracts on entitlements. If we do that, the American dream, which has been a part of this country since its inception—that life would always be better for the new generation, that the new generation would have more opportunity, be better educated, it would be a stronger nation—is still possible. If we do the tightening of the belt, if we enter into generational contracts, if we do the things to expand the economy, we will create millions of new jobs for America's future. If we do these things, we will create thousands of new businesses. And in forming the new businesses, we will generate new ideas and better ways to live, and we will elevate our standard of living in this country.

But what if we choose to flinch? What if we ignore what we have been told—that five expenditures will consume all of our revenues in but a decade. What if we ignore this, while history is full of nations in ruins because they failed to confront this kind of crisis?

If we let this happen, the future generations will have to bear an 82-percent tax rate to pay for our failure to confront this issue. Mr. President, 82 percent of earned wages would be consumed just in order to take care of our fiscal abuse.

We would be saying to the future that the present is all we are worried about. We do not care about those jobs in the future. We do not care about the burden of the working family in the future.

Mr. President, I began these remarks by saying that I believe that this generation of Americans will be called upon as no other. We are at a unique crossroads in the history of this Nation.

The other enemies were outside our borders. They were easier to identify—Hitler marching. Across America, the great divide in our Nation, this is a battle amongst ourselves. This is an insidious, creeping development that is much harder to recognize.

Just as sure as the Sun comes up in the morning and sets in the West, this generation of Americans will have to confront this crisis or we will undo our own Nation.

I want to add one other thing, Mr. President. There is only one world power today. We all acknowledge that we are still living in a very dangerous world. If we destabilize our currency, if we wound ourselves because we lack the discipline to manage our fiscal affairs, we will make the world a very dangerous place for the future families of America. It will not be difficult for our world adversaries to know that if we do not care for our financial health, we will be unable to defend our freedom here or anywhere else in the world.

I have but one request, Mr. President. I hope that every American family will take a look at this very simple chart that says within 10 years, we will consume all U.S. revenues with but five expenditures—Social Security, Medicare, Medicaid, Federal retirement, and the interest on debt—and put that chart on their kitchen table and contemplate what that means to the planned retirement of the parents, to the aspirations for education and jobs of the children, and the future of their country. I believe, from around that kitchen table, will come the will and the resolve to confront this great moral challenge for the United States.

I ask them to do this for themselves, Mr. President, and for their families, and for this Union.

Mr. President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 35 minutes.

HOW TO PROCEED ON WELFARE REFORM

Mr. THOMAS. Mr. President, I am pleased today to join my freshman colleagues to discuss some of the solutions and some of the facts, the interest, that go into the Nation's welfare system.

Before the debate on welfare reform can proceed, however, it seems to me that we have to make some stipulations. We have to begin with the basic premise, the premise that everyone in this Chamber is compassionate about helping over 26 million people climb out of poverty. That is not the question.

I think if we are really seeking some solutions to our welfare problems, some solutions to help Americans advance themselves, we have to get away from this idea of saying that this group—because they have a different view—wants to throw everybody out in the cold.

I think we do all start with that notion that every day, each person has a responsibility to make this a better place to live. With that premise, we wanted to talk some about the fundamental question of how we proceed, and what is the role of the Federal Government; how can we make changes that will cause some changes in the results of the welfare program?

Mr. President, let me first recognize the Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleague for yielding. The 11 freshman Republican Senators have made it a point to come to the Chamber and speak each week on an important topic because we have just gone through an election, have just spoken very directly with our constituents, with a large segment of the block of voters who called for change in this last election. The Presiding Officer experienced that as well, and knows the fervor with which our constituents approach the issues of reform and change.

No issue that they talked about in the last campaign had more emotional feeling to it, I think, than the issue of welfare reform. Because they not only recognized that welfare reform could result in huge savings of money to the Federal Government, but that we were destroying generations of people, creating a cycle of dependency from which too many people were finding it impossible to extricate themselves.

So it is a very personal challenge as well as a sound, prudent fiscal policy that causes us to look to the issue of welfare reform. We do that this week because we want to compliment our House colleagues for passing a meaningful fundamental welfare reform package, the first real effort to reform our failed welfare system in decades, and to say to our House colleagues: You got the ball rolling and now it is our opportunity in the Senate to take advantage of the momentum you have created, to take the legislation you have passed and to try to improve upon it if we can, and to get a bill to the President which he can sign, truly ending welfare as we know it.

The House bill, in most people's view, is not a perfect bill. But it is a very good start toward this issue of welfare reform. As I said, it is now our opportunity.

Let me just make four quick points about what I think our approach to this problem ought to be.

Our current system, I think almost everyone has now recognized, does not foster independence, and family, and responsibility—all values that we know are essential, but, instead, perpetuates both material and behavioral poverty. The most compassionate, responsible course of action that I think we can take is to find a way to free our Nation's children and families from dependency in this terribly flawed welfare system.

Toward that premise I think we should first admit that continued dramatic increases in Federal social welfare spending have failed to reduce the number of people in poverty in this

country and that more money is simply not the answer. The Federal Government has spent more than $5 trillion on social welfare programs since President Johnson declared the war on poverty, yet, according to the Congressional Budget Office figures, total spending will rise to 6 percent of the gross national product by 1998. Since the mid-1960's, poverty has actually increased from 14.7 percent to 15.1 percent today. So after spending all this money we have not eradicated poverty. It is more in our land than before.

Second, the Federal Government does not know best how to spend our hard-earned dollars. One of our colleagues gave us a test. If you inherit $100,000 and because you are a good citizen you want to, in effect, tithe a tenth of that to solve the problem of social deconstruction in our country, to whom would you give that $10,000? What organization would you give it to, to best help eradicate poverty in your own community? I daresay none of us would invest that in the U.S. Government. None of us would say the Federal Government welfare programs are pretty good, let us give the $10,000 to them. We would pick the local homeless shelter or Salvation Army or some other local group that really knows how to stretch the dollars and make the individual decisions in the community that we know work.

It is interesting, several Governors, including Tommy Thompson from Wisconsin, whose welfare roles have declined 25 percent over the past few years, have had to ask for literally hundreds of waivers from the U.S. Government in order to achieve welfare reform in their own States. So giving States more flexibility to quickly achieve welfare reform will help those in need.

Third is the point the Senator from Wyoming just made, and it is a very important point, we must end the damaging and incorrect rhetoric which suggests that somehow by reforming welfare we are going to be taking food out of the mouths of young children. This is rhetoric of the worst kind. The House bill, for example, has been criticized, but few point out that the House bill actually increases funding for school lunch programs by 4.5 percent each and every year for the next 5 years, an increase of $1 billion; and that the block grants to the States will save money and enable them to apply those funds to the children.

Fourth, the Federal Government and the States must continue to search for ways, whether they be difficult initial choices or not, which foster self-sufficiency, encourage marriage, and work. The House bill contains several such incentives. For example, we should eliminate the marriage penalty created in the Tax Code. Fathers should be required to live up to their financial responsibilities. Again, giving States the flexibility to design programs which will effectively reduce out-of-wedlock births and other similar conditions which create poverty are an important element of any welfare reform program.

There is more, but I think we make the point that there are several things that need to be done here. The House was on the right track and we in the Senate need to give our backing to that in the kind of bill we pass out of Senate and not let this momentum flag but be able to send a bill to the President.

I conclude with this point. There is a big difference between taking care of people and caring for people. Taking care of people was the philosophy of the Great Society programs. It has not worked. True compassion is caring for people in a way that provides them a hand up, not a handout. That should be the guiding philosophy to end the cycle of dependency that has been created by 40 years of misguided welfare policies. That should be the guiding philosophy of true welfare reform that comes out of the U.S. Senate.

Mr. President, I thank the Chair and the Senator from Wyoming for again getting the freshmen Members of the Senate here to talk about this important subject.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. The Senator from Arizona, I think, has made one of the key points in this whole discussion, and that is this is a compassionate society. All of us are committed to the concept that we help people help themselves. Unfortunately, almost everyone agrees that the war on poverty has failed, and that we have more of a problem now than we did when it began. That is what this is about—how do we have a better system of helping the people help themselves.

One of the persons who has worked very hard and very diligently, and I think is most knowledgeable in this area, is the Senator from Pennsylvania, who last year in the House was basically the author and principal architect of the proposal put together by the Ways and Means Committee that would accomplish some of those things.

I yield to the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Wyoming for yielding the time. I appreciate the kind words in the introduction.

I, too, want to say the Senator from Wyoming and Senator from Arizona have hit the nail on the head. I think the reason, the impetus behind us being here this morning is really to start this debate out on welfare reform with a little different tone than it took in the House of Representatives. The fact of the matter is, the debate in the House, with ample support from the national media, turned into a really disgraceful event that turned so mean-spirited and accusatory that it focused very little on what actually was going to occur and what the underlying principles were in the reform effort that were underway. It focused just on name-calling and, I think, outrageous allegations about the mean-spiritedness of the Republican proposal.

We are here this morning as the freshman class to say we have examined and are examining this proposal, and we see it as a very positive move forward in helping people get out of poverty. That is what this is all about. You will hear some say, ''The Republicans, they just want to cut people off.'' I would tell you that I would not be here today—and I do not think any of us would be here today—if we thought that was the motivation behind the welfare reform proposal, just to hurt people.

I am not in the business of hurting people. I do not like hurting people. I want to try to help folks. But I truly believe, as I think my colleagues will also state, that you do not help people, as Senator KYL said, by taking care of them, by making them dependent on you, by providing for them instead of giving them the opportunity to provide for themselves. That is not truly taking care of. That is not truly helping people.

So when you look at these proposals, look at it not as to how much are we doing for somebody, but how much are we helping them help themselves. How much opportunity are we creating; not how much are we taking care of. That is really the test here, because we know from our history that taking care of people destroys them, destroys communities, destroys families, destroys country. That is what is brewing in our communities that are heavily laden with welfare populations today. That destructive element of Government dependency is taking control and is not creating better communities, families, individuals, and neighborhoods.

I have been asked, because of my background in the House on this issue, what the prospects are here in the Senate. The general conventional wisdom is the Senate will water it down and we will get something that is just sort of tinkering with the system, that they will not be nearly as dramatic as the House. I say this: The more the Senate looks at the problem, the more we focus in and see the absolute destruction that is occurring in our neighborhoods today, the morality behind what we have to do—this is not an economic issue; providing for the poor in our society is a moral issue. We have to look at it in that context.

When you look at what we are doing to children, families, communities, and our Nation, I believe the U.S. Senate will follow the path very similar to the House of Representatives.

The chairman of the Finance Committee just yesterday said that the block grant idea has merit and that we should move forward on that track. It does have merit. Why? Because it takes all of the power and control out of this town that thinks it knows best for everybody, where we make sure that everything is taken care of from here and

that all the decisions are made here, and puts them back into the States and, more particularly, into the communities and into the families of America. That is the right direction for us to take when it comes to taking responsibility for the poor in this country. That is the right direction. I believe that is the direction we all will take here in the U.S. Senate.

It will be a dramatic bill that comes out of this Senate. It will not be a watered down version that looks very much like the system today. I do not believe the Senate will stand for that. And I think we can get bipartisan support to do it. I am encouraged by that.

There will be some who stand up and defend the status quo. They will stand up because they were the creators of the status quo, and they will defend the system and accuse anybody who wants to change it as being cruel, inhumane, and mean spirited. And they will say in many cases, as happened in the House, outrageous things about our intent.

Let me clear the air one more time about our intent. Our intent is to help people help themselves. Our intent is to get people off the welfare rolls. I find it absolutely incredulous that when you have a program in place that actually gets people off the welfare rolls, that is bad. What? A good welfare program gets more people on the welfare rolls? Is that what we want? Is that our analysis? Is that our benchmark as to what is good? Getting more people on welfare, making more people dependent? That is good? No. What is good is solving poverty, not sustaining it. Moving people off the welfare rolls is good. Decreasing those rolls is good. That is a good objective. That is what we hope to accomplish here.

Those who stand up and say so many people are going to be cut off and all these people are going to be leaving. That is good. People leaving welfare and on to productive jobs in America is good. That is what this program is going to be all about. You will hear people say, ''Well, you cannot change this. You are going to harm children.'' Folks, look at all the welfare payments, AFDC, SSI, on down the list. How many of those benefits get paid directly to the children? How many of them? The answer is none. A child in this country does not get any money paid directly to them. It all goes to parents. They all go to parents.

So when you hear this argument we are going to cut children off, we are going to hurt children, think of where the money goes and think of where that money is being spent and by whom it is being spent; not the children. I wish the money could be sent directly to those children so they could get the food and education that they need. But, unfortunately, in many cases it does not.

Let us focus in on the real problem. The people who are going to defend the status quo have put forward a plan for the past 30 or 40 years that has increased poverty, decreased hope and opportunity, has increased crime and decreased the sense of community safety and neighborhood, has increased illegitimacy from 5 percent in the midsixties—5 percent of children in this country were born out of wedlock—30 percent today and rising. As a result, we have seen a decrease in fathers taking responsibility for their children and a resulting increase in gang activity because fathers bond with other males instead of bonding with females to take care of children. It is a vicious cycle that is created by very good intentions of the people who created this system; very good intentions, but very wrong programs.

I challenge the national media to give us a break. Tell the truth. Quit printing that we are repealing the School Lunch Program when they know darned well we are increasing the money. We are cutting out, as was said in the House, the lunches, the free lunches, here in Washington by the bureaucrats who suck money from the system before it even gets to the kids. Tell the truth about what is going to go on here in the U.S. Senate with the welfare reform. Do not be afraid that your friends on the other side will not like you by telling the truth about helping people, that the Republicans can actually be kind, compassionate, and be for a more progressive and uplifting opportunity type of society for the poor. Do not be afraid of that. Stand up and tell the truth about what is going on here in the U.S. Senate.

Finally, the welfare system in this country has to change, and there are four principles we have to accomplish. First, work. The only true measure of success of a welfare program is how it gets people off welfare and into work. Work has to be a central component.

Second, there has to be a system that supports families and does not tear families apart, that supports marriage and does not foster fathers walking away from their children.

Third, it has to focus on flexibility to provide States and communities the opportunity to have programs that truly do tailor their needs to the individual families and communities and not be bureaucratic and regulatory from the Federal level.

Finally, we have to save money. We heard so much about the people program, cutting people off. The Republican program allows welfare to grow over the next 5 years 32 percent. If we did nothing, it would grow 39 percent. I do not think cutting the program that is scheduled to grow to 39 percent is mean spirited or draconian. In fact, a lot of people listening would probably say, ''Why don't you do more?'' We do not do more because we want to try to help and not just be handing out. That costs money, but it is a good investment. We are willing to make the investment of helping people get out of poverty, but we are going to stop throwing money at people who stay in poverty.

I thank the Senator from Wyoming for yielding the time. I appreciate his indulgence in my discourse. I look forward to the rest of the day.

Thank you.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Wyoming [Mr. THOMAS].

Mr. THOMAS. The Senator from Pennsylvania has obviously given a great deal of thought to this. I think it is interesting that almost everyone in this country, including President Clinton, says welfare is broken and needs to be fixed. Yet, when you begin to look at it and take the opportunity to seek to find a better way to deliver services, then we run into all of this criticism and, as the Senator says, untruths about what is really happening. But I think there is a real opportunity this time to do something.

One of the reasons is that there are people in this body who are new here and who are bringing to the body a brandnew idea, some of it having come from the campaign, some of it having come from living regular lives. And one of those is the Senator from Tennessee. I would like to yield time to him.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank the Senator from Wyoming for his leadership in this area and also the Senator from Pennsylvania for his eloquent remarks and for his leadership in this area, both in the House of Representatives and in the U.S. Senate. He, as usual, assesses the problem very precisely.

I would like to lend my remarks to my own assessment of the situation as we begin this debate because we are indeed addressing one of the most fundamental problems facing the Nation at this time. I think if one true thing can be said about the welfare system, it is that the American people have overwhelmingly concluded that we have a mess on our hands and an intractable problem that we must do something about for the preservation of our society as we know it.

Too often the program has been run by the wrong level of government, by the wrong people.

We have spent $5 trillion trying to address the welfare program in this Nation, and we have created more poverty, more out-of-wedlock births, a higher crime rate, more dependency than we ever thought would be possible. If the Federal Government had deliberately gone out and tried to wreak such havoc with $5 trillion, it would not have been able to do it, yet we have done by accident what could not be done by design.

Mr. President, I think it would be appropriate, as we address this problem, that we do so with a certain amount of humility. We are not the first people to address this problem. This is not the first time the Senate has addressed it. This is not the first time the House of

Representatives has addressed this problem. It has been with us for many years. It has been growing and growing. Many people have come up with different ideas and different people of good faith can have different ideas about this.

So I think as we proceed into this debate, we ought to be openminded. We ought to be constructive. I think there is only one thing that we should not tolerate and that is the status quo. We have a miserable system now that is in large part participating in the decline of the United States of America; a country that we have all grown up in and has been the strongest, most powerful and most respected Nation not only in the world but in the history of the world.

The time has come for change. It seems to me these problems fester and are debated for years on end, but finally there comes a time when we really have to face up to them. I think we are beginning to do that in the Senate, and in the Congress of the United States with regard to many areas for the first time. We are talking about changing the way we do business in the Congress of the United States, and there is no more clear example of that than our approach to the problems in our welfare system.

I think that going into it we can certainly conclude there are certain things that have been proven not to work. We know, for example, that merely throwing money into a failed system is not the answer. We could have taken all of the assets of all the Fortune 500 companies in America and given those assets to the poor and still have saved money. That alone gives us some indication of the amount of money we have poured into a system, and a rising poverty level indicates the results we have achieved from that money.

I think it is also clear that large Federal programs are not the answer. We are now talking about workfare. We are talking about job training as if this was the first time these ideas have come about. Some people think if you take a little more money out of this pot and put it in here or if we reduce a program a little bit and add it to another, if we fine tune it enough, we are smart enough that we can come up with the right solution to solve this problem from Washington, DC.

We have been trying this for 30 years to no avail. We are dealing with a single problem, and that is poverty. It is a problem that has many causes. We are trying with one set of overlay programs from Washington, DC, to cover situations where on the one hand we have a person who is trying to get off welfare and trying their best to get out of a temporary hardship; on the other hand we have people who have been on welfare for generations and have no interest in working until they are absolutely forced to do so. The same program from Washington, DC, cannot cover the myriad of conditions and circumstances that we face.

There are certain principles we can adhere to as we begin to address this problem, and one is that we must give the States more flexibility. We must get this problem down closer to the people who can see their neighbors, who know the person down the street or across the way, and who knows who is trying and who is not trying and who legitimately needs help and who should be told it is time to go to work. All of the innovation that has taken place in this country with regard to the welfare problem in the last decade has been at the State and local level.

We have to take advantage of those innovations and those remarkable Governors we see all across this Nation who are coming up with solutions and trying different things under heavy criticism and heavy barrages of acrimonious statements but are standing tall and standing strong and changing those programs and showing that certain basic programs and changes of motivation of people can really work and help the system.

We should not be embarrassed to ask local churches, local communities, private organizations to step up to the plate and do more. That is the way it used to be in this country. It is not turning back the clock. It is a way of moving forward. I still believe that this country is full of well-meaning, caring, big-hearted people who, if they knew the nature of the problem, they knew someone down the way who really was having a hard time, would be willing to jump in and lend a hand. If it were brought to our attention and we had the responsibility and felt the responsibility to do something about it, there are millions of people out there who would be willing to step forward and do something about it. They cannot take care of the whole problem, and we cannot turn over the whole problem to them overnight, but they have to be brought back into the system. People have to feel a sense of responsibility for their neighbors the way they used to in this country.

We have to have a system that pays more to work than it does not to work. As I travel around the State of Tennessee and go into these little restaurants and coffee shops and see these young women working hard, many hours a day, some of them with a child or maybe two children at home, never been on welfare, you talk to them, working at low-wage jobs trying their best, working hard, and they see someone down the street from them or across the road who does not work, who has never worked and are netting out more than they are in terms of take-home pay, they see that, Mr. President. People see that. It has a debilitating effect on them and our country. It has a debilitating effect on these people, young people especially, who are not into the welfare mentality, who have worked all their lives and want to work, and we are delivering a message to them that really it pays more sometimes not to work.

We have to change a system like that. As the Senator from Pennsylvania pointed out, there will be those against reform. There will be those who want to stay with the status quo. A lot of people have done very well on the system that we have. A lot of people in Washington, DC, elected representatives over the years by sending out more money and getting more votes have done very well for themselves under the current system. Certainly the bureaucracies that run the tremendous system that we have now, that siphon off most of the money before it ever gets to anybody that it can help, have done very well under the system. They will come up with every horror story known to man to keep from having to do without a little more money for their agency or a few less jobs as we try to move this down to the State and local level where the problem is and where people know what to do better to solve that problem.

So, Mr. President, these are my observations as we go into this debate. We have a problem on which we all agree. We all know that we have been trying for years to do something about it, essentially nibbling around the edges. I think we have all concluded now that the time has come for action; that we must take bold action; we must change. We are better than this. We cannot go down the road to destruction of this Nation. The people who genuinely need help in this country deserve a better system, and the people who work hard for a living and pay for this system deserve better.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes and 24 seconds remaining.

Mr. THOMAS. Mr. President, we got started a little late. We would like to have about 15 more minutes, if there is no objection.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. THOMAS. Mr. President, I think it is exciting; I think it is exciting that Senators like the Senator from Tennessee and others are willing to take a look at this program. It has been a long time since we have said: Does this program work? What are the results? How do we measure the results? What is the measurement of success?

Instead of that, over the years, we have simply said: We have a program. It is not working. Let us put some more money in to make it bigger.

Now we have an exciting opportunity, and that opportunity is to evaluate it, to change it, to find better systems, to look for duplications, and to eliminate some of the things that do not work.

One of our colleagues who has had an opportunity to work with this very closely at the local level as Lieutenant Governor is the Senator from Ohio. I yield to the Senator.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, let me first thank the Senator from Wyoming for putting this group together this morning. His comments are certainly well taken, as are the comments of my colleagues from Arizona, Pennsylvania, and Tennessee.

I think it is fitting and appropriate that the new Members of the Senate, who just finished the campaign, just finished talking directly to the American people, should be the ones who are on the floor this morning talking about welfare reform, because I am sure that the experience my friend from Wyoming, or my friends from Tennessee, Pennsylvania, and Arizona, had was the same experience that I had.

I could not find one person—not one person—in the State of Ohio who thought welfare worked. And that included people who were on welfare. It included taxpayers. It included the average citizens, whom I see day after day after day. I could not find anybody who thought welfare works. So it is appropriate that we, really, in this country engage in this national debate.

Mr. President, the House has just concluded this debate and the Senate will take up this debate in a few weeks. In this debate, we seem to be focusing on adults, on money, on jobs. But, Mr. President, underlying all these considerations is really the future of our children, because that is really what this debate is all about. It is about our children. It is about breaking the cycle of poverty. It is about breaking the cycle of despair.

We are, it is true, Mr. President, trying to rescue the adults who are trapped in the welfare system. But if we are brutally frank and honest with ourselves, I think most of us will admit that it is our concern for the children that really underlies this debate and makes it so imperative that we do something, that we do something different.

Fixing welfare will not be easy, and it will not be done overnight. And fixing welfare, frankly, is not all we have to do. We also have to tackle the broader problems of violence, poverty, and lack of education that is posing such a threat to the well-being of our country's children.

Mr. President, the fact is that America's children are in crisis, and welfare dependency is part of the cause of that crisis.

The statistics in regard to our young people today are absolutely staggering and frightening. In 1960, about 5 percent of the children born in America were illegitimate. Today, almost one-third are. In some major cities, that figure is now at two-thirds, and in some cities, even higher than that.

Since 1972, the rate of children having children has doubled. What happens to these children, Mr. President? According to the Congressional Budget Office, half of all teenage unwed mothers are on public assistance within 1 year of having their first child, and within 5 years, 77 percent are on public assistance. This takes a huge toll on the children. The poverty rate among children is the highest of any age group in the country.

Our young people today are the only age group in America—listen to this—the only age group in America that does not have a longer life expectancy than their parents did at the same age. A recent study revealed that of the children born to a married adult with a high school education, only 8 percent live in poverty. But of the children born to unmarried minors without a high school diploma, 80 percent live in poverty.

The children born out of wedlock are three times more likely than the children of married parents to become welfare clients when they grow up.

What kind of a life are these children being prepared for? What kind of values are they learning in a family where many times no one works, and bare subsistence income is given by, frankly, a distant and grudging Federal Government?

Mr. President, what do we do? That is what we are going to be talking about in the weeks and months ahead.

I think it might be tempting, particularly for those of us on this side of the aisle, now that Republicans control the Senate and Republicans control the House, to once again do what we have done in this country time and time and time again, and that is to impose a Washington solution on this problem. I think, however, Mr. President, that would be a mistake. I think it is very tempting to do this now that we are in control, but I believe it would be a grave mistake because history has simply taught us that Washington does not have all the answers.

I do believe that there will be times, as we debate this bill and this reform, when I will vote for some uniformity. I think, for example, that it makes eminent sense in the area of child support enforcement, an area that has been a problem for many, many years, to have more uniformity, to have more cooperation between the States. I saw this 20 years ago as a young assistant county prosecuting attorney when we tried to enforce child support. I saw the problems we had in going from State to State to State. I think uniformity in that area does make sense.

But I think, in most cases, we are going to be much better off in allowing the Governors, the legislators, and the people of the States to design their own programs.

Too often, Mr. President, we think, here in Washington, we have all the answers. Indeed, the crisis of welfare dependency in today's America is, I believe, in large measure a consequence of Federal policies written right here in this Capitol.

Mr. President, to be very blunt, I do not believe we should replace the Democratic Party's version of Federal micromanagement with the Republican version of Federal micromanagement of our welfare system. I think it would be a mistake. The answers are not here in Washington, not even on this side of the aisle.

If we are going to find answers, we need to be looking to the States and the local communities.

My colleague from Tennessee, Mr. THOMPSON, said it very, very well. Who better knows their neighbors, their friends, their communities? Who better knows the solution to this problem than the people of the local community?

I believe, Mr. President, that welfare reform experiments in Ohio, Wisconsin, Michigan, and other States do in fact show a great deal of promise. But we should not try to force all States into a single mold. We still have a great deal to learn about what works in welfare, and we certainly know already what does not work.

We should not standardize the Federal solution to which all States and communities have to conform. We need the States to continue to experiment, to be the laboratories of democracy, and to lead the way toward a 21st century welfare system in this country that does, in fact, work.

Finally, Mr. President, we, I believe, as we approach this welfare debate, must always remember that welfare is not, first and foremost, a money problem. Over the last few weeks, we have heard a great deal about the money side of welfare, and that is quite natural. Some say we are taking money away from the needy. Others say we are saving money for the taxpayers.

But beyond the welfare debate in regard to money is something much more important, and that is human beings, and that is young children.

The problem, frankly, Mr. President, is the kind of culture we are building in this country and the kind of lives America's children will inherit.

As we begin this debate, I propose a very radical solution. It is particularly radical for this town and this city, this Capitol Building, this Chamber. And the radical solution is to say, ''We don't have all the wisdom here. We don't know all the answers.''

Let us trust the States to be the laboratories of democracy. Let us turn back power to the States and let them try things, and let them find out what will work and what will not work.

They cannot do a worse job than the Federal Government has done. That may be a radical solution. It may be something that is foreign to Congress in the past. Quite frankly, Mr. President, we have tried everything else. I think it is time for a radical solution, a radical change, and I think, quite frankly, that it will work. Thank you very much.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to wrap up our focus, our effort this morning.

Let me just say, again, that I congratulate the House on what they have done. I think they moved forward. I think they have examined and have come up with new ideas. Do I support all of it? Probably not. Is it a perfect bill? Of course not. But it gives us an opportunity to take a new look at something that needs a new look.

What we are seeking is the best way to deliver services, the best way to help people help themselves, to find a way to help people who need help back into the workplace. That is what it is all about. That is the purpose of this program.

I went into our welfare office in Casper, WY. I expected to find a staff that was very defensive when we talked about change. That is not true. They felt frustrated with the program that they now have to administer. The director showed me this whole shelf full of regulations. He said, ''God, I spend half my time working on regulations.'' They come from different Departments. They come from Agriculture, they come from Housing, they come from the welfare program. We need to put them together so that they do work.

We try to do something to encourage people to work, and if a mother on AFDC does not have a job or does not look for one or does not do what is required, they seek to reduce the payments. They reduce the payments here and they go up in food stamps, they go up in housing. They are very frustrated that they are not being able to accomplish what they want to accomplish.

There is a perception that more Government is needed by some, that more money is needed. Since the war on poverty, the Federal Government has spent nearly $5 trillion on social welfare programs. Federal, State and local governments combined now spend $350 billion a year, 20 percent more than the Government spends on national defense.

Separate Medicaid from food stamps and aid to families with dependent children and you find a program that costs taxpayers approximately $90 billion a year, more than five times what it was in 1981.

Specifically, the Federal share for Medicaid spending in the State of Wyoming has grown from $42 million to over $107 million from 1990 to 1994. The State's share for that program has grown from $24 to $61 million in that same period of time. And we all know what the results have been.

We have heard a great deal of criticism from the administration regarding the Republicans' efforts to reform welfare. On the other hand, that is what the President talked about when he came here. He said, ''We're going to change welfare as we know it.'' Unfortunately, we have not heard much lately from the administration. The proposal introduced by the President in 1994 exempted all welfare mothers born before 1972 and proposed $9.3 billion in additional spending. Exempting 80 percent of the current caseload is not an answer, nor is the infusion of more money without change.

So what we are talking about is a great opportunity to provide real help, to provide a system that delivers the help to the people who need the help, not take it off on the way there.

I hope that we can start, as we said in the beginning, with a stipulation that everyone in this place is compassionate about children, everyone in this place wants to find a system that works and that we do not polarize ourselves by saying, ''These folks want to throw everybody out; these folks want to help everybody.'' That is not the case.

Like the Senator from Pennsylvania, I call on the media to help, to help really say what the facts are, to really lay out that cuts are not cuts, reductions in spending proposals are not cuts, that consolidation of programs can end up with more benefit to recipients, and that is where we are.

Mr. President, we appreciate this opportunity in the morning time, and we look forward to participating in developing a program of assistance to Americans that will bring them out of poverty and into the workplace.

I yield the floor.

GREEK INDEPENDENCE DAY

Mr. PRESSLER. Mr. President, last Saturday the people of Greece celebrated 172 years of Greek independence from the Ottoman Empire. The Greek emancipation from the reins of tyranny brings to mind our own ancestors' struggle for freedom. Greece and the United States share a common struggle rooted in a common philosophy of liberty and self-governance put forth by the ancient Greeks.

Thomas Jefferson looked to the ancient Greeks when he made the case for representative democracy. Jefferson once said, '' * * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness.'' The Declaration of Independence closely mirrors the ideals of ancient Greek philosophers. Greek Independence Day not only commemorates Greece's victory over oppression, but also celebrates deeply rooted philosophical symmetry—one honed by great statesmen from Aristotle to Thomas Jefferson.

America's relationship with the Greeks came full circle when, on the eve of their revolution for independence, the Greek commander in chief, Petros Mavomichalis implored Americans for assistance:

> Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you . . . it is for you, citizens of America, to crown this glory.

Cognizant of the familiar ideals upon which the United States was founded, Greeks emigrated to the United States en masse during the early 1900's. Thus, generations of Greek-Americans have been able to contribute to the reaffirmation of their ancestors' political philosophies.

Greek immigrants emulated their ancestors' drive for knowledge. By 1970, Greek-Americans already topped other ethnic groups in median educational achievement. Combined with this intellectual drive, Greeks brought with them a diligent work ethic. Greek Independence Day also gives us an opportunity to pay special tribute to the industrious traditions of Greek-Americans and their outstanding contribution to our society.

I take this opportunity to wish all Greeks, whether they be in Greece or my home State of South Dakota, the very best during this 172d year of Greek independence.

TRIBUTE TO JENNIE BLAIR

Mr. HEFLIN. Mr. President, the Democratic Party of Alabama lost one of its most ardent supporters and activists on March 12, when Madison County Chairwoman Jennie Blair passed away. She was a strong, dedicated woman who contributed greatly to her State and community over the years.

Jennie was a very eloquent spokesperson for the causes and programs that help the people who are least able to help themselves. She was a positive force for good. Activists on the other side felt a kindred spirit with her, and also felt the loss.

She was a retired South Central Bell employee and labor activist who had long been involved in local Democratic Party politics. Just last month, Jennie was elected to a 4-year term as Madison County chairwoman. Huntsville, Alabama's third-largest city, is located in Madison.

A native of Lincoln County, TN, she was a member of the Communications Workers of America and a delegate to the Democratic National Convention. She held many other leadership positions in the State and national party, and played a pivotal role in the 1992 convention.

Jennie Blair's determination, energy, enthusiasm, and drive will be sorely missed by those who knew and worked with and against her. She took her politics seriously, and truly believed in the principles of the Democratic Party. She believed that Government can be a positive force in people's lives and was never shy about expressing that view. She was a dynamic example of the best things about politics and public service.

RECOGNITION OF INAH MAE ABRAMSON

Mr. HEFLIN. Mr. President, we all know those special people who just seem to epitomize selfless devotion and service to others. They cheerfully go about helping others in numerous ways that help to brighten countless lives, asking for nothing in return.

One such woman is Inah Mae Abramson, of Florence, AL, who was the subject of a recent article in her local newspaper. I ask unanimous consent that a copy of the article, which appeared in the Florence TimesDaily, be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it so ordered.

(See exhibit 1.)

Mr. HEFLIN. I want to commend and congratulate Inah Mae Abramson for the hard work, love of people, generous spirit, and genuine concern she always displays through service to those around her. She truly is a living example of civility, dedication, affection, and love.

EXHIBIT 1

[From the Florence (AL) TimesDaily]

WORK THAT'S NEVER DONE: ABRAMSON BELIEVES IN PUTTING HERSELF LAST, DOING GOOD DEEDS FOR OTHERS

(By Lucille Prince)

The old saying ''Man may work from sun to sun, but women's work is never done'' still applies to Inah Mae Abramson, even though she retired 28 years ago.

When she is not busy in her office at home, she's out visiting the sick, the elderly or people in nursing homes working at the community center or attending a church meeting.

One of her pet projects is sending ''sunshine cards,'' and she keeps an assortment of cards on hand. She has special cards that are sold by the United Methodist Women of Wesley Chapel, with proceeds going to missions. She is the secretary-treasurer of the historic cemetery located at Wesley Chapel.

A charter member of the Florence Business and Professional Women's club, she has served the club as president, secretary, treasurer, district director and member of the state board. For six years, she was chairman of the BPW Santa Claus, securing gifts for mental hospitals.

Abramson was once head of a BPW fund to secure a piano, stereo and speaker stand for Mitchell-Hollingsworth Annex. This was accomplished when Dr. C.F. Lucky made a memorial for his mother toward purchase of a piano. The club simply completed this project.

During World War II, she wrote regularly to all men from her church and places of employment who were in service, and she sent them small gifts.

''I love to do things for people,'' Abramson said. ''My parents, James Emmett and Annie B. Darby Young, were Christians. Mama said that if you do other people good and put yourself last, you'll come out on top.''

The various awards Abramson has received indicate that she listened to her mother.

In 1960, the Florence Business and Professional Women's Club named her Women of the Year.

In 1967, she received the first Special Citizen Award presented by the Muscle Shoals Chamber of Commerce. The award was given on Nov. 14, 1967, just 10 days before her marriage to Henry Benhart Abramson. The chamber president at that time was the late Dick Biddle.

In presenting the award, Biddle said, ''Miss Young, soon to be Mrs. Abramson, gives unselfishly to others each day of her life. She lives and appreciates people. Her family and friends know they can call on her anytime, and she is never too busy to help anyone in need. Realizing this, Gov. (George) Wallace chose her to serve as chairman of the Women's Division of Lauderdale County on the State Traffic Commission.'' (The purpose of the commission was to make motorists more aware of traffic rules.)

In 1987, she was named Alumnus of the Year by the Central High Alumni Association.

Abramson was once given the title ''Miss Methodism'' by a district Methodist newspaper. This honor came because she was volunteer secretary for three district superintendents before the Florence District opened a full-time office.

A history enthusiast, Abramson has been a student of history all of her life. She likes to keep up with the current events, which, she reminds everyone, will soon become history.

She attended Beulah Elementary School, and was salutatorian when she finished Central High School in 1936.

''I decided on a business career and attended Bob Jones University, then located at Cleveland, Tenn.,'' she said. ''My first job was with my cousins, Murphy Brothers Store in Central Heights. I later worked for one year at the county agent's office, then worked another year for W.D. Peeler, registrar at the courthouse.''

In 1939, she accepted a job at First National Bank and worked there until 1945, the year that many men returned from World War II. She left the bank to operate Blue Bird Ice Cream and Sandwich Shop for one year.

''In November 1947, I was employed by Florence Clinic as secretary to a group of 11 physicians and remained there until October 1967,'' she said.

She vividly remembers that when the Sabine Vaccine Program was begun in Lauderdale County, Dr. J.G. Middleton was chairman. As an employee of the Florence Clinic, she became his assistant in setting up and promoting the vaccine program.

''My job was to help him set up places and times to give out the vaccine and to let people know that it was free,'' she said. ''Since I was a member of the BPW Club, I solicited the club's help in promoting this cause.''

She recalled that during the years she was with the bank and clinic, there were few electrical machines.

''There were no electric typewriters, and computers were unknown,'' she said.

''About that time, Florence was just emerging into growth,'' she added. ''Working in the bank, I knew all the attorneys in Florence at that time. Being in the customer-service department gave me a chance to know most of the patrons of the bank. In the 1940s, bank statements had not caught on, and patrons brought their passbooks in to get employees to balance their bank books for them.''

When she married at age 49, she gave up her professional career.

''I just started another career,'' she said.

Her husband was also an ardent church and community worker. As a couple, they spent much time and effort serving both the church and their community. He was one of the planners and board members of the Central Volunteer Fire Department, and she served as secretary.

Abramson said that she and her husband had 19 happy years before his death Oct. 24, 1986. She still lives in their home at Central, and she says that she is blessed with wonderful neighbors and family who are constantly with her.

Wesley Chapel and Central will always have special meaning to Abramson. She was born in the Central Heights community Feb. 16, 1918. She became a part of the church when her parents took her to a service there at age three weeks. She became a member in 1929, when the church was a part of the Cloverdale Charge of three churches and another added later. She was the charge recorder for many years. When she returned from college, she became active as a teacher, youth counselor, treasurer and a member of the United Methodist Women, then called the Woman's Missionary Society. She was district counselor of youth subdistrict events and secretary of the district Christian Workers School.

One of her former employers once introduced Inah Mae Abramson as ''a person who not only performs her work efficiently, with cheerfulness and zeal, but she always has a smile on her face and exemplifies a truly dedicated Christian woman whose work is never done.''

BIRMINGHAM-SOUTHERN COLLEGE: NAIA NATIONAL CHAMPIONS

Mr. HEFLIN. Mr. President, I want to congratulate and commend the men's basketball team of my undergraduate alma mater, Birmingham-Southern College. Birmingham-Southern won its second national title in 6 years on the night of March 20 when it defeated Pfeiffer College of North Carolina 92 to 76 in the NAIA national tournament championship game.

The Panthers of Birmingham-Southern rolled through the tournament just as they did the season, winning five games here. They ended their magnificent season with 32 straight wins and a 35–2 season overall, a school record.

I ask unanimous consent that an article from the Birmingham Post-Herald on the Panthers' basketball championship game be printed in the RECORD. I heartily congratulate Birmingham-Southern Coach Duane Reboul and all his players for their hard work, team spirit, winning attitude, and overall class. They are the epitome of champions.

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

[From the Birmingham Post-Herald, Mar. 21, 1995]

PANTHERS HIT PEAK: NAIA TITLE CROWNS SEASON

(By Richard Scott)

TULSA, OK.—It started with the lowest preseason expectations in six seasons under Coach Duane Reboul.

It ended at the highest point in six years, with a national championship adding the perfect ending to a season of highs for the Birmingham-Southern Panthers.

The fifth-seeded Panthers continued their climb toward their peak performance last night by reaching the pinnacle of NAIA basketball, beating 11th-seeded Pfeiffer 92-76 for the title.

''It's hard to put into words just how we feel after what we've accomplished this year and what we've overcome,'' senior point guard Tommy Dalley said. ''If you ever want to see what the word 'team' means, this is it. we've stepped up to meet every challenge.''

Despite being picked to finish fourth in the Southern States Conference preseason poll, the Panthers (35–2) added their second James A. Naismith national championship trophy in six years to a season that saw the Panthers extend the nation's longest winning streak to 32 games, set a school record for victories in a single season and go undefeated in 14 conference games.

But last night, the Panthers completed their seasoning ride toward their peak by opening up a tight game with a 19–9 run the final four minutes, 45 seconds of the game.

The Panthers also did it with a depth and versatility that has been at the foundation of their success. While forward James Cason had 27 points and 10 rebounds and earned the tournament most valuable player award, the Panthers also got 16 points and eight rebounds from forward Paul Fleming, 14 points off the bench from forward Eddie Walter (who sank six-of-seven shots), 10 each from reserve guard Chris Armstrong and Dalley, and seven points and 10 rebounds from Nigel Coates.

''Eddie Walter was everywhere with big plays, Fleming was slashing to the basket and Nigel to the boards,'' Raboul said. ''It was everybody. It wasn't just one player.''

The combination of eight quality players seeing at least 11 minutes each proved to be too much for Pfeiffer (25–8), especially down the stretch.

BSC opened the game with its most uncertain half of the tournament and trailed by four, 36–32, with 3:46 left in the half.

Despite 10 first-half turnovers, the Panthers still managed to take a 45–43 lead into halftime when Walter scored on a three-point play with 48.1 seconds left and hit Cason with a lob for a layup with 5.4 seconds to go.

Walter also helped BSC get off to a good start in the second half with a three-point shot that put BSC up 50–45 at 17:28.

Then the Panthers finally hit their first spurt. After a Pfeiffer basket, Dalley got BSC going with two strong assists, hitting Armstrong cutting to the basket for a layup and then feeding Fleming under the basket for another layup. When Marvin Graves' three-pointer rolled in and out for Pfeiffer, Armstrong nailed a 24-footer from the top of the key for a 57–47 lead and a Pfeiffer time-out at 13:28.

When the Falcons cut BSC's lead to 65–60, Walter came through with another big play. This time, he out-leaped a taller opponent for what seemed to be an impossible rebound and fed Damon Wilcox for a layup on the way down. Then he rebounded a Dailey miss and put it back to put the lead back at 10, 71–61, at 7:24.

But with 5:05 left, the Falcons still trailed by just six, 73–67, and the Panthers needed one of those knockout punches they have used to put opponents away all season.

''The first half was a war,'' Reboul said, ''but we had a few more players than they did and I think that took its toll.''

Fleming drew the first blood, with a drive for a three-point play and a 75–67 lead at 4:21. Then another drive by Fleming led to a 78–67 lead at 4:21.

On Pfeiffer's next trip down the floor, Dalley came upon with a loose ball and hit Walter downcourt with a long bomb. Walter could have taken it in himself but he have up to Cason for an uncontested dunk and BSC's largest lead, 80–67, at 3:49.

''I thought they played with great effort, great energy and great enthusiasm,'' Reboul said. ''The game was tight and we realized it, but one thing we've had all year long is competitors.''

The way the Panthers played during the final five minutes brought back something Reboul said just minutes before the game.

''The saddest part of all this is that it ends tonight, no matter what,'' he sad. ''It's been a great season.''

A great season that ended at the top of the peak.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID ''YES''

Mr. HELMS. Mr. President, the enormous Federal debt, which has already soared into the stratosphere, is in about the same category as the weather: Everybody talks about it but almost nobody had undertaken to do anything about it—until, that is, immediately following the November elections.

When the 104th Congress convened in January, the U.S. House of Representatives promptly approved a balanced budget amendment to the U.S. Constitution. And in the Senate, while all but one of the 54 Republicans supported the balanced budget amendment, only 13 Democrats supported it. Thus, the balanced budget amendment failed by one vote—but there'll be another vote on it later this year or next year.

This episode—the one-vote loss in the Senate—emphasizes the fact that too many politicians talk a good game, when they are back home, about bringing Federal deficits and the Federal debt under control. But then they come back to Washington and vote in support of bloated spending bills rolling through the Senate.

As of the close of business yesterday, Monday, March 27, the Federal debt stood, down to the penny, at exactly $4,847,680,358,682.01. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government must never be able to spend even a dime unless and until authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

So, don't be misled by politicians who falsely declare that the Federal debt was run up by some previous President. These passing-the-buck declarations are false because, as I said earlier, the Congress of the United States is the culprit. The Senate and the House of Representatives have been the big spenders for the better part of 50 years.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred a few years previously.

Which sort of puts it in perspective—does it not?—that it was Congress that ran up this incredible Federal debt totaling 4,847 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 847 billion, 680 million, 358 thousand, 682 dollars, and 1 cent. It'll be even greater at closing time today.

SELF-EMPLOYED HEALTH INSURANCE COSTS DEDUCTION

Mr. HATCH. Mr. President, I rise today to express my support for H.R. 831, a bill that will finally provide long-promised relief for farmers and other self-employed taxpayers who must pay for their own health insurance expenses. I am very pleased that this measure passed the Senate on Friday. And, I congratulate my colleagues on both sides of the aisle for acting promptly on this legislation.

The 25-percent deduction for the health insurance costs for the self-employed and farmers expired on December 31, 1993. All during the long debate on health care reform last year, both Congress and the Clinton administration in effect promised these taxpayers that, as part of the final bill, their deductions for health insurance costs would be reinstated and made permanent. When our efforts to forge a workable health care reform package broke down last year, so did our promise to extend the health insurance deduction.

Unfortunately, this congressional inaction has left over 3 million taxpayers in a tight spot with respect to their 1994 tax returns. Over 60,000 of these taxpayers are in my home State of Utah. Because of our repeated promises to extend the deduction to cover 1994, many of these taxpayers have held off the filing of their 1994 tax returns. This is because if the extension is enacted, they can deduct a portion of their 1994 health insurance costs and thus lower their tax bill for the year. However, if the bill is not enacted until after the due date for filing 1994 tax returns, April 17, 1995, all of these taxpayers will have to file amended tax returns.

Each day that passes without final action on this bill means thousands of taxpayers will be subject to the extra time, expense, and bother of filing an amended return. This is because many self-employed taxpayers do not want to wait for the last minute to file their tax return. Sometimes it seems that only Congress waits until the last minute to do important things.

Many taxpayers have already had to file their returns. We have already missed the deadline for those taxpayers who are engaged in the business of farming or ranching. Because of the estimated payment rules, those taxpayers face a practical deadline of March 1 for their tax returns. Therefore, many thousands of taxpayers are already facing the prospect of filing an amended tax return, because of slow congressional action.

In case some of our colleagues mistakenly believe that filing an amended tax return is merely a minor inconvenience, Mr. President, let me mention a couple of facts that may clarify this. First off, we need to recognize that filing an amended tax return is no simple

affair for the those who are intimidated by IRS tax forms, and who is not? There is a special form, called Form 1040X, which comes with its own special instructions, that is used for making corrections to a previously filed tax return. Getting one of these forms usually requires a trip to the post office or library. This form is much different than the normal Form 1040. Filling it out requires time and effort in reading and understanding the instructions. In essence, the taxpayer must recompute his or her tax after including the deduction for the health care insurance. This can be complicated and confusing.

As all of my colleagues know, many taxpayers do not even bother to fill out their own tax returns. They have concluded that our tax system is so complex and intimidating that they pay professionals to prepare their returns for them. These taxpayers face an additional burden beyond the hassle of having to go find a Form 1040X and learning how to fill it in. They must go back to their tax preparer and have him or her file the amended return. This means additional cost.

And, frankly, the processing of amended returns is not free for the IRS either. It just seems sensible to me that Congress get this legislation passed in a timely fashion.

Not only does H.R. 831 take care of the deduction for 1994, it also makes the deduction permanent at 30 percent. This is an important feature of the bill and positive move toward better tax policy. I have long been troubled by Congress' tendency toward making certain tax provisions temporary. Temporary tax provisions make for poor tax policy, plain and simple. They also increase taxpayer cynicism for Congress. By making the deduction permanent, H.R. 831 will increase taxpayers' confidence in our tax system and assist them in planning.

I am also glad to see that the Finance Committee was able to increase the percentage of the deduction from 25 to 30 percent. However, we must not forget that our ultimate goal for this deduction should be to increase it to 100 percent. This is a matter of fairness, Mr. President. The fact of the matter is that our tax system discriminates against the self-employed, in that individuals who work for corporations as employees are allowed to totally exclude 100 percent of their employer-provided health insurance. This is equivalent to a 100-percent deduction. Why should a worker who takes risks by creating a business and working for himself or herself be penalized by only being able to deduct a portion of his or her health care expenses? Our tax code should encourage entrepreneurship, not discourage it. So, I hope we can increase the percentage of deductibility up to 100 percent later this year.

Mr. President, I am most pleased that the majority leader was able to gain a unanimous-consent agreement to consider this bill in an expedited manner and to keep it clean of all amendments. This shows that my colleagues agree that, in the midst of many important issues, enacting this bill as soon as possible to avoid extra time, hassle, and expense for these taxpayers, stands out as the most important priority today. I congratulate Senator DOLE for his leadership and all of my colleagues for their bipartisanship and forbearance in attempting to amend this bill.

I especially want to thank those Senators who have expressed major reservations with the revenue offsets contained in the bill for agreeing to the unanimous-consent agreement. Like most bills considered by Congress, this one is far from perfect. H.R. 831 includes some particularly interesting, though controversial, provisions that have been included to offset the revenue loss associated with extending and making permanent the deduction for health insurance expenses.

Indeed, I have my own concerns about two of these provisions. First, I am not pleased with the portion of the bill that retroactively repeals section 1071 of the Internal Revenue Code, dealing with minority tax certificates for the sale of broadcast or cable facilities. I recognize that many of our colleagues believe that this provision represented an unwarranted tax benefit, or even a huge loophole, that needed to be retroactively closed. However, by setting the effective date of the repeal of section 1071 to a date prior to the date of enactment of this bill, we will cause a handful of taxpayers who had consummated or nearly consummated transactions in full reliance on the law to suffer financial setbacks. I do not believe that this is fair. Nevertheless, Mr. President, because the greater need of immediately taking care of the long-promised health insurance deduction for millions of self-employed taxpayers outweighs the fairness concern for a handful of taxpayers, I did not attempt to change this bill in the Finance Committee.

I am also less than satisfied that the provisions dealing with taxing those who renounce their U.S. citizenship are the best that we could do. The Finance Subcommittee on Taxation held a hearing on this issue this week, and we heard a great deal of concern from the witnesses that this provision should be changed to ensure fairness and consistency with sound tax policy. Again, because of the necessity of moving this bill toward final passage in the fastest possible manner, I have withheld from offering any amendments to improve this provision. As this bill goes to conference with the House, I would urge the conferees to see if improvements can be made, so long as those improvements do not delay enactment of the bill.

In conclusion, Mr. President, I again want to thank the leaders and our colleagues for showing a great deal of leadership and restraint in bringing this matter to the floor under an agreement that lets us move this bill quickly. This is what our constituents want and this is what makes the most sense from a tax policy point of view.

INDIAN SOCIAL SERVICES BLOCK GRANTS

Mr. BAUCUS. Mr. President, S. 285 would bring some fairness to our Federal social services program by setting aside 3 percent of the Federal title 20 social services block grant funds to be used solely by native American tribes and tribal organizations. This change would provide tribes with a badly needed $84 million annually for social services; including special education, rehabilitation, aid to disadvantaged children, legal support, and developmental disabilities.

Mr. President, this change must be made. There is ample evidence that many States are not treating native Americans fairly when allocating title 20 funds. A recent report by the inspector general of the Department of Health and Human Services found unfair treatment of native Americans by the States to be pervasive, with 15 of the 24 States with large native American populations allocating no title 20 funds to tribes from 1989 to 1993.

Why have native Americans been denied funds that we have appropriated? In part, this is because the Federal Government gives all title 20 funds directly to State governments instead of awarding part of the funds to tribes. Moreover, States are neither required nor encouraged to share funds with tribes as a condition of receiving title 20 funding. This is one case where ''giving money to the States'' adds another step of bureaucracy.

There are few places in America where the need for social services is greater then in Indian country. Yet these needs are obviously not being met. The tribal counsels of the Crow, Northern Cheyenne, Fort Peck, Fort Belknap, Rocky Boy, Blackfeet, and Flathead Indian Reservations in Montana have expressed their frustrations to me. We have a trust responsibility to see that the needs of our first Americans are met; that the men, women, and children living too often in poverty on Indian reservations are given an opportunity to help themselves.

In recent years, Federal funding for tribes has fallen significantly. In 1993, 471 of the 542 federally recognized tribes received no child welfare funding under title IV–B because the eligibility criteria and award formulas effectively exclude many tribes. Furthermore, although the Bureau of Indian Affairs in the Department of the Interior provides the largest amount of Federal funding for tribal child welfare services, the Indian Child Welfare Act, for example, does not assign to any Federal agency the responsibility for assuring State compliance with its requirements.

It is time to change our policy and provide direct funding to tribes under title 20.

RECOGNITION OF GLENN T. CARBERRY, NORWICH CITIZEN OF THE YEAR

Mr. DODD. Mr. President, I rise to extend my warm congratulations to attorney Glenn T. Carberry, of Norwich, CT, who was recently named Citizen of the Year by the Eastern Connecticut Chamber of Commerce.

A long-time community and political activist in Norwich, Glenn has served as vice chairman and economic development chairman of the chamber, fundraising chairman of the American Cancer Society, and director of the Norwich Lion's Club. Glenn, managing partner of the New London law firm Tobin, Levin, Carberry & O'Malley, has also served on numerous civic committees and boards, including the Mohegan Park Advisory Committee, the Eastern Connecticut Housing Opportunities Commission, and the United Community Services Commission.

The best example of Glenn's commitment to the community was his leadership of a successful community-wide effort to bring the minor league Albany Yankees to Norwich. As an avid baseball fan, Glenn studied the history of minor league baseball and envisioned enormous potential for a new Connecticut team. For months, he worked tirelessly to turn his dream into reality. Securing permits and garnering financial support from State and community leaders, Glenn was the key to the project's success. The team, now known as the Norwich Navigators, will officially open its first season in Connecticut on April 17 at the Thomas Dodd Memorial Stadium.

As a result of Glenn's efforts, thousands of families will have the opportunity to see the Norwich Navigators in action. In addition to its entertainment value, the Navigators and the team's new stadium have already had a tremendous and long-lasting impact on the regional economy. Hundreds of construction jobs have been filled, and hundreds more service-related positions will be created in the coming months. Eastern Connecticut also expects the tourism industry and local small businesses to expand and prosper because of the team.

In keeping with the tradition of the Eastern Connecticut Chamber of Commerce, Glenn has wholeheartedly championed the economic interests of eastern Connecticut. Through his advocacy of economic growth and commerce, he has provided a wonderful example of citizenship and community responsibility. He is a tremendous asset to Norwich and the entire State of Connecticut. Without question, Glenn Carberry is the Citizen of the Year.

I ask unanimous consent that an editorial from the New London Day on Glenn Carberry be printed at this point in the RECORD.

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

GLENN CARBERRY'S TALENTS—THIS NORWICH ATTORNEY HAS DEVELOPED A CLEAR VISION OF HOW SOCIAL, ECONOMIC PROGRESS DEPEND ON REGIONAL COOPERATION

The Eastern Connecticut Chamber of Commerce recognized a real go-getter in choosing attorney Glenn Carberry as citizen of the year. The award speaks most directly to his championing the successful effort to attract the Norwich Navigators' Yankee baseball team, but Mr. Carberry deserves the award for more important reasons.

He has committed his considerable talents as a lawyer, politician and economic-development specialist to shape a regional sense of community.

He understood early on what others only recently have learned and what still others have yet to understand; that economic development is regional. More than that point, however, Mr. Carberry knows that the benefits of an orderly society that prospers and offers opportunity to a broad range of citizens happen only when people understate their differences and recognize their similarities.

Mr. Carberry, who ran unsuccessfully for Congress in the 2nd District, has served as an adviser to the Rowland campaign and administration, on the Otis Library Board, in efforts to provide housing through several agencies, and as an active member of the chamber in Norwich.

The Eastern Connecticut Chamber will honor him at a dinner April 7 at the Ramada Hotel in Norwich. Perhaps the most fitting tribute to this impressive young man, however, would be continued efforts to form a regional organization that merges the Eastern Chamber with the Southeastern Connecticut Chamber of Commerce in New London.

Such a chamber would exemplify the progressive thinking and regional outlook that has made Mr. Carberry a leader for progress in this area.

CONGRATULATING RICO TYLER AND CYNTHIA HILL-LAWSON

Mr. FORD. Mr. President, I am pleased to have this opportunity today to recognize Rico Tyler and Cynthia Hill-Lawson, two secondary school teachers from the Commonwealth of Kentucky who were recently presented with Presidential Awards for Excellence in Science and Mathematics Teaching.

As you may know, the Presidential Awards for Excellence in Science and Mathematics Teaching Program was established over a decade age to recognize and reward outstanding teachers and to encourage high-quality educators to enter and remain in the teaching field. Both Rico, in his work with the astronomy program at Franklin-Simpson High School, and Cynthia, who teaches math at Beaumont Middle School in Lexington, have demonstrated that they are committed to providing a quality education to their students. I am very proud of them—as I am sure their friends, colleagues and family are—for they represent the triumphs in our educational system that often go unheralded.

Again, Mr. President, I congratulate Rico and Cynthia for this tremendous achievement and wish them many more years of success in the classroom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REGULATORY TRANSITION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 219, the Regulatory Transition Act of 1995, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Transition Act of 1995''.

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on certain significant regulatory actions is imposed and an inventory of such actions is conducted.

SEC. 3. MORATORIUM ON REGULATIONS.

(a) MORATORIUM.—During the moratorium period, a Federal agency may not take any significant regulatory action, unless permitted under section 5. Beginning 30 days after the date of enactment of this Act, the effectiveness of any significant regulatory action taken during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium, unless an exception is provided under section 5.

(b) INVENTORY OF RULEMAKING.—Not later than 30 days after the date of enactment of this Act, and on a monthly basis thereafter, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget shall conduct an inventory and publish in the Federal Register a list of all significant regulatory actions covered by subsection (a), identifying those which have been granted an exception as provided under section 5.

SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any significant regulatory action prohibited or suspended under section 3 is extended for 5 months or until the date occurring 5 months after the end of the moratorium period, whichever is later.

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

(c) IDENTIFICATION OF POSTPONED DEADLINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and

Budget shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 5. EXCEPTIONS.

(a) IN GENERAL.—Except as provided in subsection (b), section 3(a) or 4(a), or both, shall not apply to a significant regulatory action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the President, and a copy thereof to the appropriate committees of each house of the Congress;

(2) the President finds, in writing, the action is—

(A) necessary because of an imminent threat to human health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) related to a regulation that has as its principal effect fostering economic growth, repealing, narrowing, or streamlining a rule, regulation, administrative process, or otherwise reducing regulatory burdens;

(D) issued with respect to matters relating to military or foreign affairs or international trade;

(E) principally related to agency organization, management, or personnel;

(F) a routine administrative action, or principally related to public property, loans, grants, benefits, or contracts;

(G) limited to matters relating to negotiated rulemaking carried out between Indian tribes and the applicable agency under the Indian Self-Determination Act Amendments of 1994 (Public Law 103-413; 108 Stat. 4250); or

(H) limited to interpreting, implementing, or administering the internal revenue laws of the United States; and

(3) the Federal agency head publishes the finding in the Federal Register.

(b) INAPPLICABILITY OF EXCEPTIONS.—The authority provided under subsection (a) shall not apply to any action described under section 6(B)(ii).

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term ''Federal agency'' means any ''agency'' as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) MORATORIUM PERIOD.—The term ''moratorium period'' means that period of time beginning November 9, 1994, and ending on December 31, 1995, unless an Act of Congress provides an earlier termination date for such period.

(3) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any action that—

(A)(i) consists of the issuance of any substantive rule, interpretative rule, statement of agency policy, guidance, guidelines, or notice of proposed rulemaking; and

(ii) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(I) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(II) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(III) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(IV) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866; or

(B)(i) withdraws or restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency, except for those actions described under paragraph (4) (K) and (L); or

(ii) is taken to carry out—

(I) the Interagency Memorandum of Agreement Concerning Wetlands Determinations for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act (59 Fed. Reg. 2920) (referred to in this clause as the ''Memorandum of Agreement''); or

(II) any method of delineating wetlands based on the Memorandum of Agreement for purposes of carrying out subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

(4) RULE; GUIDANCE; OR GUIDELINES.—The terms ''rule'', ''guidance'', or ''guideline'' mean the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term shall not include—

(A) the approval or prescription, including on a case-by-case or consolidated case basis, for the future of rates, wages, corporate or financial structures or reorganization thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(B) any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, the Federal Home Loan Banks, or Government sponsored housing enterprises, or to protect the Federal deposit insurance funds;

(C) any action taken to ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund;

(D) any action taken in connection with the reintroduction of non-essential experimental populations of wolves before the date of the enactment of this Act;

(E) any action by the Environmental Protection Agency that would protect the public from exposure to lead from house paint, soil, or drinking water;

(F) any action to provide compensation to Persian Gulf War veterans for disability from undiagnosed illnesses, as provided under the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4647) and the amendments made by that Act;

(G) any action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines;

(H) any action that would upgrade safety and training standards for commuter airlines to the standards of major airlines;

(I) the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of the Interior pursuant to the procedures specified in the advanced notice of proposed rulemaking published on March 17, 1994, at 59 Fed. Reg. 12740 et seq., except that this subparagraph shall not apply to any such overflight in the State of Alaska;

(J) any clarification of existing responsibilities regarding highway safety warning devices;

(K) any action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action; or

(L) the granting of an application for or issuance of a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction, or taking any action necessary to permit new or improved applications of technology or allow manufacture, distribution, sale, or use of a substance or product.

(5) LICENSE.—The term ''license'' means the whole or part of an agency permit, lease, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission, including any such form of permission relating to hunting and fishing.

(6) PUBLIC PROPERTY.—The term ''public property'' means all property under the control of a Federal agency, other than land.

SEC. 7. EXCLUSIONS.

This Act shall not apply to any significant regulatory action that establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, handicap, or disability status.

SEC. 8. CIVIL ACTION.

No determination under this Act or agency interpretation under section 6(4) shall be subject to adjudicative review before an administrative tribunal or court of law.

SEC. 9. SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 410

(Purpose: To ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes)

Mr. NICKLES. Mr. President, on behalf of myself and Senators REID, BOND, and HUTCHISON, 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 Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. BOND and Mrs. HUTCHISON, proposes an amendment numbered 410.

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

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Transition Act of 1995''.

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed

in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ″joint resolution″ means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.'' (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term ''submission or publication date'' means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives,

respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term ''Federal agency'' means any ''agency'' as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term ''significant rule'' means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(3) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule. As used in this paragraph, ''rule'' has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EXEMPTION FOR MONETARY POLICY.

Nothing in this Act shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.

Mr. NICKLES. Mr. President, this is an amendment that Senator REID and myself and several other Senators discussed at length yesterday, so I do not think I have to go into too much detail.

But just to summarize what this amendment would do, this amendment would provide for a 45-day congressional review of regulations—all regulations. Significant regulation would have a moratorium. They would be suspended for 45 days.

This would give Congress an expedited procedure to where we could repeal or reject those regulations if we deem it necessary. We could reject any of the regulations, whether they be significant or whether they be smaller regulations.

We also have a look back. We can look back at the significant regulations that were enacted since November 20, 1994, and have a chance to reject or repeal those. Those regulations would not be suspended. They would still be in effect, but if Congress so desired, if we were successful in passing a resolution of disapproval through both Houses and if that resolution is signed by the President, then those regulations would be repealed.

Likewise, on any of the prospective regulations that might come out, we would have 45 days for an expedited procedure, and if Congress passed a resolution of disapproval, then those regulations would be stopped. Of course, again, the President would have the opportunity to veto that resolution and we would have the opportunity to override that veto.

Mr. President, I think this is good reform. It is a substitute to the bill as reported out of the Governmental Affairs Committee. I think, frankly, in my opinion, it is a significant improvement. I was a sponsor of the bill that came out of the Governmental Affairs Committee. We had 36 cosponsors. That is the so-called reg moratorium.

Some of my colleagues have labeled that bill draconian, they say it will be a disaster, so on. My final analysis was that bill would not do very much because the bill, as reported to the House, pertained to all regulations with lots of exceptions. When it was reported out of the Governmental Affairs Committee, it applied to significant regulations.

To put this in a framework, the administration on November 14 published in the Federal Register that they were reviewing and working on 4,500 rules and regulations that would be effective for the years 1995, 1996, and 1997—4,500. Many of those had significant economic impact. I thought we should have a review of those or stop those. But the bill that passed out of the Governmental Affairs Committee applied only to significant. That would be several hundred, maybe 800 or 900 out of the 4,500, and then the Governmental Affairs Committee had several exceptions.

We had several exceptions when we introduced the bill. I believe we had eight exceptions: For imminent public health and safety; exceptions for actions that would streamline the process and make Government work more efficiently and effectively; exceptions dealing with criminal statutes.

The Governmental Affairs Committee had a lot more exceptions. The net result was, in my opinion, the bill passed out of the Governmental Affairs Committee was a temporary moratorium. It would only last until Congress passed a comprehensive reform bill. My guess is we will probably do that in 2 or 3 months. So instead of having a year moratorium as people anticipated, the bill said it would last until the end of the year or until Congress passed a comprehensive regulatory reform bill. I think we will do that in a couple of months. I hope we do. I think it is important to do with cost-benefit analysis and risk assessment. So my guess is the temporary moratorium would only last a couple months. And then, like I said, it would apply not only to significant regulations. The bill before us gives Congress an expedited procedure to reject all regulations, whether significant or not. I think it is more permanent, because we are talking about permanent statutory change. So not only this Congress—not just for the next 100 days or for this year—but this Congress and future Congresses will have the right and the responsibility, in my opinion, to not only review, but to analyze these regulations and to reject those that we find are too expensive, reject those we find do not make sense. Again, it applies to all regulations, not just to the significant ones.

I think it is an improvement on the bill as reported out of the Governmental Affairs Committee. I thank Senator ROTH and other colleagues for their work on that. I know it was not an easy markup in conference.

I think the substitute we have today, which is supported by Senators DOLE, ROTH, and several others, is a better substitute for another reason. It is bipartisan. I want to compliment Senator REID for his cosponsoring this approach, as well as several other colleagues on the other side of the aisle that have mentioned to me they think this is a good approach. This should actually pass regardless of whether you have a Republican-controlled Congress or a Democrat-controlled Congress. This says Congress should be making the decision. Congress should use their oversight and should have the responsibility to make sure the bureaucrats, the regulators, actually follow through

with our intentions and desires on legislation. This will give us that responsibility.

I am optimistic. I think this is a good substitute, one that deserves very strong bipartisan support. I hope we have a very strong vote in the Senate later today and one that I hope my colleagues in the House would concur is an improvement over the House-passed bill and, hopefully, they will recede to the Senate when we go to conference.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, might I inquire, what is the parliamentary procedure now?

The PRESIDING OFFICER. The Senator from Oklahoma offered an amendment to the committee substitute for S. 219.

Mr. HARKIN. The substitute is the pending business?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 411 TO AMENDMENT NO. 410

(Purpose: To condemn the conviction and sentencing of American citizens held in Iraq)

Mr. HARKIN. Mr. 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 Iowa [Mr. HARKIN] proposes an amendment numbered 411 to amendment No. 410.

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

Mr. HARKIN. Mr. President, this amendment is a sense-of-the-Senate resolution and not really related to the bill at hand. But it responds to an urgent matter.

On Saturday morning, March 25, an Iraqi judge sentenced two American citizens, David Daliberti and William Barloon, to 8 years in prison for illegal entry into Iraq, under paragraph 24 of Iraq's residence law.

Apparently, the men had innocently and mistakenly entered Iraqi territory last March 13 while attempt to go visit friends at the U.N. observer mission in the demilitarized zone.

According to the State Department, no American official was present at the trial, which lasted about 1½ hours. Both Americans were represented by a court-appointed Iraqi attorney. The Polish authorities, who are representing us in Iraq, were given less than an hour's notification before the trial was to begin.

One of those Americans sentenced, William Barloon, is from New Hampton, IA. He is an engineer for the McDonnell Douglas Corp. He has lived, for the past 2 years, in Kuwait with his wife, Linda, and their three children. His family and friends are rightfully shocked, angered, and frustrated by the sentence. I share the concerns of Mr. Barloon's family and friends in Iowa and offer this amendment to publicly support them to do whatever I can to ensure the prompt and swift return of their loved one.

I have been, and my staff has been, closely monitoring the diplomatic efforts underway and have expressed my concern to the Secretary of State, Warren Christopher.

Mr. President, there is absolutely no justification for these sentences. These two Americans, who work for private contractors in Kuwait, inadvertently crossed over into Iraq when attempting to visit friends in the demilitarized zone between Iraq and Kuwait. They committed no offense justifying jail sentences. Allegations of espionage to the contrary, these men were not in Iraq for any nefarious purpose. They did not commit any criminal actions.

In addition, Mr. President, their stay in Iraq was very brief. They had then attempted to return back into Kuwait, probably when they discovered that they had crossed over. According to the State Department, they were merely charged with being in Iraq illegally, without proper documents, in violation of that country's residence law.

Mr. President, I have long been a defender of human rights throughout the world. And today I rise to speak out in defense of the human rights of two Americans unjustly sentenced to 8 years in prison for what essentially amounts to an honest mistake of not knowing where they were.

Imprisonment in this case is unconscionable. Both Mr. Daliberti and Mr. Barloon, on the basis of their fundamental human rights and humanitarian considerations, should be immediately and unconditionally released.

Finally, it has been suggested that Iraq may be seeking to take advantage of this incident as leverage in whatever real or perceived grievances Iraq has with the United States, or to gain some advantage internationally. I do not know if that is the case. I do not wish to comment on that. I just hope it is not the case. But if that is the case, then I urge them to reconsider using this incident in such a manner, because I can tell you one thing—any attempt to use this incident in such a manner can only be counterproductive, there is nothing for Iraq to gain by using this incident in the hopes of gaining leverage in bilateral or international relations.

I urge my colleagues to unanimously support this amendment. It will put the United States Senate on record as condemning Iraq's actions in this case and urges the President to take all appropriate measures to secure the immediate release of Mr. Daliberti and Mr. Barloon so they may be reunited with their family and friends.

I ask unanimous consent to have printed at this point in the RECORD two articles from The New York Times of this morning.

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

IN HOMETOWNS, SPY CHARGES BY BAGHDAD ARE DISMISSED

(By Dirk Johnson)

NEW HAMPTON, IA, March 27.—This Iowa town was draped in yellow ribbons today in a gesture of support for its native son, William Barloon, who with another American, David Daliberti, has been sentenced to an eight-year prison term in Iraq after their puzzling foray into that country two weeks ago.

Nobody here could imagine any good reason for the two men to cross the Kuwaiti border, which is marked with a 10-foot-deep, 16-foot-wide trench. Even so, friends and family of the two men, civilian workers for American defense contractors in Kuwait, scoff at the accusation by Iraq that the men were involved in underhanded activity.

''From what I know of Billy, I don't think he'd make a very good spy,'' said Kevin Kennedy, a lawyer in this town of 4,000, adding that Mr. Barloon was ''better at telling a story than keeping a secret.''

Mr. Daliberti's father, Raymond Daliberti, said it was ridiculous to believe that his soon was a spy. ''If he is, he must be the dumbest spy in the world,'' the elder Mr. Daliberti said in Jacksonville, Fla.

State Department officials, who have denounced the prison sentences, say the two men mistakenly crossed into Iraqi territory while trying to visit friends in the demilitarized zone between Kuwait and Iraq.

Mr. Barloon, 39, worked for the McDonnell Douglas Corporation in Kuwait on support crews for F–18 fighter jets. Mr. Daliberti, 41, worked for Kay and Associates, a subcontractor for McDonnell Douglas.

A spokesman for McDonnell Douglas, Tom Williams, said the men ''wound up in Iraq by accident—an honest mistake.'' He said he had no details to add to the reports of officials in Washington.

Mr. Barloon, who moved away from here in 1973, grew up in a brick-and-frame house on Hamilton Street, where his mother, Mary Rethamel, still lives. His father, Ed Barloon, a tavern owner, drowned in a quarry here when the son was about 5. As a teen-ager, he worked summers at a truck stop, and joined the Navy after his junior year in high school.

The Rev. Carl Schmitt, pastor of St. Joseph's Roman Catholic Church, whose elementary school Mr. Barloon attended, said townspeople here were indignant over the severity of the punishment imposed by Iraq.

''We feel devastated and frustrated,'' Father Schmitt said. ''People are trying to deal with the anger. I tell people we aren't going to gain anything by spreading more hatred in the world.''

Mr. Daliberti was born in Tennessee, but spent most of his childhood in Jacksonville, where his father worked as an aviator machinist at Cecil Field Naval Air Station, and where he would develop a passion for jets. After four years in the Navy and a string of civilian jobs near Jacksonville, Mr. Daliberti took a job in Kuwait three years ago as a trainer of mechanics on F–18 jets.

''He loved the people over there and was getting along great,'' his father said.

UNITED STATES DENIES TWO AMERICANS ENTERED IRAQ AS SABOTEURS

(By Steven Greenhouse)

WASHINGTON, March 27.—The Clinton Administration today rejected assertions from Baghdad that two Americans being held prisoner there had crossed into Iraq as saboteurs or spies.

White House and State Department officials said again today that the two had strayed mistakenly and innocently into Iraq while trying to visit a friend south of the border in Kuwait and did not deserve the eight-year prison sentences an Iraqi court imposed on them on Saturday.

''It was an innocent mistake,'' said Michael D. McCurry, the White House spokesman. ''These two crossed across the border and had no intention to conduct any kind of sabotage at all.'' He also denied their motive was espionage.

Saddi Mehdi Saleh, the Speaker of Iraq's Parliament, told The Associated Press today: ''We have no aggressive intentions toward these two Americans. But we have just applied Iraqi law according to the manner we do to all the foreigners who are coming for sabotage or other political reasons.''

He added: ''Sending spies or saboteurs, we reject this equation and don't agree with it. The United States of America must understand this fact.''

Mr. Saleh later denied that he had said the two Americans planned acts of sabotage. Instead, he asserted that their aim was to create an incident that would prolong United Nations sanctions against Iraq.

United States officials said today that the two men—David Daliberti, 41, of Jacksonville, Fla., and William Barloon, 39, of New Hampton, Iowa—had apparently made a wrong turn and strayed into Iraq when they were seeking to visit a Danish friend at a United Nations compound in Kuwait, a half-mile south of the Iraqi border.

According to interviews with American and United Nations officials, the two Americans drove north from Kuwait City on March 13 to visit their friend, who was in a Danish engineering unit that is part of the 1,142-member United Nations Iraq-Kuwait Observer Mission.

It is well known that many Westerners who live in Kuwait visit acquaintances who are part of the United Nations mission because alcoholic beverages are readily available in its compounds, unlike elsewhere in Kuwait.

The two, who worked on a McDonnell Douglas contract to maintain Kuwaiti military aircraft, were apparently allowed to pass into Iraq by both a United Nations border patrol and an Iraqi border patrol. Iraqi police arrested them a few minutes later when they sought to cross back into Kuwait.

One American official said ''we're as baffled as everyone else'' how they could have mistakenly entered Iraq.

Secretary of State Warren Christopher told reporters: ''The sentences were unjustified. These men strayed into Iraq and we certainly think they should be promptly released. There's no basis for the kind of sentences that were imposed.''

Mr. Christopher specifically denied suggestions that the two men were working for the Central Intelligence Agency, telling reporters, ''There is no basis for those reports.'' He said such rumors would complicate efforts to win their release ''only if'' the Iraqis ''let it complicate it.''

Mr. HARKIN. I thank the Senator from Oklahoma for letting me speak and propose this amendment at this time.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator HARKIN from Iowa, for this amendment. I am sympathetic to it and I will support it.

I might tell my colleagues we do not expect to vote now, and probably we will ask for the vote. We will check and see on the Democrat side if it is OK to vote at 12 noon. If not, we will announce the vote shortly.

I am sympathetic for a lot of reasons. Certainly it is an injustice when we have two American citizens who are working for a company, McDonnell, to be taken hostage and be sentenced for 8 years for mistakenly crossing the border.

I am sympathetic for another reason, because I found out the hard way. We had an Oklahoman that also was taken captive and held in Iraq for some time in 1993, Ken Beaty, an Oklahoman from Mustang, OK. He worked for an oil company. He was jailed for 205 days, I tell my colleague, in April 1993 through November 1993. He is 45 years old. Eventually we were successful. My colleague, Senator BOREN, Members might recall, went to Iraq to obtain his release. I hope we will have even a speedier resolution for these two individuals. Certainly it is an outrage that this type of a sentence was given for an innocent trespass. Eight years is certainly outrageous.

I concur with my colleague. The Senate should speak out in this amendment. I have no objection, and I suspect we will be voting on it around 12 o'clock.

Mr. HARKIN. If the Senator will yield, I want to thank the Senator from Oklahoma.

I know the managers of the bill—we do not want to load the bill with amendments and resolutions, but this is important. I appreciate his willingness to go away and get this up and get the Senate to express itself on this amendment. Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent to speak as in morning business.

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

MALMSTROM AIR FORCE BASE

Mr. BAUCUS. Mr. President, this weekend, the Base Closure and Realignment Commission comes to Great Falls for a hearing on the future of Malmstrom Air Force Base. And as both the Great Falls community and the BRAC Commissioners prepare for the hearing, I would like to recall a piece of history many have forgotten.

In 1942, as the United States entered the Second World War, President Roosevelt and Gen. George Marshall selected Malmstrom Air Force Base for a critically important mission. They chose this to be the main base for Lend-Lease supplies to the Soviet Army.

Over the next 3 years, 1942 to 1945, Malmstrom pilots made over 10,000 flights to the Soviet Union. They gave the Soviet Army trucks, tank parts, and other supplies crucial to the defense of Leningrad, the Battle of Kursk, and other watershed events in the European theater.

Now, you may ask, why Malmstrom?

The answer is simple. This air base is practically at the geographic center of North America. Thus it is the one place that is most secure military locations anywhere. At the same time, because flights to Europe and Northern Asia fly over the North Pole, there is no continental airbase closer to Japan and Russia than Malmstrom.

So, paradoxically, Malmstrom Air Force Base is among two very important groups: First, the bases most secure against foreign attack, and second, the bases most strategically important in wartime.

I am pleased to say that the Air Force recognizes this. In their report to the President last March 1, they said Malmstrom should remain a principal site for our land-based strategic nuclear forces.

But they also made a more puzzling recommendation. They asked the President to reverse two previous BRAC decisions, and move Malmstrom's squadron of KC–135 tanker aircraft to Florida.

Though I do not believe this would make much military sense. So I hope the BRAC Commissioners look closely at Malmstrom, listen to the community, and make the right decision to keep the tankers where they are now.

As the 1992 BRAC found, Malmstrom is a good place for the tanker squadron, and can support an expanded rather than a contracted flying mission.

That is no accident. Since the days of Roosevelt and Marshall, the Air Force has put a great deal of money into making Malmstrom a top-level base for our nuclear missiles and for the flying missile. They have done a good job; and they had good reasons to do it.

First of all, we may again need Malmstrom's service in wartime.

Everything human—whether it is technology, relations between governments, or anything else—is subject to change. But geography is not. We will

never have a better location for a strategic airbase than Malmstrom, which is both invulnerable to naval attack and as close as a continental airbase can be to Eurasia.

Second, Malmstrom is ideal for peacetime operations. The Great Falls area is perfect for Air Force training missions, because they do not call Montana the Big Sky State for nothing.

The airspace around Malmstrom is wide open. Visibility is excellent. There are no big mountains or even buildings for that matter nearby. And the weather is almost always sunny and dry. In fact, Malmstrom has the best flying weather in the area, and is already an alternative landing site for the other bases in the region. And, as the prairie is thinly populated, there are very few big metropolitan areas where frequent training missions could annoy local residents.

Third, Malmstrom will remain an ideal location for the foreseeable future. The Cascade County and Great Falls municipal governments work closely with base commanders to keep plenty of open ground between Malmstrom and the town.

Because we are a thinly populated State, the Air Force can be confident that even if there is substantial local growth, no property developer will build right up to the wire.

So disruption to the local community will always be minimal. Complaints by local citizens will be few or nonexistent. And, perhaps most important, the open ground ensures that base security will always be protected much more effectively than it could be in a heavily urban area like MacDill.

Finally, of course, Malmstrom has top-quality facilities for flying.

It has an airstrip good enough to support 10,000 Lend-Lease flights. And it has first-class maintenance capability to protect today's high-performance aircraft. In fact, Malmstrom is the only airbase in the Pacific Northwest with an anticorrosion facility.

Mr. President, we are very confident, that a careful, unbiased review will show that Malmstrom Air Force Base is an unequalled national security resource. Its strategic location, excellent flying and maintenance facilities, and multiple-mission capability make it a perfect site for this tanker squadron.

So Great Falls welcomes Commissioners Cox, Davis and Kling to the community. They can expect a warm, hospitable Montana reception. And we look forward to the chance to make our case this weekend.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the vote on the HARKIN amendment numbered 411 occur today at 2:15.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending amendment is the Harkin amendment to the Nickles amendment to the substitute.

Mr. LEAHY. Mr. President, I am presently asking recognition, and I will speak briefly and ask permission to be able to do that as in morning business.

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

A CALAMITY IN AFRICA

Mr. LEAHY. Mr. President, I have listened to the recent proposals of several Republican Senators for deep cuts in our foreign assistance program. Some of these proposals do not mention cuts specifically, but that is the thinly veiled consequence of what they propose. We pride ourselves for our generosity, but our foreign assistance accounts for less than 1 percent of the total Federal budget. These proposals would cut that even further, with the deepest cuts in the funds that go to help the neediest people in the world.

I will speak at length on this subject in the coming weeks, but I wanted to talk briefly about what are talking about if these proposals gain support.

At the same time that Republicans are pushing for drastic reductions in aid to needy American children and families, they would have us turn our backs on people around the world who are even more desperate. Let me mention one example, that was described in the Washington Post on March 17.

Uganda, once a prosperous, peaceful country, was destroyed by Idi Amin in the 1970's. Today, the average yearly income is $170 per person, and as Uganda struggles to rebuild from civil war it is being destroyed from within again. One of every fifteen Ugandans is HIV positive. Half a million Ugandan children have lost a parent to AIDS. By 1998, 10,000 Ugandan children will have died from AIDS, and another 300,000 children will be infected.

In towns like Kakuuto with 70,000 residents, 30 percent of the people are either infected with HIV or already suffering from AIDS. There are 17,000 orphans in that town alone.

The article describes a typical girl who became the head of her family at the age of 13, when her mother died from AIDS. AIDS had already killed her father. She now cares for her four younger brothers and sisters.

In 1990 I went to Uganda, and I saw the devastation caused by AIDS. I saw the heroic efforts of people there, everyday people, trying to fight the epidemic, a battle they could not possibly win without the help of countries like ours.

The article goes on to describe similar stories in Kenya, where Father Angelo D'Agostino, a Jesuit priest and a personal friend of mine, founded a home in Nairobi for AIDS orphans. He gets calls seeking a home for 100 AIDS babies every month. He has room for only 80 children, many of whom watched their parents die.

Mr. President, there are more rescissions coming from the House, and there are proposals to cut the foreign assistance program. Meanwhile, in Africa there are 10 million people infected with HIV, and the number continues to climb. Close to a million and a half are children. Many of the HIV infections were spread by sexually transmitted diseases that are common wherever there is poverty. These diseases are common in our own country, but here we have the vaccines or medicines to cure them. There they do not, and they become HIV positive, and they die.

There is no cure for AIDS. Would those who would cut the meager funds we spend to fight AIDS in places like Uganda, or India where it is spreading like wildfire among a population of a billion people, have us seal our borders? Tell future generations of Americans that if they leave our shores they cannot return?

Mr. President, this is one of a dozen examples I could mention of what will happen if we cut these foreign assistance programs. It makes a great press release today. We might just as well be sentencing our children and grandchildren to death.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, Mar. 17, 1995]

AFRICAN AIDS EPIDEMIC CREATING A SOCIETY OF ORPHANS—HUNDREDS OF THOUSANDS OF CHILDREN LEFT PARENTLESS AS SCOURGE SWEEPS THE CONTINENT

(By Stephen Buckley)

KAKUUTO, UGANDA.—Elizabeth Nakaweesi, 17, became head of her household at 13.

In 1989, her mother died of AIDS. In 1991, AIDS killed her father. That left Elizabeth to care for her four brothers and sisters, now aged 10 to 15.

Instead of spending her days in school, she spends them making straw mats and cultivating her family's half-acre of banana trees. She makes $40 a year.

''It is painful to have no parents,'' Elizabeth said recently, sitting in her family's battered clay hut. ''If they were here, they

would take care of us: we would have the things we do not have.''

Nakaweesi's plight has become a familiar one in Africa, where AIDS has left millions of children without parents and has afflicted thousands of others who contracted the AIDS virus through their mothers.

Statistics on the impact of AIDS among African children are sketchy but nonetheless grim. UNICEF predicts that by 1999, up to 5 million African children will have lost their mothers to AIDS. Of the 9.5 million people in sub-Saharan Africa who either have the human immunodeficiency virus (HIV)—which causes AIDS—or the disease itself, an estimated 1.3 million are children.

AIDS has ravaged the continent in part because of cultural mores that assent to men having simultaneous sexual partnerships with more than one woman. Researchers also have found that a high rate of nonfatal sexually transmitted diseases among both genders has made Africans more vulnerable to HIV.

AIDS specialists fear that the impact of the disease on children will slash school enrollments, roll back gains in infant morality rates and further tax family structures already shattered by political and economic crises in many African countries.

Uganda's AIDS crisis is among the most urgent in Africa, as 1.5 million of the nation's population of 17 million are HIV-positive. An estimated 519,000 Ugandan children have lost at least one parent to AIDS, and the government reports that by 1998 about 150,000 children will have died of it and another 300,000 will be infected.

''What we have seen is staggering,'' said Omwony Ojwok, director of the Uganda AIDS Commission. ''The families in particular are simply at a breaking point. You have some adults with 10 orphans in their house, plus their own children. Eventually, you run out of adults to take care of the children.''

The town of Kakuuto, three hours west of Kampala, has been hit especially hard. An estimated 30 percent of its 70,000 residents are either HIV-positive or have AIDS. Relief workers estimate that there are 17,000 orphans. Some are left on their own, but many more live with grandparents who often are too old to provide the economic '' and emotional security of a mother and father.

Alandrena Nakabiito, 62, was left with six orphans, ages 5 to 13, when two relatives died of AIDS in the early 1990s. Nakabiito, who reared four of her own children, said that she never expected to be cast in this role.

''I never thought of it,'' she said, waving her arms in her dark, narrow, two-room hut. ''I built this small house for myself.'' Now eight people, including Nakabiito's 72-year-old sister, live there.

Nakabiito said she makes about $60 a year, adding that she would work harder on her acre of land but age has drained her strength. She digs only in the morning, resting in the afternoon. The slight woman, whose hands bear scars of a hard farm life, said she is especially sad that she cannot help Lucky Nakkazi, the 13-year-old, with her studies. Lucy can go to school only because the World Vision relief organization pays fees for her and about 2,500 other orphans in Kakuuto.

''I would try to help, but I have poor sight at night,'' Nakabiito said, referring to Lucy's school work.

Lucy attends Kakuuto Central Primary School, where headmaster Kyeyune Gelazius said that 220 of his 450 students have lost parents to AIDS. he predicts that within five years, 75 percent of his students will be orphans. He said that generally their attendance is sporadic and their behavior disruptive and that they lag academically.

''They don't get the attention they need at home,'' said Gelazius, who has seen 11 relatives die of AIDS. ''Their grandparents are usually too old, and the children don't respect them.''

A study in neighboring Tanzania found that children who have lost their mothers to AIDS ''have markedly lower enrollment rates and, once enrolled, spend fewer hours in school'' than youngsters with two parents, the World Bank Research Observer reported. The same study concluded that by 2020 the AIDS death rate among children in Tanzania will have cut primary and secondary-school enrollments by 14 and 22 percent, respectively.

Doctors also fear that AIDS will wipe out improvements in infant mortality rates over the past decade. For now, the rate remains stable, but a 1994 World Bank report on AIDS in Uganda warned: ''Because of the large numbers of women carrying the virus, there are increasing numbers of infants and children infected. This together with the loss of mothers due to AIDS will increase infant and child mortality significantly.'' At the Kakuuto offices of Doctors of the World, a medical relief group, AIDS program coordinator Fred Sekyewa said babies born to mothers with AIDS have a 25 to 50 percent chance of being infected and that one in three pregnant women examined here tests HIV-positive.

Sekyewa added that many women with AIDS have babies because of cultural pressures. ''In African societies it is an abomination for a woman to die without a child,'' he said. ''A woman in her twenties who has AIDS will say, 'I must have a child now because I may die before I get the opportunity.' ''

In Nairobi, Kenya, hundreds of HIV-positive children die in hospitals annually after being abandoned by their mothers. Three years ago, the Rev. Angelo D'Agostino, a Jesuit priest, founded a home in Nairobi for such children. A surgeon and psychiatrist who taught at George Washington University for 14 years, D'Agostino said he gets calls from hospitals and social workers seeking homes for 100 AIDS babies every month.

D'Agostino, 69, has taken in about 80 children. He said that some have become healthy after receiving a steady diet of nutritious meals and attention.

''They were born with their mother's HIV antibodies, so they initially tested positive. But they never got infected,'' D'Agostino said. ''So after a while, they're fine. But usually these kids die of malnutrition or something else in a hospital; because they once tested positive, everybody gives up on them.''

The priest said that his children, most of whom are under 5, often show the strains of losing their parents. They cry for hours. They have nightmares. They stare into space.

''They talk about seeing their parents die,'' D'Agostino said. ''They talk about being alone with their 10- or 12-year-old sibling.''

Elizabeth Nakaweesi understands their pain. The teenager said she quit school in the sixth grade to care for her young siblings after her parents' deaths because ''there was nobody else to do it.''

Elizabeth's father, who died at 51, had collected taxes at the local market. Her mother, who was 39, had cultivated their plot of bananas, sweet potatoes and cassavas.

Sometimes, when crops are poor and her straw mats are not selling, Nakaweesi must beg neighbors for help. She said that without assistance from neighbors and World Vision—which pays school fees, bought her a bicycle and provides other necessities—she and brothers and sisters would not survive.

Elizabeth works hard to foster a spirit of family teamwork. After her siblings return from school, everyone works in the field before dinner. At supper time, one child fetches water. Another finds firewood. Another picks bananas. Another puts out bowls and eating utensils. Another does the cooking.

But the teenager knows that she cannot replace her parents. When she tries to speak of them, tears will in her eyes. She turns her face to the wall.

''They must be mother and father now,'' said Grace Mayanja, a staff worker with World Vision, referring to children in Kakuuto left to raise siblings. ''But in their hearts, they're still little girls.''

STOP HIDDEN KILLERS: THE GLOBAL LANDMINE CRISIS

Mr. LEAHY. Mr. President, over the years, I have spoken often about the problem of landmines. I have done so on this floor and as a member of the U.S. delegation to the United Nations, where I addressed the Disarmament Committee of the United Nations. I have been urging the U.S. Government and the United Nations to do whatever they can to stop the proliferation and use of antipersonnel landmines.

Sometimes when we think of landmines, we think of these huge floating mines in a shipping lane, but in fact, what we usually mean is a weapon about the size of a can of shoe polish. Antipersonnel landmines are tiny, and in some of them the only metal part is about the size of a thumb tack, so it is virtually impossible to detect. They cost about $2 or $3, and can be concealed beneath the surface of the ground. They are strewn by the thousands and they explode when somebody steps on them, no matter whether that person is a civilian or combatant. They kill an estimated 70 people each day. In the 2 hours since the Senate opened session this morning, at least eight people have been killed or maimed in the world from landmines. We are talking about 70 people each day, 26,000 people each year. There are an estimated 85 to 110 million landmines in 60 to 65 countries waiting to explode.

To give you some idea of this, parts of the Netherlands, and Denmark, are still too dangerous to go into, because of landmines left from World War II. But the vast majority of these hidden killers have been spread in just the past few years. In fact, even though the Russians followed our lead and declared that it would stop exporting antipersonnel landmines, that policy apparently does not apply to Chechnya. The Russians have been spreading landmines in Chechnya and doing it in such a way that nobody is ever going to know where they are—they are being dropped by the thousands out of airplanes—and there will be people, years from now, still dying and being maimed from them.

This January, at a press conference attended by representatives of some 40 countries, Secretary of State Christopher announced the release of the State Department's report ''Hidden Killers: The Global Landmine Crisis.''

It tells the gruesome story of the carnage caused by landmines.

Last year alone, on top of that 100 million or so unexploded landmines, we now have another several million that were laid, mostly in the former Yugoslavia. Estimates of the cost to locate and remove them are in the tens of billions of dollars. That does not even count the millions of mines that will be laid in the future.

Three years ago, almost nobody was paying attention to what has aptly been called a ''weapon of mass destruction in slow motion.'' Far more civilians have died and been injured by landmines than by nuclear weapons.

They are a weapon of mass destruction, they just claim their victims slowly. Then the Senate passed, by 100–0, an amendment I sponsored to halt U.S. exports of antipersonnel landmines. That is the only time I know of when the U.S. Senate acted with unanimity on an issue of this kind.

The purpose of that amendment was to focus attention of the landmine crisis and to urge other countries to join us in trying to solve it. Because the Senate acted with such unanimity—Republicans and Democrats, across the political spectrum— and spurred on by the President of the United States, Secretary of State Christopher, and U.N. Ambassador Madeleine Albright, 18 other countries have declared export moratoria. Last September, at the United Nations, President Clinton announced a U.S. goal of the eventual elimination of antipersonnel landmines. On December 15, 1994, the U.N. General Assembly adopted a U.S. resolution calling on all countries to stop exports, and for further efforts toward the goal of the eventual elimination of antipersonnel landmines.

This is the first time, Mr. President, in recent history, since the banning of chemical weapons, that the world community has singled out a type of weapon for total elimination. It reflects a growing consensus that these weapons are unacceptable because they are indiscriminate, and because they are used routinely to terrorize civilian populations.

Imagine if the area from the Capitol Building to the Washington Monument were seeded with antipersonnel landmines, each one buried in the ground and waiting to explode. Who is going to go there? What if all of New England, or all of California, were strewn with mines? That is the reality for dozens of countries where millions of people go about their daily lives in fear of losing a leg or an arm, or their children's lives, from landmines.

I remember being in Uganda several years ago. From legislation of mine, we started a program to make artificial arms and legs for people who have lost limbs from landmines. My wife, who is a registered nurse, was with me and she saw a young boy, 10 or 12 years old, hopelessly crippled from polio. She could not believe that there was someone who was crippled from polio, when there are such low-cost vaccines.

It turned out that UNICEF had sent polio vaccine to Uganda, but that little boy had not got the vaccine. The medical personnel could not go to his part of Uganda, to his village, because of the landmines strewn around there. So in a country where to survive it is necessary to be able bodied, this little boy is hopelessly crippled.

Here is a photograph of a young boy in Mozambique, Mr. President. Look at him from the waist down. There is nothing there. Those are two wooden legs. Artificial legs in a very poor country, a growing boy who will outgrow them and probably did outgrow them months after this picture was taken.

Look at this Kurdish boy. Can anyone, as human beings, as parents, look at this and not be horrified? I think of my children, when they were this age. One badly damaged leg. An arm missing at the shoulder. The other leg torn off at the knee. And these children are considered the lucky ones because they were close enough to medical care to get help. They did not die, as many do, just from the loss of blood.

These are not combatants, but these are typical of what I have seen every place I have gone in the world where they have landmines. I am told that you cannot walk down the street of Phnom-Penh without seeing people an arm or leg gone. They say that in Cambodia they are clearing the landmines an arm and a leg at a time.

Not only do these weapons endanger civilians most of all—and that is why they are terrorist weapons—but they kill and maim American soldiers, whether in combat or peacekeeping missions. They threaten our Peace Corps volunteers and other Americans who are involved in humanitarian work.

Ken Rutherford of Colorado testified here last year. He told about being in Somalia driving in his jeep, while he was working for the International Rescue Committee. He heard the blast and the bang, and the next thing he knew he was sitting in shock, holding his foot in his hand trying to reattach it to his shattered leg. Of course, that could never be. Ken has courageously gone through painful surgery after surgery, to be able to walk again.

Hidden killers is an indictment of a weapon that even Civil War General Sherman, who is not remembered as a great humanitarian, called a violation of civilized warfare over a century ago. A violation of civilized warfare. That is when a tiny number of them were used. Now there are millions.

During the month of January, officials of governments, including the United States, met in Geneva to discuss proposals for strengthening the Conventional Weapons Convention, the one existing international agreement covering the use of landmines. Signed in 1980, the Senate finally ratified it last Friday.

I want to praise the distinguished majority leader, Senator DOLE, the distinguished Democratic leader, Senator DASCHLE, and others, Senator HELMS, Senator PELL, and Senator LUGAR, for bringing the convention before the Senate for ratification.

The fact that the talks are going on in preparation for a U.N. conference next September to strengthen the 1980 convention is important by itself. The convention is universally regarded as woefully inadequate, and John Molander, the Swedish chairman of the talks, deserves credit for his efforts.

But these negotiations have shown how reluctant governments are to turn rhetoric into reality. I mentioned that Russia had said it had stopped exports of landmines. I praise President Yeltsin for that. I had talked to him about it personally, as I did Foreign Minister Kozyrev. Russia is obviously a country that has one of the largest stockpiles of landmines and they have the ability to manufacture them.

But now we see that they have no reluctance to sow them from airplanes over Chechnya. What army is being deterred by that? What army? It is the armies of old women and old men going out to find firewood to make a fire so they do not die from the cold. What army? It is an army of little children trying to go to school. Those are the armies that are terrified and maimed and killed by the indiscriminate use of landmines.

It is a blight, Mr. President, it is a blight. It is a moral blight. It is an evil blight. They should be treated the same way as we treat poison gas and chemical warfare. They do not distinguish between civilians and combatants. And yet we there are some who would have us give a Good Housekeeping seal of approval to a certain types of landmines.

Balderdash. What difference does it make? A landmine is a landmine. Cheap, deadly, long-life mines can blow the leg off the best trained, best equipped America soldier. If we treat some antipersonnel mines as acceptable, we run the risk of making the goal of eliminating them more elusive. Thousands of innocent people will continue to die. Every 15 minutes of every day of every year someone—usually an innocent civilian, often a child, or civilian—loses a leg or an arm.

Large areas of countries like Bosnia, Angola, and Cambodia have been contaminated with mines. The people cannot return to their fields to grow food, collect water, or firewood without risking their lives. Their children are being blown to pieces when they play outside or walk to school.

Refugees cannot go home. The Pakistani Ambassador to the United Nations tells me that over 1 million Afghan refugees are stranded in his country. Why? They cannot go home to Afghanistan; it is littered with landmines. And so they are in an area where they are devastating the forest, causing all kinds of problems and they

are an enormous drain on Pakistan because they cannot go back to Afghanistan.

It is a global catastrophe. People everywhere are calling for an end to this madness. Three weeks ago the Belgium Parliament voted a 5-year total ban on antipersonnel mines. Mexico, Sweden, Ireland, Estonia, Colombia, and Cambodia have already announced a total ban.

Only a year or two ago that seemed inconceivable. The United States has led the way, and we should continue to lead. We are the only superpower, and we can afford to set an example. We do not need these weapons for our security. What army is going to march against the United States? We have the most secure borders in the world.

Mr. President, we are blessed as no democracy in history has been blessed, not only with the resources of our own land and the resource of our own people, but with the security we have as a nation. But let us think what happens when we set foot outside of our country, when we send humanitarian missions, or send the men and women from our military to help in peacekeeping. We find this terrorist weapon used against us. And we are only the tip of the iceberg, because it is a terrorist weapon used most often against those who are most defenseless.

We should treat antipersonnel landmines with the same stigma as poison gas and other indiscriminate, inhumane weapons. Only when the price of using them is to be branded a war criminal and am international pariah will this mayhem stop. There are always going to be Saddam Husseins, who would commit any outrage against their own people. But they will become more and more the exception.

Last week we did take the next step. We ratified the Conventional Weapons Convention, including the landmine protocol. The United States can now participate fully in the conference to amend the convention this September. I intend to go to that conference. I think it is an important opportunity to try to give the convention the teeth it currently lacks. Between now and then I will be speaking with the President of the United States, the Secretary of State, and others, about ways to strengthen it.

Mr. President, there are some weapons that are so inhumane that they do not belong on this Earth. They do not fit in our natural law right of self-preservation and defense. Even within that natural law, and even with our right of self-defense, we do not have the right to use any kind of weapon under any circumstances. Antipersonnel landmines are so inhumane that they fall into that category. They have ruined far too many innocent lives already.

Anyone who doubts that need only look at these photographs. See what happens. I started speaking 15 minutes ago. During that time this has happened to at least one person on this Earth since I started speaking, possibly another child like these. When the Senate recesses this noon—and we all in the security of our caucuses and the security of this beautiful building, the symbol of democracy, eat our lunches—a half-dozen more people will be killed and maimed somewhere in the world. And for what? Do these children threaten anybody? These children had a life hard enough already. Now they have one leg or one arm, or, as in this case, no legs. Can you imagine what their lives are like?

I am going to speak again as I have, many, many times before, Mr. President, about this subject. I will continue to speak about it. I applaud and compliment those of my colleagues, Republicans and Democrats alike, who have joined me in this crusade.

We should tell the world that we will treat the use of antipersonnel landmines the same way that we treat poison gas and other indiscriminate, inhumane weapons, and ban them altogether.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I understand the pending business is the amendment offered by the Senator from Iowa, is that correct?

The PRESIDING OFFICER. That is correct; the Harkin amendment numbered 411.

Mr. GRAHAM. Mr. President, on Saturday, March 25, an Iraqi court sentenced two Americans, David Daliberti of Jacksonville, FL, and William Barloon of Iowa, to 8 years in prison. Their crime was an innocent and inadvertent crossing into Iraq from Kuwait.

These two men, both of whom were employed by United States contractors working in Kuwait, have been converted from free citizens working in an important area of national responsibility for Kuwait on behalf of United States contractors to prisoners in an Iraqi cell.

David Daliberti and his partner have done nothing to deserve this sentence. As the observers at the trial last Saturday stated, these men are innocent of the charges levied against them. The crossing was an honest mistake. This mistake has been admitted, but it is not a criminal offense.

The Iraqis must understand several things. First, that we will not allow them to utilize this inadvertent crossing of the border for political purposes. They must understand that their outrageous action toward these two men is the equal of the outrageous action that they have taken when they refuse to abide by the international standards that would be necessary for a lifting of the economic embargo against their country; that their use of these two men for political purposes will in no way lead to a lifting of the embargo or a modification of the U.N. resolutions regarding sanctions.

Mr. President, President Clinton should be commended for the action that he has taken in this regard. He has been steadfast, he has been personally involved and committed to see that the United States takes all efforts within its power and by organizing international forces in order to accomplish the objective of the release of these two men.

I would also like to thank the representatives of the Polish Government who represent United States interests in Baghdad. They have, as they have done in previous cases, performed a great service for this country. They have represented our interests well in the past, and I am confident that they will do so on behalf of these two Americans.

I have written to the United Nations and received assurance from Mr. Boutros Boutros-Ghali that the United Nations will do everything within its power to ensure the release of these individuals.

Mr. President, I ask unanimous consent to print in the RECORD a letter dated March 24, from the Secretary General, relative to the commitment of the United Nations, at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, there have been a variety of voices raised on this matter. The most compelling have been those of the voices of the families directly involved. The family of Mr. David Daliberti live in Jacksonville, FL. I have had the opportunity to talk with his mother, father, and last Friday with his wife, Kathy. They are, obviously, extremely distressed and anxious about the future of their son and husband.

We must convey to them that it is the commitment of the United States of America to do everything within its power to gain the safe and expeditious release of their loved ones. The same commitment will be made to the Barloon family who, I am certain, is experiencing the same level of anxiety.

The Iraqis must understand that we will hold them fully responsible for the treatment that they are according these two innocent men; that they will be held accountable in the court of international opinion and law for any adverse actions taken against these two Americans.

There have been a variety of proposals made, Mr. President, as to what we should do, ranging from diplomatic to economic to military. I personally believe that we should not take any option off the table. We should not give to Saddam Hussein the confidence that would come by his knowing what we will not do.

However, affirmatively, I believe that we should place our confidence and place our faith in the individual who has the constitutional responsibility to lead United States efforts in a matter of this type, and that is the President of the United States.

On Friday, I met with the President at the White House, and I was impressed with the degree to which he was personally knowledgeable of the minute details of this issue; that he had been in personal contact with key figures who have the capability of bringing maximum pressure upon the Iraqis, and his commitment to see that these two men are released as expeditiously and in the best possible circumstances.

So, Mr. President, I support the resolution that is before us today. I think it is important that the United States Senate send a strong signal to Baghdad as to our outrage at their action and that their action will not secure any steps which will be beneficial to the country of Iraq.

The irony is that the control of the future of Iraq and its people, the ability to lift the economic sanctions and to begin a process of restoring Iraq to a membership in an international community of law-abiding nations lies totally within the Government of Iraq itself and particularly its leader, Saddam Hussein.

For months, that regime has rejected its opportunity and responsibility to take those actions. Now they are potentially attempting to use these two innocent Americans as a lever to achieve that result.

They shall not succeed. The United States, with our international allies and with the coalition that is being organized by President Clinton, will bring both maximum force, maximum diplomatic, economic and, if necessary, other initiatives in order to achieve the release of these men, while at the same time standing firm behind the sanctions which Iraq imposed upon itself by its lawless activities.

So, Mr. President, I urge my colleagues to adopt this resolution and send the signals that have the best opportunity to achieve the release of these two men to the regime in Baghdad and to reinforce the leadership which is being provided by our President in Washington.

Thank you, Mr. President.

EXHIBIT 1

MARCH 24, 1995.

Senator BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Thank you for your letter of 23 March 1995 expressing your grave concern for the two United States citizens who have been detained by the Government of Iraq since 13 March after accidentally crossing the border between Kuwait and Iraq. Please be assured that I share your concern.

Since the incident occurred, General Krishna Thapa, the Force Commander of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), which is situated along the international border between the two countries, has been repeatedly in contact with Iraqi authorities to ascertain the whereabouts of the two individuals, obtain assurances of their well-being, and urge the Government to release them immediately.

Mr. Kofi Annan, Under-Secretary-General for Peace-keeping, has also been in touch with the Permanent Representative of Iraq to the United Nations to protest the incident and to urge the Government of Iraq to take immediate steps to obtain release of the detainees. Mr. Annan is also keeping the Permanent Representative of the United States informed of any developments in this regard as they occur.

You may be assured that the United Nations will continue to do everything we can to bring about the rapid release of the detainees. Please convey to their families my deep concern, together with my personal wishes that their families will soon be reunited.

Please accept, Sir, the assurances of my highest consideration.

BOUTROS BOUTROS-GHALI.

Mr. FEINGOLD. Mr. President, I commend the Senator from Iowa, Senator HARKIN, for his leadership on this issue. The virtual kidnaping of two innocent American businessmen by Iraq is a very serious matter.

Obviously, I will vote for this amendment because it strongly condemns the Government of Iraq for its unjustified action. I also think it empowers the President as he strives to assure the prompt release and safe exit of our two citizens from Iraq.

At the same time, though, I want to explain for the RECORD that in voting for a resolution which urges the President to ''take all appropriate action'' in this matter, I do not believe that Congress is authorizing any broad use of military action. While the President may initiate an emergency operation to rescue American citizens, any military action beyond that into Iraq would have to be specifically authorized by Congress.

I make this point, Mr. President, because I have seen in the past how sometimes we quickly and quite appropriately pass some foreign policy resolutions to express a sense of the Senate, only to have them reinterpreted as a broad authority for some unforeseen or even uncontemplated military action later. I hardly expect that to be the case with this amendment, but I wanted to set the record straight from the outset.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to conduct morning business and request that the Senate stand in recess following my remarks.

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

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON and Mr. NUNN pertaining to the introduction of S. 635 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAHAM. Mr. President, I ask unanimous consent, if I might, to be listed as an original cosponsor of the legislation just introduced by the Senator from Texas and extend my commendations to her for proposing this long-overdue reform in the treatment of our highest national military leadership.

Mrs. HUTCHISON. Mr. President, I am proud to have the Senator from Florida be an original cosponsor of the bill, and I look forward to working with him to correct this inequity that we have seen occur over the last few years.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 411

The PRESIDING OFFICER. The question occurs on amendment No. 411 offered by the Senator from Iowa [Mr. HARKIN].

On this question, 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 New Hampshire [Mr. SMITH] is necessarily absent.

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

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

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

[Rollcall Vote No. 116 Leg.]

YEAS—99

Abraham	Craig	Hatfield
Akaka	D'Amato	Heflin
Ashcroft	Daschle	Helms
Baucus	DeWine	Hollings
Bennett	Dodd	Hutchison
Biden	Dole	Inhofe
Bingaman	Domenici	Inouye
Bond	Dorgan	Jeffords
Boxer	Exon	Johnston
Bradley	Faircloth	Kassebaum
Breaux	Feingold	Kempthorne
Brown	Feinstein	Kennedy
Bryan	Ford	Kerrey
Bumpers	Frist	Kerry
Burns	Glenn	Kohl
Byrd	Gorton	Kyl
Campbell	Graham	Lautenberg
Chafee	Gramm	Leahy
Coats	Grams	Levin
Cochran	Grassley	Lieberman
Cohen	Gregg	Lott
Conrad	Harkin	Lugar
Coverdell	Hatch	Mack

McCain	Pell	Simon
McConnell	Pressler	Simpson
Mikulski	Pryor	Snowe
Moseley-Braun	Reid	Specter
Moynihan	Robb	Stevens
Murkowski	Rockefeller	Thomas
Murray	Roth	Thompson
Nickles	Santorum	Thurmond
Nunn	Sarbanes	Warner
Packwood	Shelby	Wellstone

NOT VOTING—1

Smith

So the amendment (No. 411) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter before this body?

AMENDMENT NO. 410

The PRESIDING OFFICER. The pending question is amendment No. 410, offered by the Senator from Oklahoma.

Mr. REID. Mr. President, the senior Senator from Oklahoma and I, among others, have offered this substitute to S. 219 because we believe it is a good solution to the problem of excessive bureaucratic regulation.

Mr. President, yesterday on the Senate floor, I outlined in some detail the merits of this substitute amendment. During that period of time, the Senator from Oklahoma and I, in a number of exchanges, laid the foundation for this legislation. What this is all about is the fact that we have too many regulations that, in effect, are given to us—and when I say ''us,'' I mean the American public—without the Congress having any ability whatsoever to review these regulations.

In fact, Mr. President, since the Chadha decision, the bureaucrats have, in effect, laughed at the Congress. When we were concerned about an area in which they were going to promulgate regulations, there was not a thing we could do about it because they, in effect, said you tried once to put up a legislative framework to review regulations and you were told by the Supreme Court you could not do it. So, as a result of that, I believe personally that we have had a lot of regulations that were unnecessary and, in effect, the bureaucrats have told the Congress: We will do what we want.

It is estimated by the U.S. Chamber of Commerce that complying with Federal regulations costs over $500 billion a year. The amount of time filling out paperwork for these same procedures is about 7 billion hours—not million, but billion hours. Multiply that times the minimum wage, and it is a lot of money. But, of course, it is more than minimum wage.

Mr. President, we all know that regulations serve a valid purpose if they are implemented properly and they serve the intent, what the legislature intended, in allowing them to go forward with the regulations. We all know that the workplace is a lot safer today than it was 50 years ago. We know that there are people today who are not permanently disfigured as a result of the workplace rules that are in place.

We have an airline industry that has the finest safety record of any airline industry in the world. We know that we have problems that have developed, but, generally speaking, our food regulations allow the American public to clearly eat food that is given to them.

Some good things have happened. Twenty years ago, Mr. President, 80 percent of the rivers were polluted. Now it is 20 percent. It has just reversed. It used to be, 20 years ago, that 20 percent of the rivers were unpolluted; now 80 percent of the rivers are not polluted. So we have made progress and a lot of this is because of meaningful legislation and the meaningful implementation of regulations.

The problem is, though, that too often Congress passes a law with good intentions and sound policy, only to have the agencies turn these simple laws into complex regulations that even the regulators do not understand. And certainly they go beyond the intent of Congress.

There are a myriad of stories that each of us have in our offices of how businesses, large and small, have to hire large legal departments. And if that is not enough, they have to have people who specialize in other areas, dealing with regulations that have been promulgated.

The reality is that Americans have become frustrated and skeptical about our Government. One reason, I believe, is because of the myriad of regulations over which they feel and we as a Congress feel we have no control.

As an example, a survey was conducted by Times Mirror, which found that since 1987, the number of Americans who believe regulations affecting business usually do more harm than good has jumped from 55 to 63 percent. In just these few short years, people feel worse about government rather than better. So we should get the message.

Mr. President, yesterday I pointed out to the Members of this body the number of regulations that have been placed in effect just since the last election. It is a large number of regulations, about 15 pages of very fine print that we have of new regulations.

I talked, Mr. President, about some of the—for lack of a better description—ridiculous things that have happened because of some regulations. I talked yesterday about a number of companies. One that I talked about was a New York company which was told to get benzene out of its water supply. They said, ''Fine,'' because they knew how much benzene was in their water that they could remove. The manufacturer said, ''But we will make you a better deal. We have other processes in this plant where we can get rid of significantly more benzene and it will only cost us a fraction more of the $31 million that it would take to remove the benzene in the water.''

The regulators said, ''No deal.'' So, in effect, they spent $31 million and removed a little bit of benzene, where they could have spent a few dollars more and removed a lot of benzene. But, no; that is how far into space some of these regulations go.

The Senator from Oklahoma and I believe that we need to eliminate many of the problems. To do that, we need to establish a safety mechanism that will enable Congress to look at the regulations that are being promulgated and decide whether they achieve the purpose they are supposed to achieve in a rational, economic, and less burdensome way. The substitute does just that.

The Senator from Oklahoma and I have worked for many years in a bipartisan fashion to do something about Government regulations. We approached this in the past. In fact, last year, this body passed legislation that we introduced which would have put a dollar number on regulations that were promulgated.

Well, I believe this is a more realistic way to approach the problem. The legislation that we introduced last year that passed was knocked out in a conference committee. So this is a bipartisan approach to accomplishing the goal of making Government more meaningful.

I would like to just mention briefly, Mr. President, that this bill provides a 45-day period where Congress can review new regulations. We can enact a joint resolution of disapproval and we would do it on a fast-track basis. If the rule would have an economic impact of over $100 million, it is deemed to be significant and the regulation will not go into effect until the 45-day period has expired. This 45-day review will allow Congress to hold Federal agencies accountable before the regulations become, in effect, law and start impacting the regulated community.

If the rule does not meet the $100 million threshold, the regulation will go into effect but will still be subjected to fast-track review.

Even significant regulations may go into effect immediately if the President, by Executive order, determines that the regulations are necessary for health, safety, national security or are necessary for the enforcement of criminal law. This is not subject to judicial review.

On issuing a rule, the Federal agency must forward a report to Congress containing a copy of the rule.

Mr. President, this 45-day review process will begin when the rule is sent to Congress or is published in the Federal Register, whichever is sooner.

I want to spend just a very brief time talking about the Chadha case. In that case, the Supreme Court ruled that Congress had no right to veto a regulation unless the President was involved

in it; in effect, unless we treated this like regular legislation.

In the Chadha instance, the President had no power to do anything. It would just be the Congress would overturn the regulation.

No matter whether you agree with the reasoning of the Court or not, that is the rule of the land, and so to meet the problems that were encompassed in that decision, the Senator from Oklahoma and I drafted this substitute so that the President would have the right to veto our legislative veto.

If a regulation is submitted to us and we do not like it, both Houses turn it down, and the President does not like it, he can veto it. The only way we can override his veto is by a two-thirds vote. That is fair. I am sorry we have to take it to the President, but that is what the Supreme Court said we have to do.

I think this procedure meets all the constitutional requirements that people raised in the past.

Mr. President, I hope that we can have a strong bipartisan vote on this bill. It is time that we worked together on issues. There is not a Member of this body, on either side of the aisle, who does not recognize, I hope, that we have all kinds of problems with regulations. If one goes home to a townhall meeting and there is a businessman there, big or small, that is what they complain about more than anything else, the paperwork that is burying them. And in the process of burying them, people are losing jobs, and it is just not good for the American process.

So I hope that we will respond with a strong vote. This bill sets forth procedures that are designed to make sure the process of evaluating new regulations does not give an advantage to either the President or to the Congress. So I hope that we can move forward on this bill at the earliest possible date.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I, too, share the concerns about regulations that the Senator from Nevada just talked about. We all have heard from our people back home, our constituents, our businessmen, our industry, our farmers, our average citizens about the impact of Federal regulations. How we deal with that is something else again. That is what we are grappling with.

We have had a couple things happen here. One, over in the House there is H.R. 450, which we view as rather draconian. It would stop everything from just a few days after the election on for a year, stop all rules and regulations from going into effect.

That is draconian in that it throws out the good with the bad. We have a lot of rules. Many of them are final rules and some of them are proposed rules that have taken effect since the election last year. Many had been in preparation for a year, a year and a half, some of them maybe even a little bit longer than that.

But the rules on health and safety, for instance, would be thrown out by that House legislation. They would be held up. In other words, the protections against E. coli bacteria, which killed children, or cryptosporidium, which killed 100 people in Wisconsin and some 400,000 ill, were not in effect.

Airline safety is another one where we have rules and regulations that would be held up now even though they should be in there.

Those are some examples of things that would be held up if we passed that House bill. That is not what we are dealing with today. But the companion bill in the Senate is S. 219, which was introduced by the distinguished Senator from Oklahoma. S. 219 drew a lot of amendments, a lot of fire in committee, enough so that when it was finally voted out of committee, over our objections on the minority side, this substitute for it was brought forward.

This substitute is a legal veto or legal reconsideration which is a long ways from the original S. 219 that it replaces.

If we then sent this legislative veto to the conference with approval today, and it is goes to conference with the original bill in the House, H.R. 450, they are poles apart in what they provide; what our concern has been all along is that if we go to conference with the House and then give in to the House, we could come back with something completely unacceptable, and it will not be amendable by our rules for consideration of conference reports.

There is another situation we have. In the Governmental Affairs Committee, we already considered and voted out a regulatory reform bill, of which a similar legislative veto like this is a part. I have wished, if things had been different, that we would be working on that bill on the floor instead of on this measure that only encompasses part of the regulatory reform problem.

That is not what we are voting on, though, today. I think most of us will probably vote for the legislative veto provision that the Senator from Oklahoma has proposed. We do have some perfecting amendments. Senator LEVIN, who is not on the floor at the moment but I understand will be here very shortly, has two or three amendments. I have one I may propose later this afternoon. I think there are a couple on the other side of the aisle to be proposed.

Regulatory reform is a very, very complex matter. It is not easy. I think we should be taking it up in its entirety and not just piecemeal with things like this where we drag out parts of it for consideration and do not consider the other parts of it.

Our regulatory reform that we voted out of committee, for instance, had provisions in it for risk assessment and cost-benefit analysis for rules above $100 million. It had a requirement that all the regulations be reviewed at least once every 10 years. If they were not reviewed, they would be sunset. We had the 45-day legislative veto in that legislation, which this substitute amendment to S. 219 provides, and we had judicial review only on the final rule.

That is a good, tough bill. Let me say that Senator ROTH, our committee chairman now on the majority side, moved that bill through committee, and I think it is an excellent bill.

We supported that bill. We voted it out of committee 15 to 0, our committee membership being a total of 15. All Democrats, all Republicans got together. It is a good, tough, workable regulatory reform bill. I hope that we could consider it shortly.

But meanwhile, just a part of that bill—in effect, the 45-day legislative veto—is what we are considering now as a substitute for S. 219. Yesterday we held the floor for several hours talking about our concerns and what could happen under the original moratorium bill, which is H.R. 450, or the S. 219 as voted on the floor. What we are doing today is substituting this legislative veto for S. 219.

I have gone through this a couple of times because it is a little bit complex, and in talking to some of our Members, they do not understand exactly where we stand with regard to the legislative veto or the moratorium bill.

So the legislative veto substitute, in effect, replaces the Senate version of the moratorium bill, S. 219. So the examples I gave on the floor for a couple of hours yesterday were things that would occur if we went to conference and came back basically with the House bill, which we think goes way, way, way too far.

So I think Senator LEVIN will be on the floor shortly with some amendments to be proposed first, and then I hope we can move along and complete action on this bill today.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

VISIT TO THE SENATE BY THE NEW ZEALAND PRIME MINISTER

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the Members to come to the floor and pay their respects to the distinguished Prime Minister of New Zealand, Mr. James Bolger.

There being no objection, the Senate, at 3:16 p.m., recessed until 3:23 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ABRAHAM].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator

from Michigan, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RETIREMENT OF CHICK REYNOLDS

Mr. BYRD. Mr. President, Chick Reynolds, chief reporter of the Official Reporters of Debates, will retire from the Senate effective July 7, 1995.

Mr. Reynolds' career in stenotype reporting began in 1949, when he was employed by the Department of Defense. In 1950, he went to work for the Alderson Reporting Co. in Washington, DC, where he stayed until 1971, at which time he opened his own stenographic reporting firm. In 1974, he was appointed an official reporter with the Senate Official Reporters of Debates and became chief reporter in 1988.

During his working career as a stenotype reporter, Chick was considered one of the fastest and most accurate writers in the country.

His assignments covered every aspect of his profession, some of which put him in the center of the headlines of the day. He reported Federal agency hearings and various committees in both the House and the Senate. He reported the Joseph McCarthy and Jimmy Hoffa hearings on Capitol Hill. He was assigned to cover the White House during the Kennedy, Johnson, and Nixon administrations. During his assignment with the Kennedy administration, he reported President Kennedy's famous Berlin speech and was also in the Presidential motorcade on that tragic day in Dallas, TX, when President Kennedy was assassinated.

Mr. Reynolds has served the Senate and the Nation with distinction and loyalty for the past 21 years.

I know all Senators will join me in thanking Chick for his long and dedicated service, and extending our prayerful wishes to him and his wife, Lucille, in the coming days.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, this is the first chapter of one of the most significant debates that will occur during the 104th Congress: the debate about regulatory reform.

If we take the right approach to regulatory reform, we can provide more protection for public health. At the same time, we can cut costs and cut red tape.

But if we take the wrong approach, we may jeopardize public health. And we may create more redtape, litigation, and delay.

So the stakes are high. Fortunately, it looks like we are getting off to a good start.

Last week, I was not so sure. We faced a short term moratorium that would have blocked some urgently needed rules. We also faced a long-term reform bill that would repeal some of the laws that protect our air, our water, and our neighborhoods.

In both cases, we seem to be coming to our senses. The moratorium is about to be replaced with the Nickles-Reid amendment. And the Government Affairs Committee declined to adopt radical versions of long-term regulatory reform. Instead, it reported a solid, bipartisan bill.

CONCERNS ABOUT THE MORATORIUM

Today we are considering the bill to impose a short-term moratorium. Let me briefly explain why such a flat, broad-based moratorium is a bad idea.

In a nutshell, it does not distinguish good rules from bad.

All too many rules fall into the second category: stupid, unnecessary rules that impose high costs and just plain make people angry.

For example, OSHA recently proposed new rules that would require loggers to wear steel-toed boots.

Seems to make sense. Unless you are working in western Montana in winter, on a steep slope and frozen ground. In that case, steel-toed boots may be slippery and unsafe. Especially if you are carrying a live chain saw.

For that reason, western Montana loggers thought that the rules made no sense at all. So we convinced OSHA to back off, talk to Montana loggers, and reconsider. But there are other rules that do make sense. That protect public health. That protect the environment. And that are urgently needed.

Yesterday, Senator GLENN gave some very compelling examples: E. coli; airline safety; radioactive waste; and others.

Let me mention one such rule, which is of particular concern to the Environment and Public Works Committee. It is the rule, or cluster of rules, for cryptosporidium. Cryptosporidium is a deadly pathogen. It occurs in drinking water. As we all know, it was responsible for the deaths of hundreds of people, and the illness of hundreds of thousands more, in Milwaukee.

EPA has been working with public water suppliers to develop an information collection rule. This rule will provide EPA, States, and public water suppliers with critical information about the occurrence of cryptosporidium and other pathogens. It also will provide information about the effectiveness of various treatment methods. It will be the cornerstone of our efforts to prevent further poisoning.

However, if the moratorium is enacted, the information collection rule cannot be issued. If that happens, water suppliers will not be able to monitor for cryptosporidium during spring runoff, when it is thought to be more prevalent. That will prevent us from gathering data for at least another year. And that, in turn, will further delay the development of an effective treatment method. As a result, we will run the risk that another outbreak will occur, and that hundreds more people will die.

THE NICKLES-REID AMENDMENT

Fortunately, the moratorium is being withdrawn, at least for now. Instead, we are considering the Nickles-Reid amendment.

To my mind, this amendment is much closer to the mark. It requires that Government agencies submit their new rules to Congress. And it sets up a fast-track process for reviewing those rules. That way, Congress can distinguish good rules from bad. If an agency goes haywire, like OSHA did with its logging rule, Congress can reject the rule. But if an agency is doing a good job, the rule will go into effect, and public health will not be jeopardized.

Of course, the amendment is not perfect. In particular, I hope that we can improve some of the fast-track procedures. But, on balance, the Nickles-Reid amendment improves the process for reviewing agency rules.

CONCLUSION

Mr. President, I also believe that the Nickles-Reid amendment does something more. It sets the right tone for the upcoming debate about regulatory reform. We must get past the slogans, and get down to the hard work of making Government rules more effective and understandable.

I look forward to continuing to work with the members of the Government Affairs Committee and with all Senators to accomplish this important objective.

Mr. NICKLES. Mr. President, I might mention to our colleagues that we have made significant progress in the last couple of hours in negotiations on a few amendments. I appreciate the cooperation of Senator REID, and also Senator LEVIN, Senator GLENN, and Senator DOMENICI, who have had some amendments, and we are working those out. Hopefully, we will be able to agree to some of those.

I might mention to my colleagues, I discussed this with the majority leader, and he very much would like to pass this bill tonight. It is our expectation to finish this bill tonight, partly because we need to go to the supplemental appropriations or the rescissions bill that was reported out of the Appropriations Committee last Friday. That may take some time.

So the majority leader has let it be known that he plans to go to that bill tomorrow. So we need to finish this bill.

I want to thank my colleagues who have been cooperative in working with us in trying to come to a resolution of some of the items in dispute on this package. I am optimistic that we will be successful.

I am ready to consider an amendment by the Senator from Michigan, and I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the Senator from Oklahoma for his work on this substitute. It is a very important substitute. It embodies a principle which is a very important principle, and that is that the Congress should be responsible and accountable for these major regulations that are imposed on people. We should not just simply pass laws and then go on to the next law without keeping a very sharp focus on what the agencies do through the regulatory process.

So what we used to call legislative veto—something I supported even before I came to the Senate and have continued to do so—we now are going to call legislative review because it is slightly different from the veto mechanism which was adopted about a decade ago.

This legislative review process of the Senator from Nevada and the Senator from Oklahoma is a very, very significant improvement, I believe, on what the current process is of regulatory review. Of course, it is a major change in approach from the moratorium which is before us.

Before I offer my amendment, I want to commend my friend from Oklahoma and the Senator from Nevada for the work that they have done on this legislative review substitute.

AMENDMENT NO. 412 TO AMENDMENT NO. 410

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. GLENN, proposes an amendment numbered 412 to amendment No. 410.

Mr. LEVIN. 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 9, line 2, strike everything after ''discharged'' through the period of line 6 and insert the following: ''from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate or by motion of the Majority Leader supported by the Minority Leader, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.''

Mr. LEVIN. Mr. President, this amendment is sent to the desk on behalf of Senator GLENN and myself. It is something which we have worked out with the floor managers. I thank them for their efforts.

This amendment modifies the procedure for discharging a joint resolution of disapproval from committee. By amending the substitute this way, this will conform much more closely to the legislative review provision which was passed in the Governmental Affairs Committee last week by a vote of 15–0 on the regulatory reform bill.

This amendment would continue to allow for a committee to vote by majority to discharge a joint resolution of disapproval of a regulation. That would continue as it is in the substitute. The majority of a committee could discharge a resolution of disapproval of a regulation.

What this would add is that where a petition is filed by 30 Members of the Senate, or by the consent of the majority and minority leaders, that we also then would have the discharge of a resolution of disapproval of a regulation. The intent is to protect rights of a significant minority of the Senate to obtain the discharge of a resolution of disapproval.

Since the discharge triggers these expedited procedures, it is important that it be a balanced and a fair process and that a significant minority of Senators have the opportunity to accomplish that.

This amendment, we think, does accomplish that. I want to thank my cosponsor, as well as the managers, for their willingness to work this out.

Mr. GLENN. Mr. President, I fully support the amendment by the Senator from Michigan. I think it does several things. It protects the rights of the minority. It provides a dual method of getting rules and regulations considered. It can be initiated not only by the majority and minority leaders, but also by a petition of 30 Members.

And this does something else. It means that we will not just have frivolous actions brought up. If you have to get 30 Members of the Senate of the United States to agree on anything on a petition, it is going to be something significant; it is not going to be a frivolous matter. You are not going to be able to get a couple of friends and be able to call a rule up, or get a buddy-buddy vote out of somebody and call a rule up on that basis.

When you have to get 30 Members to do it, it has to be something substantive, and I agree with that. That is why I am very glad to support the proposal by the Senator from Michigan.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friends and colleagues from Michigan and Ohio, as well as Senator REID and Senator BOND. All four Senators have been involved in this issue in trying to make sure that we protect minority rights, and that is what this amendment does. I think it is an improvement.

We have no objection on this side, and I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 412) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I come to the floor to compliment Senators NICKLES and REID on their amendment. Very shortly, hopefully, I will have an amendment that I will talk about. But let me just speak to the substitute amendment that was offered by the Senator from Oklahoma, Senator NICKLES, and the Senator from Nevada, Senator REID.

First, there is no question that there is plenty, plenty of blame to go around for the unreasonable, irrational regulatory maze that exists in this country. There is plenty of blame to go around, because Congress passes laws that require regulations.

Bureaucrats decide that they have to write regulations, and many times we tell them they must. The courts of this land are very prone to get involved in the adequacy of regulations. And so between the agencies of Government and those who write regulations, and courts who interpret them, it is really obvious to millions of Americans that we have a very unworkable regulatory system.

Many of the ultimate regulations, as implemented, in particular against small business people, are sufficiently unreasonable and unworkable that they are causing millions of Americans—men and women—to be very angry at their country. As a matter of fact, one of the single most reasons for Americans being angry at their country is regulations that do not make sense, or are unintelligible or cost too much for what the entity regulates knows they are being asked to do. And there is no easy way to fix it. As a matter of fact, I have spent well on a year trying to figure out some generic ways to address this maze of regulatory, burdensome regulations causing great anxiety among men and women, in particular, small business people. I am sure as we move through our next step beyond that bill to try to get regulatory reform, there will be some more good ideas.

(Ms. SNOWE assumed the Chair)

Mr. DOMENICI. But for now, an approach that will say new regulations, before they become effective, must go to the committees of jurisdiction on the Hill for their perusal to see whether or not the committees that pass the

laws think that the regulations passed by the regulators are beyond the law and unreasonable and unworkable and will have a chance to look at them. And, yes, under this 45-day moratorium, prior to the final adoption, Congress occasionally can pick one of those and do it in an expedited manner, deny its efficacy, and say it is not going to be carried out.

So in a very real sense, we have set upon the committees of the Congress—that is, Senate and House and the staff that works for us—a very difficult job, because now we are saying in a couple of years we will have looked at the new regulations in this process, and if we let them get by, shame on us. If we have this overview process thrust upon us by this amendment and we let the regulations get by, and 2 years after they are in place, we go to a hearing in Maine, New Mexico, Idaho, or Ohio—or we might even have a hearing in Oklahoma, but that would be very difficult—the people would say, ''Look at this regulation; it does not have any common sense and it is too expensive. There is no cost benefit ratio that is meaningful.'' Shame on us, because this bill, which I hope becomes law, is going to say: Congress, you had a shot at it because these significant regulations which we estimate based on past performance may be 900 a year, and we are going to have a chance to look at them.

Madam President, shortly, an amendment is going to be offered that I have authored. It has been worked on by both sides to try to make sure that we all understand it. But it came to me that there is a governmental entity that works for us called the GAO. And they have been, in the past, asked by committees, asked by individual Members of Congress, to go check on something, go audit something, go review something. And I will admit that, in the past, they were subject to some very, very proper criticism. I do believe they got very cozy with certain Members. I do believe many of their reports were not clear peer review because they were doing them for a certain purpose. But I believe, nonetheless, that they have a great quality of expertise and a desire to be helpful to the Congress.

So, essentially, what I suggested to my friends, Senator NICKLES, Senator REID, and others from the Government Operations Committee, including the ranking member, Senator GLENN, I suggested that we ought to use the GAO in this process, so that as our committees have to do these reviews, we will have the benefit of a pool of resources to go check on the agencies and to advise us as to whether or not they have done their job regarding the significant regulations they are going to be issuing.

I, frankly, believe the GAO is perfectly fit for this job. We still have a very significant GAO. Some will say it is going to be cut. Some here want to cut it in half. I guess some would want to do away with it. But I do not believe any of those things are going to happen. It may get a good reduction in amount, but it is going to be here because it does some very positive things. When we had the S&L crisis, it was important that they did a lot of auditing. We would have to go out and hire independents to do that, and would they be at Congress' beck and call and have real professionalism? I do not know.

We are going to offer an amendment that is going to essentially say that the General Accounting Office gets into this new process of review, by being our arm in looking carefully at what the regulators have put together to make sure that they have complied with the legal requirements. And, yes, upon request, they can look at the cost-benefit ratio. Essentially, they are going to be there before we ever get these regulations to the committee; they are going to be seeing whether the agencies did it right. I think that is invaluable. I think we will, 3 or 4 years from now, thank the Lord that we put them in this process, because it is so tough to review these regulations, especially the significant ones, that I am not sure the committees and our staffs would get it done, or they would constantly, most probably, be in a catch-up state because it is so tough.

You have to do it timely if you are going to kill any of these because they are infective, because after 45 days, you cannot do anything to them; they are final. That is our own law that we are about to adopt here. To make that period any longer probably prejudices the regulatory process. So I think we will have to live with that. I compliment those who put it together, and I urge the Senate to adopt an amendment which puts the GAO in this with their resources to advise and help the committees as we attempt to review the process of reviewing the significant regulations affecting our lifestyles, businesses, and many individual Americans that are regulated by our Government.

I thank the Chair and I yield the floor.

Mr. GLENN. Madam President, I appreciate very much the comments of my colleague from New Mexico. I know he has considered this very carefully. As to his initial comments about the bill and the need for it, the need for regulatory reform, I could not agree more. I think we are long overdue in addressing this issue. We have dealt with regulatory reform in the Governmental Affairs Committee. In fact, we have voted out a bill.

Let me compliment my chairman, Senator BILL ROTH, on this. We have voted a bill out that does all of the things that the distinguished Senator from New Mexico just enumerated. The regulatory reform bill that we voted out requires risk assessments and cost-benefit analyses. Cost-benefit analysis now, under current law, is done by Executive order. But under the regulatory reform bill, we would lock that in and say that all major regulations have to have a risk assessment and cost-benefit analysis done. And then in that legislation we voted out, also, we required that there be a review of those regulations not less than once every 10 years. In other words, there is a sunset provision in there that says that no matter how good the regulations are, they should be looked at for adequacy and for improvement and for sunsetting at least once every 10 years.

Now, in that legislation we also have a 45-day legislative veto, which is about the same as what we have here. That legislative veto would apply to all significant rules.

Once it is modified, the committee could call it up the same as this legislation now. We also provided that when a final rule is written, we would allow judicial review.

That is not the legislation that is before Congress today. That is the regulatory reform bill we voted out, and I think that is the one we should be considering because it includes not only the 45-day legislative veto that we are talking about here today as a substitute for S. 219, but it would add the whole package of regulatory reform—risk assessment, cost-benefit analysis—not just by Executive order of the President, as it is now, but require it in law.

We would also require a review of all major rules on a 10-year basis; we would have a 45-day legislative veto similar to the one we have here; and we would provide for judicial review on the final rule. That is a complete package and one I hope we have up very shortly.

Now, specifically, as to the comments of the Senator from New Mexico on the GAO, I agree on the excellence of GAO's capability and the excellent work that they do. They are an ideal group to look at these matters.

My only concern is whether we might be overloading GAO. When we are talking about requiring GAO to do a complete analytical analysis of everything that comes up, that is one thing. If we are requiring them to make sure that the procedures required by law have been met by each agency and department in putting their risk assessment or cost-benefit together, if it is a procedural analysis to make sure everything is done, that is quite a different thing.

GAO is ideally situated to do the second of those, to make sure that all the boxes have been checked, to make sure that all the procedures have been followed. If we are to ask GAO to do their own complete risk assessment and cost-benefit analysis, completely separate from any that the agencies have done, that is something else entirely, of course.

I point out that just the significant rules number some 800 or 900 a year; some years, probably 1,000. With the average number of work days a year here being somewhere between 250 and 270, that means that GAO would have to crank out about three to four of

these analyses every single working day. That is an enormous job.

To require GAO to do these new tasks when there have been proposals in the budget to cut GAO by 25 percent does not make much sense. But I agree that this is a good thing for GAO to be looking at. They are ideally situated to do it.

In the other bill, the regulatory reform bill that we have voted out of committee, there are provisions for peer review for cost-benefit analyses and risk assessments. We did that because we thought the job was going to be sufficiently large that we would not be able to just ask GAO or someone else to do all that analytical and assessment work. Yet, we wanted somebody to say that the agencies and departments were doing a reasonable job. So we set up a peer review process.

I am sure when that legislation comes to the floor, we will be debating that provision to see its adequacy compared to just having GAO do it. So there are two different procedures here that we are looking at.

On the regulatory reform bill that I hope we consider within the next month or so, we provided for peer review as a way of doing the same thing that the Senator from New Mexico is talking about doing with GAO.

I certainly do not object to the GAO proposal so long as we understand, when the Senator proposes it, that it will be on the basis of making sure that the processes have all been gone through that are requested. That would be what GAO would be certifying. GAO would not be required to do their own complete, independent, cost analysis, cost-benefit ratio and risk assessment, as a completely independent action, which would tie up several times the number of people we have in GAO.

I think that is what the Senator from New Mexico intended that it be—a review to make sure that all the proper procedures have been gone through.

I know he has not formally submitted the amendment yet, but I made those comments on it anyway, in advance. I wanted to point out the details of the regulatory reform bill that I hope we have on the floor within the next 30 or 45 days.

It would require risk assessment/cost-benefit not just by Executive order, but in law. No future President could just take that off, out of effect, by just taking out the Executive order. These would be required by law, risk assessments and cost-benefit analyses.

Each one of those regulations would be reviewed on not less than a 10-year basis or it would sunset. We have the same 45-day legislative veto that would be in this legislation here now. All significant rules would come back to the committee and they would be asked to see whether they want to be notified for judicial review on each rule.

That is a complete regulatory reform package. We did a lot of work for which Senator ROTH deserves a lot of credit. We stuck with this complete reform package and molded it. It was a bipartisan effort. We voted it out, on a unanimous basis, of the Governmental Affairs Committee, 15 to 0.

I think it is a very powerful, tough bill. I hope we consider it, because what we are considering today is just part of that bill. It is a separate 45-day legislative veto.

I look forward to having that bill out on the floor.

I yield the floor.

Mr. DOMENICI. Madam President, I thank the Senator for his kind remarks.

AMENDMENT NO. 413 TO AMENDMENT NO. 410

(Purpose: To provide reports to Congress from the Comptroller General)

Mr. DOMENICI. Madam President, I send an amendment to the desk on behalf of myself and Senator NICKLES, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. NICKLES, proposes an amendment numbered 413 to amendment No. 410.

Mr. DOMENICI. 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 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

''(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604 section 605 section 607, and section 609 of P.L. 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of P.L. 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section.''

On page 14, at the beginning of line 5, insert, ''section 3(a)(1)–(2) and'', and on line 5 strike ''3(a)(2)'' and insert in lieu thereof ''3(a)(3)''.

Mr. DOMENICI. Madam President, this is the amendment that I allude to in my brief remarks about the 45-day holdover or moratorium while Congress is given an opportunity to review regulations and processes.

We have changed it in two or three ways since I first submitted a draft of this amendment. I think it is very workable now. Essentially, we are now talking, as I understand it, about the significant—significant—regulations. My friend from Oklahoma says that that is about 900 a year.

We have made the Federal agencies promulgating the rule responsible to make available to each House of Congress and the Comptroller General, upon request, information that is necessary so we can see if they have done a good job. That means the GAO will not have to be involved in any one of those, nor will they have to give every cost-benefit analysis, but rather the ones they request.

I believe we will be very pleased we adopted this in a few years, when we find out what a resource GAO will be, and how much more effective they will make our committees and our committee staff, both here and in the House.

I do not think I have to say any more. I hope the amendment is adopted soon.

I yield the floor.

Mr. NICKLES. Madam President, I wish to congratulate and compliment my friend and colleague from New Mexico, Senator DOMENICI, for his amendment.

I think it is an amendment which improves this bill. It basically says the Federal agency, when they promulgate the rule, shall make it available to each House of Congress. That was in our bill.

But he also says it needs to be made available to the Comptroller General. This is for them to analyze it, for them to make sure that the cost-benefit analysis has been made, that they are complying with the unfunded mandates legislation.

I just compliment the Senator. I think this improves it. I think this enables Congress to be able to rely on GAO and the Comptroller General to make sure that some of these regulations are not excessive in cost. So, this is a compliment to the bill.

I also want to thank my friend and colleague, Senator REID, for his help on this, as well as Senator LEVIN and Senator GLENN, as we were negotiating on this amendment and actually combining this amendment with an amendment that Senator LEVIN and also Senator BOND were working on.

So, we have had several Senators trying to make some improvements in this section. I think this has made our

legislation better, so I urge my colleagues on both sides to agree to the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I extend my appreciation to the senior Senator from New Mexico for improving this substitute. I say that because I look at this legislation a little differently than some in this Chamber. I know there are some who are saying we are going to have a bill later on that is going to be a lot better. Having served here and in the other body for a while, I recognize we have to do the best we can with what we have at a given time. The better we make this bill, the better it is going to be for the American people in case something better does not come along later.

So I appreciate very much the work of the Senator from New Mexico. He and I go back 6 or 8 years working on the General Accounting Office. I think this is a responsibility they should have. They are equipped to do a good job on this assignment they will be given. I think it is a good amendment and I hope it is adopted very quickly.

Mr. DOMENICI. I thank the Senators from Nevada and Ohio. I do believe this will help the bill. Senator NICKLES and I are pleased to be helpful. I think in a few years the process you were recommending will be working very well and we will know a lot more about bad regulations before they get placed in effect and then find out later they are hurting our people.

Thank you very much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I wanted to clarify a couple of matters here. We have in the reporting by the Comptroller General, as I understand it—we say he will—

> . . . provide a report on each significant rule to the committees of jurisdiction to each House of Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

I think those words were added. I presume they were. I just wanted to check and make sure that is the wording that was in the legislation?

Mr. DOMENICI. They are in the legislation. And after discussing the issue with all four Senators and their staffs, I think those are appropriate words, because I do not think in 12 to 15 days the GAO can do a thorough substantive review, but they can do a procedural review as prescribed.

Mr. GLENN. I agree with my colleague. That clarifies it and makes sure what we are not expecting from the GAO is their own complete risk assessment and cost-benefit analysis as original work. That would overburden them on the 800 or 900 significant regulations that are issued each year and leaves it open that once one of these regulations or rules is reported back, if a committee wishes to get into it more, then they can. Or they could possibly even ask for a complete GAO original study as we do now of different pieces of legislation. That would still be possible. But this limits it to the GAO reviewing whether the agency has complied with procedural steps required in law. I am glad to have that clarified.

With that understanding I believe we would be happy to accept this on our side.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, we have no objection to this amendment on this side and urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 413) was agreed to.

Mr. DOMENICI. 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.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Madam President, I ask that I may use just a minute or two of my leader time.

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

THE PRESIDENT'S BUDGET CUTS

Mr. DOLE. Madam President, President Clinton won big headlines today with his proposal to cut $13 billion from four Government agencies over the next 5 years. I have learned recently maybe $8 billion of that is already in the President's budget, so I am not certain what the figure really is. But we certainly welcome the President's interest in trimming Government spending. The Washington Post even suggested today that the President's interest may be related to last November's election results. Certainly we hope he is hearing the message.

The President now has a real opportunity to get on the spending-cuts bandwagon tomorrow because the Senate will consider more than $13 billion in spending cuts and the American people will not have to wait 5 years to see the savings. These are cuts in this fiscal year. This is $13 billion the Government will not be able to spend during the next 6 months, not the next 5 years.

The American people want more than tinkering around the edges; they want dramatic results and want better use of their tax dollars, starting now.

The American people sent a loud and clear message to Washington last November: Rein in the Federal Government, reduce the size of Government and cut spending. We are prepared to provide the leadership once again to turn that message into action. We hope the President will join us in this effort to give the American people real spending cuts.

I hope the President will take a look at the supplemental appropriation bill, send us a letter supporting those cuts, and then he will really be on record for real cuts this year, not 5 years down the road, particularly if $8 billion of the $13 billion he talks about is already in the President's budget.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield 1 minute?

Mr. DOLE. I will be happy to yield 2 or 3 or 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Madam President, first, I want to compliment the Republican leader for his adroitness here. He quickly caught the fact that the President is making a big to-do about almost nothing today. First of all, it is my understanding that of this $13 billion, $8 billion of it is in the President's budget.

Everybody knows that budget does not cut anything. So what really happened is he cuts a little bit there and increases things elsewhere. So, of this big package, alleged big package of $13 billion, $8 billion is in the President's budget. It was already there and we knew about it. What did we say about that budget? We said that budget put up the white flag of surrender against deficits. So, certainly, this activity of cutting $13 billion is no big victory. It is still a white flag of surrender.

I would go beyond our distinguished leader and say we are going to look forward to the President's support when we produce a budget resolution that gets us a balanced budget by the year 2002, in 7 years. That is what the American people want. They do not want an announcement that a little piece of Federal Government is being changed and everybody in America is supposed to think we are really getting the deficit under control. We are not getting the deficit under control. It will be with us at $200 to $250 billion a year for as far as the eye can see and our children will be burdened with it beyond anything we ever imagined. This announcement will not do very much to alleviate that burden on them or on this country.

Mr. GREGG. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. GREGG. Madam President, I say to the chairman of the Budget Committee, as I understand it, my quick calculation is that the $13 billion of cuts which the President is proposing over 5 years represents one-twentieth of 1 percent of the spending that is going to occur over that 5-year period. Whereas the bill that we are bringing forward tomorrow, under Senator DOLE's leadership and under Senator PACKWOOD's leadership, represents a real $13 billion in cuts—ironically, the same number. It is going to occur this year, immediately. Is that correct?

Mr. DOMENICI. That is correct. As a matter of fact, the $13 billion is about 3 percent of the appropriated accounts, whereas the dollar number the President has in his of just the appropriated accounts over the next 5 to 7 years is far less than half a percent —of just the appropriated accounts—perhaps as low as a quarter of a percent. I have not done the arithmetic, but almost unnoticeable in the cuts and restraints and reductions that we are going to have to make.

Mr. GREGG. So, if the Senator will yield for an additional question, Madam President, if you wish to undertake real budget savings, what you should be doing is supporting the rescission package that is coming forward and then work with the President to take the $13 billion of additional cuts and maybe raise it up to a level that is a real reduction in spending so we move toward a balanced budget over 5 years?

Mr. DOMENICI. Madam President, the Senator is absolutely correct. Let me be precise. The President is trying to make a case for deficit reduction. He is talking about $13 billion in reductions over the next 5 years.

What the President really ought to be doing is to be saying loud and clear: ''I compliment the House and Senate for a rescission package, and I hope you send it to me quickly.'' And he ought to be saying, ''I will sign it,'' because it will accomplish in 6 months as much savings as he pledges in 5 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I certainly do not intend to get into a debate with the very learned chairman of the Budget Committee, but I think, in fairness to the White House, you have to give him credit for what he is doing. It may not be all that everyone wants, but I think the fact that the Federal payroll has been cut by some 150,000 people since he has been President, and this will be the third year in a row that we have had a decline in the deficit, the first time in some 50 years this has happened—we all know he has significant problems with the deficit.

In the balanced budget amendment that they established were three things. They established, No. 1, that we have a problem with the deficit; No. 2, we have to do something about it; and, No. 3, we need to do it and not burden Social Security.

I am not going to get into a long debate with my friend from New Mexico other than to say I think we have to give the President credit for having taken a number of steps that are important in the overall need to balance the budget. It is not going to be done in one fell swoop. It is going to be a series of small things that add up to something big. And the work that the President and the Vice President did yesterday—and the Vice President was given another 60-odd days to report to the President on some other things —needs to be done. Let us give them credit for making good-faith efforts to solve the crisis and the problems that face this country.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 414 TO AMENDMENT NO. 410

(Purpose: To require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes)

Mr. REID. Madam President, in behalf of the minority leader, the Senator from South Dakota, 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 Nevada [Mr. REID], for Mr. DASCHLE, proposes an amendment numbered 414 to amendment No. 410.

Mr. REID. 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:

At the appropriate place insert the following:

TITLE ___—TERM GRAZING PERMITS

SEC. ___01. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the ''Secretary'') administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. ___02. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term ''expiring term grazing permit'' means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term ''final agency action'' means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term ''term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled ''An Act to facilitate and simplify the work of the Forest Service, and for other purposes'', approved April 24, 1950 (commonly known as the ''Granger-Thye Act'') (16 U.S.C. 580*l*), or other law.

SEC. ___03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. ___04. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section ___03(a) shall not be subject to administrative appeal or judicial review.

SEC. ___05. REPEAL.

This Act is repealed effective as of January 1, 2001.

Mr. GLENN. Madam President, we have been through the details of this. I think it is justified. We would be glad to accept it on this side.

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

Mr. NICKLES. Madam President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment (No. 414) was agreed to.

Mr. REID. Madam 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.

VISIT TO THE SENATE BY THE KING OF THE HASHEMITE KINGDOM OF JORDAN, KING HUSSEIN I, AND QUEEN NOOR

Mr. HELMS. Madam President, we have in the Chamber two distinguished guests, one a native of the United States, the Honorable King of Jordan, King Hussein, and his bride, Queen Noor.

RECESS

Mr. HELMS. Madam President, I ask unanimous consent that we stand in recess so that Senators may greet our guests after which time we resume.

There being no objection, the Senate, at 4:36 p.m. recessed subject to the call of the Chair; whereupon, at 4:43 p.m. the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 415 TO AMENDMENT NO. 410

(Purpose: To ensure that a migratory birds hunting season will not be canceled or interrupted, and that commercial, recreational, or subsistence activities related to hunting, fishing, or camping will not be canceled or interrupted)

Mr. PRYOR. Mr. President, at this time, I rise to offer an amendment with my friend, Senator STEVENS of Alaska, and also Senator PRESSLER, Senator WELLSTONE, and Senator COCHRAN. This amendment would ensure that the 45-day suspension of a significant rule does not include the regulations opening duck hunting season. The amendment I am offering at this time was adopted by the Governmental Affairs Committee when it considered S. 219, but it was not included in the Nickles-Reid substitute.

The substitute would suspend for 45 days any significant rule to give Congress time to review the regulation. The annual rule regulating duck hunting, which has a direct effect on the economy of $686 million annually, would be considered a significant rule. The effect of this 45-day suspension on the duck hunting season would be most severe. The Fish and Wildlife Service is required by law to issue regulations each year to open and close the duck hunting season. Each year, in late July, after the young birds are large enough to be counted, the Fish and Wildlife Service then gathers information about the various duck populations. They then have roughly 2 months to draft and finalize the duck hunting regulations, which are typically issued 2 or 3 days before the hunting season begins.

Because these regulations are significant regulations, they would be suspended for 45 days, which would cut a month and a half from the duck hunting season. I do not believe this effect on duck hunting is necessary or useful. It is counterproductive, and it may be a classic case of unintended consequences.

Our amendment today simply says that for the purposes of the Nickles-Reid substitute, duck hunting regulations would not be considered significant and, therefore, would not be suspended for 45 days. The duck hunting rule, like all other rules under the Nickles-Reid substitute, would still be reported to Congress.

Mr. President, I do not think that in the name of regulatory reform, we should eliminate 45 days of the duck hunting season. I believe our amendment is simple and it is straightforward. I thank my colleagues for cosponsoring this amendment with me.

I sincerely appreciate the help and the strong support of my good friend and colleague from Alaska, Senator STEVENS, who has worked with us very carefully to develop this amendment as it is.

Mr. President, I have not actually sent my amendment to the desk. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mr. STEVENS, Mr. PRESSLER, Mr. WELLSTONE, and Mr. COCHRAN, proposes an amendment numbered 415 to amendment No. 410.

Mr. PRYOR. 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 13, beginning on line 12, strike all through line 8 on page 14 and insert in lieu thereof the following:

''(2) SIGNIFICANT RULE.—The term ''significant rule''—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.''

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am very pleased to join Senator PRYOR. We are delighted Senator PRESSLER and several others on the committee have joined now.

The amendment, I think, addresses concerns many others have had concerning the potential impact this amendment would have on hunting, camping, or fishing activities. In Alaska, those activities are of major importance to our daily life.

The amendment will make it clear now that regulatory actions to open, close, or manage commercial, recreational, and subsistence hunting, fishing, and camping activities will not be included under the definition of ''significant rule.''

As an example, let me point out to the Senate that over 54 percent of all the fish that are caught commercially in waters off the United States are caught off my State of Alaska. These fisheries are some of the world's largest and they certainly are the healthiest in all the world because of our proper fisheries management concepts.

In some cases, the delay of even 24 hours in closing a fishery could have tremendously detrimental impacts on the health of the fish resource. Yet the action to close the fishery could be found to have an adverse effect on a sector of the economy, namely the fishing vessels that might have to stop fishing.

We cannot afford to risk the long-term health of our fisheries if someone could successfully argue that closing of a fishery or restriction on the use of certain gear in an area is a significant rule that must be delayed for 45 days under this bill.

This is not hypothetical. There are people that will do just that. Just last month, the Secretary of Commerce, based on a recommendation from our North Pacific Regional Fishery Management Council, issued an emergency order to shut down scallop fishing in Federal waters off Alaska.

That is a major fishery, but it had to be done. The emergency order was necessary because one boat, just one boat—it was called Mr. Big, incidentally—found a loophole in the law that allowed it to take more scallops than the State of Alaska had allowed all boats of the fleet to take for the whole season.

I do hope Members here will join in supporting this amendment unanimously. It is essential to duck hunters. I hope we are all duck hunters—up our way, we are all duck hunters. And I do hope people understand it means a great deal to some of the people who rely on subsistence hunting and fishing in my State.

It is an essential amendment. It is one I tried to offer in committee, and some people did not understand it. I am happy to see that now they do.

Thank you, Mr. President.

Mr. GLENN. Mr. President, I want to clarify a couple of things. We have been through this. I think it is satisfactory.

I want to be sure the definition that was made in the committee on the previous amendment was something that could not be expanded into things never intended as far as the hunting and routine rules and regulations and others that are done on an annual basis. I think this just changes the definition of what is considered a significant rule. In effect, what it does by changing the designation a little bit, as I understand it, is permit all the previous rules, regulations, and procedures to continue as they have in the past so they will not be cut out.

Is that correct?

Mr. STEVENS. Mr. President, if the Senator will yield, it really, from my perspective, looks at the management tools of the State, and Federal fish and game management agencies in particular—there are others involved also—and says that they can continue their management practices that are designed to protect the resource base. Some open, some close, some limit, some alter, some add, and some subtract. But they are done on a basis of public knowledge. But the public knowledge is of the regulations that give them the opportunity to step in and issue an emergency regulation to take care of a situation or to change a pattern of, say, hunting in order to protect the species. I think that is in the public interest. That is what we intended all along. This is excepted from the 45 days.

The Senator referred to the prior bill—not Senator PRYOR's bill but the former bill. I think the Senator may be referring to an amendment that I offered because of the form of that bill to deal with specific circumstances in Alaska. I do not have to offer that amendment because this is a 45-day general moratorium now, and those amendments that I talked about in committee are in fact covered under this type of general regulation now in terms of the significant-rule concept.

Mr. GLENN. As I understood it from the explanation given earlier this afternoon, I understood that this does not provide any new exemptions for additional hunting or additional opening up of tracts or anything that is not there right now.

Mr. STEVENS. It could. I just gave an example of one. Just this last month the Secretary of Commerce issued a regulation closing the scallop fishery because an emergency developed. That is the kind of thing that cannot wait 45 days. That is a type of action that has been taken care of in the process of protecting our migratory waterfowl. Ducks Unlimited comes in with a study and says, ''Look, you should change this anyway. You should open that flyway. You should change that season.'' They will come in for some emergency modifications during the period for hunting season. This says that the Fish and Wildlife Service are to know to go ahead. That is what you are supposed to do; no delay on those items of the kind we have mentioned. Subsection B and subsection A carry some specific concepts about what has to be affected.

Mr. GLENN. I certainly have no objection to that because that provides regulations in the same way it has been done for a long time. It does not really provide any new escape hatch for anybody, as I understand it. So I think that would be acceptable on our side.

Mr. CHAFEE. Mr. President, on this floor and in the Senate as a whole, there have been a lot of attacks on environmental regulations. That seems to be the way to go these days. But I think the Senator from Alaska gave a very powerful talk on illustrating why these regulations are necessary. Indeed, he felt so strongly that he did not want—I agree with him—these regulations that apply to fishing, hunting, and camping to be held up for 45 days. In his powerful statement, the Senator from Alaska illustrated that in some cases these regulations have to go into effect immediately.

So I hope that rebuts some of the feeling around this floor that all environmental regulations are useless and that we ought to attack them, which is, unfortunately, too often said around here. I am not saying necessarily right here on the floor. I am talking about in the committees, in the conversations. Thank goodness we have some of these environmental regulations.

So, Mr. President, I commend the Senator from Alaska. Somebody can contradict me, but there are certain regulations under this bill we are dealing with that are held up for 45 days. Under this category they fall under ''significant regulations.'' But what the Senator from Alaska has done is he has said that significant regulations or delay for 45 days does not apply to this category of regulation that he has defined; namely, those that establish, modify, open, close, or conduct regulatory programs for commercial, recreational, or subsistence activities relating to hunting, fishing, or camping.

So I think it makes sense. I congratulate the Senator from Alaska and hope he will be a strong fighter for environmental regulations here on the floor in the future.

Mr. STEVENS. Mr. President, I seldom get personal on the floor, but I recall standing behind my friend 45 years

ago when we entered law school. And we signed into the same law school, but I do not think we have agreed in the 45 years since. I am delighted we have once, despite our prior disagreements. It is nice to have one time for agreement. There are some environmental regulations that are useless. We should burn the paper they are on. But this is not one of them.

Mr. GLENN. Mr. President, I am happy to accept the amendment.

The PRESIDING OFFICER (Mr. COCHRAN). Is there further debate?

Mr. NICKLES. Mr. President, we have reviewed this amendment. I compliment my friends and colleagues, Senator PRYOR from Arkansas and Senator STEVENS, and I compliment Senator STEVENS for his leadership. I think it is a good amendment. It further clarifies that what we are doing in this bill in no way would have any harmful impact whatsoever on hunting and fishing and delay those activities in any way whatsoever.

I urge its adoption.

Mr. STEVENS. Mr. President, if the Senator will yield for just one moment, I failed to thank my good friend John Roots on our behalf, who has worked so hard on this staff and Senator PRYOR's staff. I thank him very much.

Mr. PRYOR. Mr. President, if I may, I do not want to spoil the opportunity to pass this amendment because I think it is going to be accepted by everyone. So I will sit down. I could not help but catch it when my good friend and colleague from Alaska was talking about his good friend and our colleague from Rhode Island when he referred to their ''prior disagreements.'' I am very hopeful that they will just use ''former disagreements.'' I think that would be a little more helpful here. [Laughter.]

Mr. President, I thank the managers. I thank them for the support for this amendment. I hope it will be adopted.

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

The amendment (No. 415) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 413, AS MODIFIED

Mr. NICKLES. Mr. President, I send to the desk technical amendments. This changes a couple of letters and numerals. They are technical corrections to amendment No. 413 that were made earlier.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 413), as modified, is as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

''(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604, section 605, section 607, and section 609 of P.L. 96–354;

(iii) the agency's actions relevant to Title II, section 202, section 203, section 204, and section 205 of P.L. 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subsection B(i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section.''

On page 14, at the beginning of line 5, insert ''section 3(a)(1)–(2) and '', and on line 5 strike ''3(a)(2)'' and insert in lieu thereof ''3(a)(3)''.

Mr. NICKLES. 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. 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.

Mr. GLENN. Mr. President, the Governmental Affairs Committee's unanimous bipartisan regulatory reform bill has a legislative veto of major rules in it. Major rules. I believe this is a good proposal, because there are anywhere from between 700 to 900, some estimates have gone as high as 1,000, ''major'' or ''significant'' rules issued each year. And that word ''significant'' means something special, because these are the rules that have an annual impact on the economy of $100 million per year or more, or otherwise have a significant impact on the economy or a region of the country, or other important effect.

These 700 to 900 major rules or regulations are the big rules out of the approximately 4,000 rules that are issued every year—4,000. One estimate today when we were discussing another bill was that these rules in some years run as high as 4,800 to 5,000.

Let us say an average of 4,000 rules are issued each year by Federal agencies. A legislative veto, where we call rules back up or have the potential for calling them back up for review, for all 4,000 rules, I think, is just too much. What kind of regulatory overload are we putting on the Congress? Will we be so overloaded in these rules that we will not be able to adequately consider ones that we should consider?

It is the major rules that we care about, the ones that are significant. These are the big rules that implement the primary policies and requirements of our laws on public health and safety, on environmental protection, economic policy, communications, farm policy, and all the rest.

We have a hard enough time getting our work done the way things are. I do not think we should create an almost automatic process to bring up every rule under the Sun.

Let me give some examples. Just from yesterday's Federal Register, I see rules on drawbridge closings, rules on safety zones in New Jersey's Metedeconk River, Federal prison work compensation program rules, Justice Department claims settlement rules, FAA—the Federal Aviation Administration—class D airspace rules.

And I would say from some personal experience, FAA just a short time ago redid all the airspace designations, A, B, C, D, and F, right on down the line, to show what areas planes can fly into and out of without radios, being on instrument control, visual flight rules, and so on. These kind of rules are still being flushed out and changed a bit. So one of the things in the Federal Register is for class D airspace rules.

There is the postsecondary education ''borrower defenses'' regulations.

Let us not forget that the reason we have agencies and an open ''notice and comment'' administrative process is so that Government can get its work done in a fair and orderly and semiefficient process. At least, that is the goal.

We need regulatory reform. And I am first to support regulatory reform. We worked on it for several years in the Governmental Affairs Committee. So we know we need regulatory reform, and I am all for it. I have been saying that for some time. But we do not need to create more gridlock by trying to run, or have the potential of running, 4,000 rules through Congress each year. That is a bottleneck that we just do not need.

We are trying to make Government work better, not grind to a complete halt.

So I think we need to keep the legislative veto focused on the big rules that really matter, that really mean something, ones that we should be addressing.

The amendment I was going to submit limits the legislative veto to significant rules—just significant rules,

not all the smaller rules, the significant ones—that fit the definition that I gave a moment ago. Again, this matches the scope of the provision we passed in the Governmental Affairs Committee by a vote of 15 to 0—eight Republicans and seven Democrats.

The amendment that I was planning to submit would make the following changes to the Nickles-Reid substitute:

One, the amendment would insert the word ''significant'' into the substitute at three places—in sections 3(a)(1)(A), 3(b), and 3(d)(1). With this change, the congressional hold-over and process covers ''significant rules'' instead of all ''rules.''

No. 2, the amendment would have stricken one subsection, section 3(a)(3). This would have deleted the paragraph relating to effective date for other rules which refers to the submission of nonsignificant rules to Congress for review.

Again, the single purpose of this amendment would have been making the legislative veto process apply to significant rules. This is what the Governmental Affairs Committee supports unanimously, and I think it makes good sense.

The alternative, congressional review of potentially all 4,000 rules issued each year, makes little sense to me at all.

Mr. President, I will not submit this amendment. I did want to address it, but I will not submit it because I know from discussions with the floor leaders that we are not going to get this adopted. The votes are there to defeat this.

So I would rather not have a vote on it now. I think the best thing to do is not submit it, but talk a little bit about it and let people know how important I think it is and, hopefully, out of the conference process with the House, we might be able to address this problem.

But let me just say a couple more things. Four thousand rules could be sent to Congress and parceled out to appropriate committees—just think of that—4,000 rules. That would be the potential. I am not saying all 4,000 rules are going to be called up every time. But let me say this: For each rule, you sure are going to have some lobbyists out there interested in that rule. We are going to have lobbyists coming out of the woodwork to lobby one or more Members to move a resolution of disapproval through the appropriate committee. That can be done through committee. So these lobbyists would be trying to get Members to move that resolution of disapproval.

If the committee does not act within 20 days, the lobbyists will work to get 30 Members to sign a petition of discharge or will pressure the majority and minority leaders to discharge the committee.

So the lobbyists and special interests will have special ways of doing this, first with committee members. If that does not work, then they will try for the majority or minority leaders, or within 20 days they can do the 30–Members approach of signing a petition to have that particular rule brought up for reconsideration.

If the committee reports out a resolution of disapproval or the committee is discharged, the disapproval of the rule will be the subject of lobbying by those parties affected. All this could happen; the potential is there for it to happen up to 4,000 times a year.

If we think the demands for lobby reform have been great before, you just wait until the public sees the lobbying feeding frenzy, like piranhas, looking at this legislation, and the potential for redoing legislation that they may have just lost a point on in the recent past when the original legislation was passed.

So that kind of a lobbying feeding frenzy could take place after we provide expedited procedures for congressional review of all these rules.

That might just be for starters. Consider what will happen if we pass a controversial bill that produces significant political argument. All these things are not bound up just in money. Significant rules can have a basis other than money.

Think of this one: We pass a controversial bill that produces significant political argument—let us take a hot button item like abortion. We know what happens every time that issue comes up in the Congress. When we have to debate abortion legislation, every regulation, every rule, no matter how minor, will have a whole string of Senators and lobbyists and outside groups who will want to bring that regulation back to the floor, not necessarily because they think the regulation does not reflect congressional intent—it may be perfect and may have passed with a majority and have expressed congressional intent perfectly. Because what they want under our expedited procedures is to spend 10 hours in political and ideological argument, regardless of the original bill that might have just passed. So we are opening all of that up.

I had hoped to close some of that up by designating just the significant rules for reconsideration.

When we open up this additional time under our expedited procedures to spend extra hours, the 10 hours in political or ideological argument, about something that just passed—and I used the example of abortion because we all know how impassioned the pleas get around here and how emotional that issue is, think of what happens if we pass something in that regard and we are out here with the agencies doing rules and regulations to back up what the Congress just passed. Then we find that once the rules and regulations are written, do we think that the lobbying groups will not immediately come back up and do everything they possibly can do to get that back on the floor again for additional discussion? You can bet they will.

Is that what we want? Do we want to provide a forum for continually revisiting issues that have been settled by a vote because a vocal and determined minority will now have the review of regulation by Congress as a convenient trigger for such debate?

Well, I know when to put amendments in, I hope, and I know when the amendments are not worthy to be put in because they are just going to be voted down. I think the second is the situation I find myself in right now.

I think this would be better legislation if we had in there the amendment I was going to propose. But since we will not have it in there, I just want everyone to know that I will be voting for the legislative veto, but with my fingers crossed that we do not wind up creating a real gridlock in legislative reconsideration of legislation just passed for which the rules and regulations are being written.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 412, AS MODIFIED, TO AMENDMENT NO. 410

Mr. LEVIN. Mr. President, I send to the desk a copy of amendment No. 412, which has already been adopted, and I ask unanimous consent that the amendment be modified as indicated on this document that I am sending to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I have been working with my friend and colleague, Senator LEVIN, as well as Senator BYRD from West Virginia. We have no objection to this amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, with its modification, is as follows:

On page 9, line 2, strike everything after ''discharged'' through the period on line 6 and insert the following: ''from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.''

Mr. LEVIN. Mr. President, I thank the Chair and I thank the Senator from Oklahoma, and I particularly thank Senator BYRD for pointing out to us the problem which could have been raised unintentionally by that amendment.

AMENDMENT NO. 416 TO AMENDMENT NO. 410

Mr. LEVIN. 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 legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 416 to amendment No. 410.

Mr. LEVIN. 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 14, strike lines 3 through 7, and insert in lieu thereof:

"SEC. 7. JUDICIAL REVIEW.

No determinationa, finding, action, or omission under this Act shall be subject to judicial review.''

Mr. LEVIN. Mr. President, this amendment addresses the issue of judicial review. It has been agreed to by the managers of the bill, and I thank them for their cooperation and support.

I want to thank the Senator from Ohio also for the tremendous work that he has put in on this amendment and also on the entire bill. I will have something more to say about his comments relative to which rules should be subject to legislative review, because I happen to agree with his comments a few moments ago.

The purpose of this amendment, which I understand has been agreed to by the managers of the bill, is to be more precise on the question of judicial review. The substitute that is before us in two sections specifies that they are not subject to judicial review, and the problem is that there could be an ambiguity raised unintentionally about the reviewability then of other sections which do not have that language.

So the concern that some of us have is the implication relative to other sections of the bill by the specific language in two sections of the bill.

My amendment states that no determination, finding, action or omission under this act shall be subject to judicial review, which clarifies the judicial nonreviewability of this act. I understand that this has been cleared by the managers.

The PRESIDING OFFICER (Mr. GRAMS). Is there further debate on the amendment of the Senator from Michigan?

Mr. NICKLES. Mr. President, I thank my friend and colleague from Michigan. We have no objection to this amendment. This amendment precludes judicial review of determinations, findings, actions, or omissions with respect to this act. However, judicial review of regulations not disproved by Congress is not affected by this act. Of course, it is expected that the courts will give affect to any disapproval of the regulation.

Moreover, instructions to the courts contained in the act, such as section 3(g) regarding inferences not to be drawn from this inaction are neither determinations, findings, actions or omissions, within the meaning of the amendment; and therefore courts are expected to accept such direction from the Congress. Therefore, we have no objection to this amendment.

Mr. GLENN. Mr. President, I ask unanimous consent that I be permitted to be a cosponsor of the amendment.

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

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

The amendment (No. 416) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 414, AS MODIFIED

Mr. REID. Mr. President, as to amendment No. 414, which was previously accepted, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, is as follows:

Page 5 of amendment No. 414 is modified as follows:

(2) FINAL AGENCY ACTION.—The term ''final agency action'' means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term ''term grazing permit'' means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled ''An Act to facilitate and simplify the work of the Forest Service, and for other purposes'', approved April 24, 1950 (commonly known as the ''Granger-Thye Act'') (16 U.S.C. 580*l*), or other law.

SEC. 03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, regulation, policy, court order, or court sanctioned settlement agreement, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit; or

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Iowa?

The Senator from Iowa is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I want to speak for the fifth and probably final time—at least for a few days—on this subject of Department of Defense appropriations and the continuing program budget mismatch.

If Congress rolled back DOD's spending plans at the height of the cold war in the mid-1980's—and we did that on May 2, 1985—then why would Congress now move to pump up the defense budget when the cold war is over and the Soviet threat is gone? It makes no sense to me.

Mr. President, the General Accounting Office has prepared an interesting set of tables that portray the evolution of the future years defense program for the Defense Department and the budget mismatch with that future years plain. I ask unanimous consent to have this printed in the RECORD at this point.

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

TOTAL OBLIGATIONAL AUTHORITY REFLECTED IN DOD'S FUTURE YEARS DEFENSE PROGRAMS [a]

[In billions of dollars]

Fiscal Year	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
1971 [b]	79.4	77.0	73.5	70.1	69.1	69.8	69.0									
1972		76.8	75.3	79.2	82.0	81.3	80.7	81.7								
1973			75.1	78.1	83.2	87.3	86.6	85.6	84.0							
1974				77.7	81.0	85.0	89.0	88.8	87.0	89.1						
1975					80.5	87.1	92.6	96.9	95.2	96.8	98.5					
1976						85.0	89.0	104.7	112.4	116.6	120.4	122.3				
1977							87.9	98.3	112.7	119.7	125.8	129.8	132.1			
1978								97.5	110.2	120.4	139.1	149.4	160.2	169.0		
1979									108.3	116.8	126.0	145.1	154.6	165.2	177.4	
1980										116.5	125.7	135.5	150.4	159.1	169.2	181.5
1981											124.8	139.3	158.7	183.6	205.6	228.7
1982												142.2	178.0	222.2	224.9	250.0
1983													176.1	214.2	258.0	285.5
1984														211.4	240.5	274.1
1985															238.7	259.1
1986																258.2
1987																
1988																
1989 [c]																
1990																
1991																
1992																
1993																
1994																
1995																
1996																
Difference [d]	n/a	n/a	n/a	n/a	n/a	n/a	$18.9	$15.8	$24.3	$27.4	$26.3	$19.9	$44.0	$42.4	$61.3	$76.8

TOTAL OBLIGATIONAL AUTHORITY REFLECTED IN DOD'S FUTURE YEARS DEFENSE PROGRAMS [a]—Continued

[In billions of dollars]

Fiscal Year	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Percent Change [e]	n/a	n/a	n/a	n/a	n/a	n/a	27.4%	19.4%	29.0%	30.8%	26.7%	16.3%	33.3%	25.1%	34.6%	42.3%

[a] Each column begins with the initial planning estimate for that year. The 2nd through the 5th amounts in each column represent subsequent changes to the initial estimates as the initial estimate ultimately becomes the budget submission. The last amount in each column represents the actual appropriated amounts. The intersection of the same year represents that year's budget proposal.
[b] Note that each row displays the prior year, the current year, the budget year and 4 or 5 out years.
[c] DOD did not produce a revised FYDP for FY 1989. The data in the 1989 row is taken from the President's budget submission.
[d] Dollar difference between initial plan and ultimate appropriation.
[e] Percentage change between the initial planning estimate and the ultimate appropriation.
[f] Insufficient data for analysis.

Source: US General Accounting Office Analysis of DOD Data.

TOTAL OBLIGATIONAL AUTHORITY REFLECTED IN DOD'S FUTURE YEARS DEFENSE PROGRAMS [a]—Continued

[In billions of dollars]

Fiscal Year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
1971 [b]																	
1972																	
1973																	
1974																	
1975																	
1976																	
1977																	
1978																	
1979																	
1980																	
1981	253.8																
1982	278.3	296.2															
1983	331.7	367.6	405.6														
1984	326.8	357.3	386.2	425.2													
1985	305.7	350.3	379.9	412.2	446.8												
1986	265.3	314.4	354.8	402.4	439.7	478.6											
1987	280.1	296.4	312.3	341.3	363.6	397.7	415.7										
1988		280.5	286.3	304.1	324.1	370.4	392.6	416.1									
1989 [c]			279.5	283.2	299.5	316.4	333.7	351.6	370.2								
1990				288.6	292.7	306.6	321.7	336.4	351.5	366.3							
1991					292.2	292.3	297.3	320.9	337.2	350.1	365.0						
1992					293.8	274.3	279.0	278.6	279.0	281.5	283.4	288.2					
1993							309.1	286.1	271.3	268.6	270.7	271.3	275.5				
1994								286.1	272.9	255.0	253.2	242.7	236.1	241.5	264.0		
1995									270.0	251.7	253.5	244.2	241.5	247.5	253.8		
1996											252.6	246.0	242.8	249.7	256.3	266.2	276.6
Difference [d]	$26.3	($17.6)	($126.1)	($136.6)	($154.6)	($204.3)	($106.6)	($130.0)	($100.2)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
Percent Change [e]	10.3%	−5.9%	−31.1%	−32.1%	−34.6%	−42.7%	−25.6%	−31.2%	−27.1%	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

[a] Each column begins with the initial planning estimate for that year. The 2nd through the 5th amounts in each column represent subsequent changes to the initial estimates as the initial estimate ultimately becomes the budget submission. The last amount in each column represents the actual appropriated amounts. The intersection of the same year represents that year's budget proposal.
[b] Note that each row displays the prior year, the current year, the budget year and 4 or 5 out years.
[c] DOD did not produce a revised FYDP for FY 1989. The data in the 1989 row is taken from the President's budget submission.
[d] Dollar difference between initial plan and ultimate appropriation.
[e] Percentage change between the initial planning estimate and the ultimate appropriation.
[f] Insufficient data for analysis.

Source: US General Accounting Office Analysis of DOD Data.

Mr. GRASSLEY. Mr. President, I hope that we can see through all the fog. I hope that the gap between the future years defense plan and the budget does not mean the military has unfunded needs.

A superficial examination shows that the future years defense plan topline matches exactly the topline in the President's budget.

In theory, then, that means that all military requirements are met. That does not happen to be the real world, however.

History teaches us that the cost of the Department of Defense future years defense plan, which is 6 years out, almost always exceeds money in the budget. That is called overprogramming.

The projected cost of the future years defense plan exceeds what Congress finally appropriates.

If the Budget Committee sent a resolution to the floor with a Department of Defense-style overprogramming, I feel the Parliamentarian would rule it out of order.

So what we are faced with is a lack of truth in budgeting.

First, the leaders in the Pentagon keep us, and perhaps themselves, in the dark with bad information—bad numbers.

Second, the leaders at the Pentagon fail to manage. They avoid the tough decisions. They finance the programs, and they use maneuvers called the ''buy in'' and ''front loading'' to get the camel's nose under the tent for a specific program. The tent happens to be the future years' defense plan, 6 years of planning. To get the whole camel in the tent, the tent either has to be made bigger or the camel gets smaller.

DOD knows this, but they will not tell us. They really will not admit it. When Congress balks, the Department of Defense buys half a camel and then blames Congress for the mess, what eventually becomes a stretch out. It is kind of a process of extortion. The camel, which could be any of these defense programs, has to be reconfigured to fit under the tent of the future years' defense plan. So instead of buying a whole camel like we thought and need, we end up buying half a camel.

This is the downside of the plans/reality mismatch, which is all too evident in every defense budget.

This process undermines our force structure. Pretty soon, the military cannot do its assigned missions. The force is just too small.

There is yet another way to look at the problem and that is, once a program gains a solid foothold in the future years' defense program and that plan gets rolling, its true costs start to ooze out.

As its costs rise, overly optimistic funding levels do not materialize. The topline, then, is pressed downward by us in the Congress because we only have so much money to spend, including borrowing money, including for defense.

Congress is faced with fiscal realities and is forced to lower the topline. Costs are underestimated and available funding is overestimated. That is why the camel will not fit into the tent. The money squeeze keeps making the tent smaller.

The *Seawolf* submarine is an excellent case in point. When it was sold to the Congress, the Navy promised that it would cost no more than $1 billion a copy. Now the costs are all the way up to $3 billion, and perhaps even more.

The F–22 fighter is another perfect example of the front-loading operation, where a particular plan will not fit into the budget with the available money that we have to appropriate.

When the *Seawolf* and the F–22 front-loading operations are repeated hundreds or even thousands of times in each future years' defense plan for each separate program, we are staring down the throat of a ravenous monster.

This produces what I call a future years' defense plan blivet. Costs go up,

projected funding comes down, and it is like trying to stuff 10 pounds of manure into a 5-pound bag.

Front loading is a wasteful and destructive practice.

The worst part about it is that the military does not get what it needs to do its job.

With the *Seawolf* and the F–22, the military will never get enough subs and fighters to modernize the force as we know it.

The GAO's ongoing historical studies of procurement programs show that the Department of Defense pays more but gets less.

For example, 130 percent is paid for 80 percent of a program. We must find a way to control this monster. Leadership, integrity, courage, and good information—that is what is needed. With leadership and good information, Pentagon managers might have the courage to make the hard choices needed to squeeze all of the programs into the money sack that we finally approve.

More money cannot be the answer because we all know that the Pentagon has an insatiable appetite for more money and, quite frankly, we cannot appropriate enough money to satisfy the appetite of the Defense to spend. Caspar Weinberger taught us that lesson the hard way.

Mr. President, that famous budget analyst over there at DOD, Chuck Spinney, whom I spoke about a couple speeches ago, the man who got his picture on the front cover of Time magazine, is still cranking out his spaghetti diagrams. He is doing it over there in the bowels of the Pentagon. His new briefing is called ''Anatomy in Decline.''

Like before, his data is derived from the future year defense plans. It sounds like the same old story to me, but we need to be sure. I believe that Chuck Spinney has a great deal of credibility, but I suppose since so many people in this body might not agree, then we have to do other work to make sure that it is backed up.

Senator ROTH and I have asked the General Accounting Office to conduct an independent analysis and validation of the data and methodology used in this new Spinney study. Hopefully, the General Accounting Office will help put the problem in a very much understandable perspective.

Mr. President, I would now like to wrap up my thoughts on the integrity of the Department of Defense budget. In a nutshell, Mr. President, we have financial chaos at the Pentagon.

We have meaningless accounting numbers. We have meaningless budget numbers. We have meaningless cost estimates. To make matters worse, the numbers are not just meaningless; they are also misleading and they are deceptive. Bad financial information leads to bad decisions. And there is no accountability for fiscal mismanagement.

The top leadership in the building has been aware of the problems for a long time. Even former Secretary Les Aspin talked about his fiscal horror show. Secretary Perry has also talked about his.

Despite all the hand wringing in the Pentagon, despite all the misleading accounting and the misleading budget information, it still all continues to be tolerated at the top levels.

It is almost a joke. Officials openly laugh about it. The chief financial officer of any company would be fired on the spot for presenting such inaccurate and misleading fiscal data. He or she might even be jailed.

Now I know that the new comptroller over there, Mr. Hamre, is trying to fix the problem. But trying is not enough, although I do give him good marks, marks for being well intentioned and trying to overcome all the obstacles that are over there for the comptroller to do the job that he is charged with doing.

I say ''trying is not enough'' because he has to do it, and heads will have to roll because this job is done. Bad accounting and budget numbers keep Congress and the American people in the dark. That is an undemocratic process of our constitutional responsibility of control. It is undemocratic because it is unaccountable to the people.

We have a duty and a responsibility to the citizens of this country to give them a complete and a very accurate accounting of how we are spending their money.

Today, we are unable to do that as far as the Defense budget is concerned. We do not know how the money was used last year, and we do not know how the money will be used next year.

My message, Mr. President, is quite simple: If we do not know where we are and we do not know where we have been, we cannot possibly figure out where we are going. In regard to this defense issue, we could be lost. We cannot make good budget decisions until we get some good numbers.

Until the Department of Defense budget shambles is cleaned up, I do not think anyone knows for sure how much is needed for national defense right now.

Yet the President wants to put $25 billion more in, and people in this body want to put still, on top of that, another $55 billion. Why would we want to throw more good money after bad? It is beyond me, Mr. President.

I hope some of my colleagues on this side of the aisle will join me in being a frugal hog. That means opposing any increase in the defense budget. Instead, we should work hard for better management, more accurate information, and for sure, accountability. Otherwise, we are all doomed to repeat the mistakes of the 1980's.

Mr. President, I yield the floor, as I have concluded my statements on the integrity, or lack thereof, of the Defense Department budget.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 415, AS MODIFIED

Mr. NICKLES. Mr. President, I ask unanimous consent that I may modify amendment No. 415, which was previously agreed to.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, No. 415, as modified, is as follows:

On page 13, beginning on line 1, strike all through line 22 and insert in lieu thereof the following:

''(2) SIGNIFICANT RULE.—The term ''significant rule''—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations or recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.''

Mr. NICKLES. Mr. President, I might mention, this modification is just changing paragraph and page in the amendment that has already been agreed upon.

Mr. JOHNSTON. I have a question about the effect of the Nickles-Reid substitute on a regulation by the Department of Transportation to reduce the liability limit of deepwater ports like the Louisiana Offshore Oil Port [LOOP]. As the Senator may be aware, the Oil Pollution Act of 1990 established a new Federal regime governing liability for oilspill damages and cleanup. As part of that regime, liability limits were established for different types of vessels and facilities and, in the case of deepwater ports, the liability limit was established at $350 million. Recognizing that this limit might

be inordinately high, however, the Oil Pollution Act required that the Department of Transportation undertake a study and propose a lower limit if appropriate. The Coast Guard study was completed in October 1993. It concluded that the use of deepwater ports is the least risky means of importing crude oil to the United States and that a lower liability limit is appropriate. The rulemaking to lower LOOP's liability limit was initiated on February 8, 1995. It could reduce the liability limit from its present level at $350 million to $50 million—a $300 million difference. yet the economic impact of this change, as I think the committee intended it to be measured, will be much more limited, consisting primarily of the lower annual insurance costs LOOP will incur which reflect the lower risk associated with deepwater ports such as LOOP. Am I correct in understanding that the proposed rule to lower LOOP's liability limit would not be considered a significant rule under the substitute, and therefore would take effect without a 45-day delay?

Mr. NICKLES. The Senator has an excellent point. Although our substitute provides that the administrator of the Office of Information and Regulatory Affairs makes the determinations of what will qualify as ''significant rules,'' it appears clear on its face that in this case, the measurement of the economic impact of the regulation would be the cost savings to LOOP, not the dollar amount by which its liability limit is reduced, and therefore in my opinion, it probably would not be considered a significant rule by OIRA for purposes of this legislation.

Mr. JOHNSTON. I thank the Senator for his interpretation of the standard of measurement for economic impact and its application to the rule reducing LOOP's liability limit.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. 417 TO AMENDMENT NO. 410

Mr. LEVIN. Mr. 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], for himself and Mr. GLENN, proposes an amendment numbered 417 to amendment No. 410.

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

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

The amendment is as follows:

On page 14 of the amendment, line 2, strike the period and insert: '', except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matters.''

Mr. LEVIN. Mr. President, agencies issue probably thousands of rules each year that pertain only to one person or business. These are rules that are issued on a routine basis—opening a bridge, changing a flight path, exempting a person from meeting general standards that do not apply to that person's particular situations. I do not think these rules are included in that 4,000 count that we sometimes use as the rules that would be covered by this legislative review provision.

These are the rules of specific, particular applicability that have no general applicability, and that it is not our intent, I believe—I should not say that, but I do not believe it is the intent of the makers of the substitute here—to cover by the substitute.

So this amendment makes it clear that these rules of particular applicability and these routine rules are not covered by this legislative review substitute.

I believe the amendment has been cleared by the managers of the bill?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate my colleague's amendment. We have worked with him and his staff on this amendment. We have no objections and urge its adoption.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I compliment the Senator from Michigan for his work on this. He has worked long and hard on rules and regulations in the Governmental Affairs Committee. This is one example of how thorough he is in these areas.

Even though we can pass laws—we can pass rules and regulations—there are coincidences that apply in particular cases or places, or things are found to be unfair with the local people. And, where that can be corrected, it should be corrected.

This provides for that kind of a correction where otherwise people would be dealt with very unfairly by their government. We are trying to make this as fair as possible for everybody.

That is what the Senator from Michigan is doing. I compliment him and am glad to cosponsor his amendment.

Mr. LEVIN. I thank the Senator from Ohio.

Mr. President, I do not know of any further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 417) is agreed to.

Mr. LEVIN. 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.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

REINVENTING GOVERNMENT

Mr. DASCHLE. Mr. President, a little while ago the majority leader spoke on the floor regarding the administration's Reinventing Government proposal.

The majority leader suggested that the President has jumped on the budget-cutting bandwagon and that he has done so in response to the November 1994 election.

Mr. President, the President and the Vice President, since before the November 1992 election, have stated and proven their commitment to the process of streamlining government. The proposal announced yesterday has been labeled ''REGO II,'' because it is the second phase in a Reinventing Government process that began over 2 years ago.

Through that process headed by Vice President GORE, we have already taken steps to cut back the Federal Government. The Federal work force is today the smallest it has been since John Kennedy was in the White House. The proposal announced yesterday would cut $13.1 billion and eliminate 4,805 Government positions over the next 5 years.

Reinventing Government has been an ongoing, thoughtful process based on careful analysis of the ways with which to cut the bureaucracy while ensuring the Government's ability to meet our policy goals.

To suggest that the President or the Vice President have jumped on the bandwagon is off base.

The majority leader also suggested that the rescissions bill the Senate is about to consider will provide immediate savings and is, therefore, superior to the President's Reinventing Government proposal.

First, Mr. President, the administration's Reinventing Government proposal and the rescissions package are not in competition. It is not an either/or. We can and should cut waste and streamline Government whenever and wherever it makes sense and fits within our national priorities.

But if the comparison is going to be made, it should be accurate. I would hate for anyone to be left with the impression that the Republican rescissions package provides over $13 billion in cash savings in fiscal year 1995, because it does not.

According to the Congressional Budget Office, the proposal would cut $13.2 billion in budget authority in fiscal year 1995, but the outlay savings would be $11.48 billion spread over the next 5 years. The analysis from CBO shows that, while $13.2 billion in budget authority would be cut in fiscal year 1995,

the Republican proposal would cut only $1.138 billion in outlays in fiscal year 1995.

I ask unanimous consent that a CBO analysis issued today on the rescissions package be printed in the RECORD at this point.

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

SUMMARY: SECOND SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1995 (S. 617), STATUS: SENATE REPORTED

[Note: estimates based on April 1, 1995 enactment; by fiscal year, in millions of dollars]

	Budget authority	Outlays—				
		1995	1996	1997	1998	1999
Emergencies						
Fiscal year 1995	1,900	335	67	1,498	0	0
Contingent Emergencies						
Fiscal year 1996	4,800	0	0	346	1,981	2,474
Supplementals						
Fiscal year 1995	2	(15)	20	304	99	0
Discretionary	(7)	(24)	20	304	99	0
Mandatory	9	9	0	0	0	0
Fiscal year 1996	251	0	(41)	22	0	0
Fiscal year 1997	(40)	0	0	(60)	21	0
Fiscal year 1998	(39)	0	0	0	(43)	3
Total, Fiscal years 1995–98	174	(15)	(21)	265	77	3
Discretionary	165	(24)	(21)	265	77	3
Mandatory	9	9	0	0	0	0
Rescissions						
Fiscal year 1995	(13,152)	(1,138)	(2,939)	(2,454)	(1,981)	(2,912)
Emergencies	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies	(13,090)	(1,138)	(2,937)	(2,452)	(1,979)	(2,908)
Fiscal year 1996—Non-Emergencies	(26)	0	(26)	0	0	0
Fiscal year 1997—Non-Emergencies	(29)	0	0	(29)	0	0
Total Fiscal years 1995–97	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Emergencies	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies	(13,146)	(1,138)	(2,963)	(2,481)	(1,979)	(2,908)
Total Bill						
FY 1995–98:						
Emergencies	6,700	335	67	1,844	1,981	2,474
Supplementals	174	(15)	(21)	265	77	3
Rescissions	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Total	(6,334)	(818)	(2,919)	(374)	77	(435)

*Congressional Budget Office, Mar. 28, 1995.

Mr. DASCHLE. Mr. President, I hope we can avoid the politicization of the debate about reorganizing government. Democrats and Republicans both recognize the need to reinvent government, to find ways to run our Federal Government in a much more efficient manner.

The President and the Vice President should be congratulated—not criticized—for leading the effort to find new ways, going all the way back to the very beginning of this administration, to both reduce the cost and the size of government in a meaningful way.

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor to the pending substitute.

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

Mr. LEVIN. Mr. President, I support the substitute. I have supported what we call legislative review—the earlier form being called legislative veto—not only when I got to the U.S. Senate but before I got to the U.S. Senate. It was actually, believe it or not, part of my election platform when I first ran for the U.S. Senate in 1978, because I believed that elected officials should have the responsibility to review important regulations of the bureaucracy.

I found, as a local official, that I was too often confronted with regulations which had major impacts on my community, and I was told, if you want to go and complain about those regulations, go to the agencies somewhere out in the yonder somewhere, see if you can find that agency or the regional office of that agency somewhere. I was shunted around from unelected official to unelected official. I wanted very much to have an elected person accountable to me for major regulations, be it an elected President or be it an elected Member of Congress.

So I very much supported legislative veto starting in 1979 when I worked with Elliott Levitas in the House and Harrison Schmitt in the Senate on Government-wide legislative veto, as well as a specific provision for the Federal Trade Commission.

As a matter of fact, Senator Ribicoff, who was then chairman of the Governmental Affairs Committee, held a series of hearings on regulatory reform, did a major study which was the basis for an omnibus regulatory reform bill called S. 1080 that passed the Senate in 1982 but died in the House.

I sponsored the legislative veto provision that was added to the FTC. The reason we did that was because of some major controversial rulings of the FTC relative to used-car dealers and funeral directors and other major industries and segments of our economy.

Senator Schmitt and I, in March 1982, offered a Government-wide legislative review amendment to the regulatory reform bill that I have made reference to. And some of the same key players

who are active now—Senators NICKLES, GRASSLEY, and COCHRAN—were all cosponsors of that legislative veto provision. That amendment was adopted by an overwhelming vote. We would be in a lot better shape today had that provision been enacted into law.

That provision, like Nickles-Reid, required a joint resolution of disapproval as distinguished from just a concurrent resolution or a simple resolution. The Supreme Court in Chadha had ruled that the concurrent resolution form of legislative veto was unconstitutional.

After the defeat of that omnibus regulatory reform bill, S. 1080, in the House, Senator GRASSLEY tried to resurrect it in the 98th Congress. I supported that effort. But, again, we did not make it.

So, Mr. President, with that kind of long history of support for legislative veto, here called legislative review because it is somewhat different from those original forms, I am happy to cosponsor the substitute that is before us. And I am particularly pleased because I think this has a good chance of becoming law. This is real reform.

I believe it is the most significant reform that we can make in this area, because regulation is legislative in nature. Except for these rules of specific applicability or individual applicability which we have now exempted, when rules are adopted by agencies, they are significantly legislative in effect. They apply to large numbers of people, usually prospectively. And it is because of that legislative nature of these major rules that we should keep some political accountability. We should be politically responsible for the actions of the agencies to make sure that what they are doing carries out our intent and to make sure that what they are doing in fact is cost effective.

Mr. President, the delay that is involved in this form of legislative review is insignificant. The Administrative Procedures Act already has a mandatory 30-day delay before a rule can become effective. There may be a little problem when Congress is out of session, but we are just going to have to live with that. But this 45-day period of delay to give Congress an opportunity to use an expedited process to review a rule that it chooses to on an individual basis makes us accountable for the rules that affect large numbers of people's lives in this country. We should accept that responsibility. We should be accountable for this kind of agency activity.

This legislative review approach will do just that, and it does it in a very reasonable way. It is not a lumping of all rules together like that moratorium was and say freeze everything. This, to the contrary, takes a look at individual rules by the Congress, and the only delay that is involved, that 45-day delay, makes it possible for us legislatively to look individually at rules to make sure again that, before a rule goes into effect, it is cost effective and carries out our intent.

So, Mr. President, again, I am pleased to cosponsor this substitute. I congratulate Senator NICKLES and Senator REID on this substitute. The Senator from Oklahoma and the Senator from Nevada are to be congratulated on this substitute and I think it has been improved by a series of amendments.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate began debate on overhauling how the Federal Government imposes regulatory regulations. This legislation is the first of several bills the Senate may consider that have far-reaching implications for every policy that we consider on the floor.

In the last 20 years, this Congress has passed many laws to protect the public health and safety. The regulations to implement these laws were largely written by Presidents Ford, Reagan, and Bush.

The theory behind this legislation is that regulators have been running amok.

If that is so, they have been running very slowly. Today, every car ad brags about airbags, but it took 20 years to get the regulations in place to protect us from accidents.

In 1987, I started trying to get meat inspection reformed. It has taken 8 years to get those regulations issued—they are not final—even though they will save 4,000 lives a year.

The Senate Judiciary Committee will soon consider a bill that will delay them at least 2 years more.

This proposed legislation is not an antidote to regulators run amok. It is regulatory reform run amok. I believe in regulatory reform. The Laxalt-Leahy regulatory reform bill passed the Senate unanimously in 1982—13 years ago.

I believe that first, Congress should decide what responsibility we have to avoid harming our neighbors—what values it wants to protect. Then the agencies should use cost-benefit analysis—and whatever other tools are available to make the best decision.

This bill takes a fundamentally different approach to regulatory reform.

This bill is hypocritical.

Under this legislation USDA will continue to give a ''grade A'' label to unsafe meat.

This bill is so unworkable that the corporate lawyers insist on being exempted from it. Permits to put a product on the market are exempt from all reform. To protect the public, however, you have to do a judicially reviewable, peer reviewed, cost-benefit analysis and a peer reviewed, judicially reviewable, risk assessment.

This bill is unworkable. My regulatory reform bill used cost-benefit analysis as a tool to make sure regulation is done right. This bill takes a useful tool, and turns it into a rigid rule.

My bill made sure that rules were based on a cost-benefit analysis. This bill is a recipe for paralysis.

Instead of making sure there are good decisions, it makes sure that there will be no decisions.

This bill is antidemocratic. Even the Reagan Department of Justice rejected putting the courts in charge of cost-benefit analysis because it was antidemocratic.

An elite group of economists using formulas we do not understand, and values we do not share, will veto laws passed by Congress designed to protect the health and safety of the American people.

Perhaps this legislation can be fixed. If not, President Clinton should veto it.

Mr. KOHL. Mr. President, I rise with great ambivalence about the legislation that we are considering today. I have expressed grave reservations about efforts to impose a regulatory moratorium, similar to that reported out of the Governmental Affairs Committee. I believe such legislation to be extreme, because it assumes all regulations are bad, and does not allow for distinctions between necessary regulations and superfluous regulations.

While I agree that we should scrutinize regulations to assure that they are justified and reasonable, I believe a straight moratorium to be irresponsible. In that context, I am pleased that a bipartisan substitute has been offered to change the focus of this bill toward a legislative veto, which allows Congress to formally review major regulations.

However, even though the substitute we are considering today is reasonable, I am concerned that the regulatory moratorium concept is not dead. The House has passed moratorium legislation, and will be pushing to have that version enacted.

Foremost among my concerns with a moratorium is the status of pending drinking water regulations addressing cryptosporidium. Just under 2 years ago, the residents of Milwaukee experienced a debilitating outbreak of the parasite cryptosporidium in the drinking water. Buy the time the parasite infestation had fully run its course, 104 Milwaukee residents had died, and over 400,000 had suffered from a debilitating illness.

And it turns out that this problem was nothing new to this Nation. In reality, while the Milwaukee incident is the largest reported cryptosporidium outbreak in U.S. history, it is just one of many outbreaks nationwide. Other major outbreaks in recent years include a 1987 cryptosporidium outbreak in Carrollton, GA, that sickened 13,000 people, and a 1992 incident in Jackson County, OR, that caused 15,000 people to become ill. There are numerous other examples of parasite contamination nationwide.

But despite these outbreaks, no regulatory actions had been taken to protect consumers against future outbreaks. With the Milwaukee disaster, the Nation finally woke up to the problem. In the aftermath of Milwaukee,

EPA is now in the process of promulgating a package of regulations to require communities to test for cryptosporidium in their drinking water, and ultimately to treat the water to remove cryptosporidium threats. These regulations are long overdue and must not be delayed any further.

Mr. President, I offer the cryptosporidium example to remind my colleagues that there are instances in which the Federal Government has not done enough. Much of the rhetoric of recent months has been focused on the extreme horror stories of overregulation. While some of these concerns are valid, we must also remember the horror stories of underregulation. I believe that the 104 deaths and 400,000 illnesses in Milwaukee are a testimony to the dangers of government inaction.

I certainly believe that the cryptosporidium threat in this Nation constitutes an imminent threat to human health and safety, and should, therefore, be theoretically exempted from any regulatory moratorium bill. However, I am concerned that the bureaucratic process necessary to make a declaration of imminent threat will cause unnecessary delay and place the people of this Nation at future risk.

So while I will support this substitute to establish a legislative veto, I do so with reservations about the potential of a resurrected regulatory moratorium. If such an effort is renewed in this body, I will strongly oppose such legislation.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 418 TO AMENDMENT NO. 410

Mr. REID. Mr. President, I believe the last matter this evening, at least as far as the Senator from Nevada is concerned, is an amendment offered on behalf of the Senator from Minnesota [Mr. WELLSTONE]. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WELLSTONE, proposes an amendment numbered 418 to amendment No. 410.

Mr. REID. 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 3, after line 24, insert the following:

''(4) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (2), the effective date of a rule shall not be delayed by operation of this Act beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 4.

On page 8, line 4, delete everything from ''after'' through ''Congress'' and insert on line 5 ''including the period beginning on the date on which the report referred to in section 3(a) is received by Congress and ending 45 days thereafter,''.

Mr. REID. Mr. President, the staffs have been working on this amendment most of the afternoon. It is technical in nature. It clarifies what was the intent of the Senator from Nevada and the Senator from Oklahoma. I believe the Senator from Oklahoma has cleared the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed this amendment, and we have no objection to it. I ask for its immediate adoption.

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

The amendment (No. 418) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. 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. 419 TO AMENDMENT NO. 410

(Purpose: Making technical corrections to the Nickles-Reid substitute)

Mr. NICKLES. Mr. President, I send an amendment making technical corrections 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 Oklahoma [Mr. NICKLES] proposes an amendment numbered 419 to amendment No. 410.

Mr. NICKLES. 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 12, line 7, strike the word ''significant'';

On page 13, line 2, of amendment No. 415, strike the words '', issued after November 9, 1994,'';

On page 14, line 23, strike the word ''significant''.

Mr. NICKLES. Mr. President, as I mentioned, this is a technical amendment, and I urge its adoption.

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

The amendment (No. 419) was agreed to.

Mr. NICKLES. Mr. President, I know of no further amendments on this bill.

Mr. REID. The Senator from Nevada knows of none on this side.

The PRESIDING OFFICER. If there are no further amendments, the question then is on agreeing to amendment No. 410, as amended, the substitute offered by the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Nickles-Reid amendment.

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

The PRESIDING OFFICER. The question is on agreeing to Nickles-Reid substitute amendment No. 410, as amended.

The amendment (No. 410), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

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

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

The PRESIDING OFFICER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent that final passage occur on S. 219, as amended, at 10:45 a.m. on Wednesday, March 29, and that paragraph 4 of rule XII be waived.

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

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID.

I wish to thank him and the Senator from Michigan and the Senator from Ohio, Senator GLENN, for their leadership and cooperation in enabling us to come to final passage.

I will remind my colleagues, for those who have not been following this, that we will have final vote tomorrow at 10:45. We were discussing 11, but it has been requested that the vote be at 10:45 a.m.

MORNING BUSINESS

REPORT ON THE HEALTH CARE FOR NATIVE HAWAIIANS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 37

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 Indian Affairs.

To the Congress of the United States:

I transmit herewith the Report of the Health Care for Native Hawaiians Program, as required by section 11 of the Native Hawaiians Health Care Act of 1988, as amended (Public Law 102–396; 42 U.S.C. 11701 *et seq.*).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995*.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since September 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with the United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola (''UNITA''). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (''FAC'') issued the UNITA (Angola) Sanctions Regulations (the ''Regulations'') (58 *Fed. Reg.* 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of September 20, 1994.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports*: Luanda and Katumbela, Benguela Province; *Ports*: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points*: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 26, 1994, through March 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $50,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995*.

MESSAGES FROM THE HOUSE

At 6:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and that the following Members be appointed as the managers of the conference on the part of the House:

For consideration of Senate amendments numbered 3, 5, 6, 7, and 10 through 25, and the Senate amendment to the title of the bill: Mr. LIVINGSTON, Mr. MYERS of Indiana, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. WOLF, Mrs. VUCANOVICH, Mr. CALLAHAN, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. WILSON, Mr. HEFNER, Mr. COLEMAN, and Mr. MOLLOHAN.

For consideration of Senate amendments numbered 1, 2, 4, 8 and 9: Mr. YOUNG of Florida, Mr. MCDADE, Mr. LIVINGSTON, Mr. LEWIS of California, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. NEUMANN, Mr. MURTHA, Mr. DICKS, Mr. WILSON, Mr. HEFNER, Mr. SABO, and Mr. OBEY.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Products Safety Commission for the remainder of the term expiring October 26, 1996.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BIDEN, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. WELLSTONE):

S. 632. A bill to create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 633. A bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO (for himself and Mr. DOLE):

S. 634. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. NUNN, Mr. THURMOND, and Mr. GRAHAM):

S. 635. A bill to amend title 10, United States Code, to provide uniformity in the criteria and procedures for retiring general and flag officers of the Armed Forces of the United States in the highest grade in which served, and for other purposes; to the Committee on Armed Services.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 636. A bill to require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 637. A bill to remove barriers to interracial and interethnic adoptions, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (by request):

S. 638. A bill to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL (for himself and Mr. JOHNSTON):

S. 639. A bill to provide for the disposition of locatable minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. REID, Mr. BOND, Mr. GRAHAM, and Mr. MCCONNELL):

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. HATCH, Mr. JEFFORDS, Mr. FRIST, Mr. PELL, Mr. DODD, Mr. COATS, and Mr. SIMON):

S. 641. A bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 642. A bill to provide for demonstration projects in six States to establish or improve a system of assured minimum child support payments, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mrs. MURRAY):

S. 643. A bill to assist in implementing the Plan of Action adopted by the World Summit for Children; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 95. A resolution making minority party appointments to the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BIDEN, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. JEFFORDS and Mr. WELLSTONE):

S. 632. A bill to create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes; to the Committee on the Judiciary.

THE CHILD CUSTODY REFORM ACT OF 1995

Mr. DOMENICI. Mr. President, I am this morning going to introduce a bill that I am hopeful the Judiciary Committee of the U.S. Senate will take into consideration rather quickly and report something to the U.S. Senate akin to what I am going to talk about for the next few minutes.

There is much talk about seeing to it that we insist that parents be responsible and that, where there are custody situations in a split household, divorce or otherwise, the obligations to pay child support get enforced across the land. The President speaks of it, everyone speaks of it, in more or less the notion of the need for parental responsibility and the fact that responsible parents alleviate some of the Government's expenditures if they were paying their legally obligated payments to their children.

And so today I want to discuss briefly where we are with reference to that and what we ought to do.

Let me talk now about the bill itself.

Over the past few months, we in Congress have spoken a great deal about the need to get our Nation's fiscal house in order. Although we may disagree on exactly how we should get there, the debate on this matter has demonstrated at least one matter on which we all agree. This central point of agreement is about the future, and what responsibilities and burdens we will be handing to generations yet to come. Concern for the future of our children and grandchildren must be the defining issue. I believe this our foremost responsibility, and I know there are many women and men in this body who share this commitment.

The need to provide for the future of our children and, indeed, the Nation, however, does not hinge solely on fiscal policy. The responsibilities we hold for the children of America span all aspects of life and incorporate many elements of the law. Children hold a special status under the law. We recognize that without a responsible parent or guardian, children are at the mercy of society. In the absence of measures to protect them, they are our most vulnerable and needy citizens. In such a case, the law becomes their primary protector and provider, and often their last source of relief in many instances in this country. I am addressing these issues today because I rise to introduce a bill that seeks to further support children in this country, and which will assist in protecting them when their best interests are not being served.

THE CHILD CUSTODY REFORM ACT OF 1995

In 1980, Congress passed the Parental Kidnapping Prevention Act—the PKPA. This bill sought to end the common situation where feuding parents, whether divorced, separated, estranged, or otherwise, used their children as pawns in their personal vendettas against each other. Often, this would take the form of one parent kidnapping the child and moving to another State. Once in the other State, the parent could petition that State court in order to obtain a new custody ruling. In the event that a different ruling was handed down, the legal battles began, with the child being used as leverage in a vicious parental battle that often played out over many years. The children thrown into the middle of these situations obviously suffered, some think they suffered irreparable harm, and congress had to step in to bring this practice to a halt. The PKPA did much to alleviate this situation, and solidified the statutes that protect children involved in custody disputes. Several years of this law in actual practice, however, have demonstrated that some gaps exist in this legislation, and there remain a few loopholes through which this situation can continue.

So today I rise to introduce the Child Custody Reform Act of 1995. We have worked diligently on this with various entities in our country and with the American Bar Association because we have one of these typical situations in the law that is spoken of when you go to law school as conflicts of interest, or conflict law. So this bill is going to put a cap on some of these inconsistencies and to further help resolve a troubling situation that continues to this day.

The Child Custody Reform Act that I am introducing amends the PKPA in two ways: First, this act would clarify the language of the PKPA so that future jurisdictional disputes are eliminated altogether. And second, this act would establish a national child custody registry so that the courts and officers of the court would have quick and accurate access to information regarding the status of any child in the Nation for whom a custody decree has been issued.

It would not pry into anyone's life. It would just take a matter of court record and produce that in a manner that would be available interstate, so that in a legal battle in State X with two children involved, the court can

immediately find out whether those two children are already involved in a legal situation in another State.

So, what we are going to do in this law is as follows.

Current PKPA provisions still allow a second State to issue a separate and oftentimes conflicting child custody ruling. This flaw allows a second State to modify a custody ruling made by a first State by determining on its own that the first State no longer had jurisdiction under its own law.

That is kind of legal jargon, but essentially if there is a valid decree affecting children in State A and one of the parents moves to State B, State B has found a way to avoid State A's decree which was made and is valid by finding that the first court did not have jurisdiction, and so they would take it all over in the second court.

We have worked long and hard with experts in the bar association on the law of conflicts and the law of custody.

This flaw allows the second State to modify the ruling where only one of the parents or one of the contending parties is present.

So under these proposed changes, the court of the second State would not be allowed to issue a ruling modifying the initial custody decree as long as one of the contestants still remained in the State that issued the original ruling.

This will say, as a matter of law nationally, the second State attempting to change the ruling in a State that already ruled, that that court has no jurisdiction as a matter of law in America, and the case must be returned to the first State. That means that a contestant will enter a motion in court setting this statute up as a defense and the judge will have clearly before him or her a national statute that says they must defer this back to the State of original jurisdiction.

If the original issuing State declines to exercise continuing jurisdiction, the second State would then be free to modify the ruling as it sees fit. This, I believe and many in the legal profession believe, will go a long way to stop jurisdictional disputes between States and their courts over contesting parties where there is a child or children in the middle of this battle from ever occurring.

We are, obviously, open to better language. We are, obviously, open to the Judiciary Committee of the U.S. Senate with its good legal counsel and Members of the Senate who have worked on this issue long and hard, to see if they can do better by language than we have, but we think this will go a long way.

Currently, States are required to keep a listing of existing child custody decrees. I repeat, that is not new. What exists right now is that States are required to keep a listing. No way of exchanging this between States is currently in the law of the land or being accomplished by any kind of standardization.

So what we decided to do in this bill—myself and cosponsors and I am sure there will be others—we have decided that we should encourage the establishment of a national registry in conjunction with the already existing Federal parent locater service where information on these children or their legal status could be entered. Thus, it would be available between States, and States would not get hoodwinked where a parent could take the children to another State, leave one parent behind, and want to start anew, ignoring what has already happened.

Obviously, the second court would know that those children were the subject of a custody decree in another State, and unless the original State declines to exercise jurisdiction, that would be returned to the original State that entered the decree, thus, not permitting parents to use their children as pawns and decide they will move to another State to change custody or change the obligation to pay child support.

So when a proceeding is commenced anywhere in the country, an officer of the court could immediately check with the registry of each State, which would be available to them, to see if a standing custody order currently exists or if a custody proceeding is currently pending in another court.

In the event that another ruling on the same child or children exists, the second court, in compliance with the PKPA, would immediately know not to proceed any further. If the adult guardian or parent still wished to move for a modification of the decree, they would have to petition the State in which the original custody decree was issued.

Thus, we can see that the registry would help immensely in eliminating jurisdictional fights that occur these days that are not in the interest of the children of the adult contestants.

SENSE-OF-THE-SENATE RESOLUTION FOR SUPERVISED VISITATION CENTERS

In addition to the changes in the PKPA, this bill would express the sense of the Senate that local governments should take full advantage of the funds allocated in last year's crime bill, under the provisions for local crime prevention block grants, to establish supervised visitation centers for children involved in custody disputes. These centers would be used for the visitation of children when one or both of the parents are believed to put the children at risk of physical, emotional, or sexual abuse.

CONCLUSION

I believe this bill is a valuable and needed step to ensure that the children of America are looked after in a responsible and caring manner. It is unfortunate that we need to pass laws of this nature. One would think that good sense and responsible adult behavior would resolve this problem on its own. This presently is not the case, however. As a result, the law must step in and serve the public interest, and the best interests of children enduring these hardships. I am greatly encouraged that my colleagues, Senators JEFFORDS, BINGAMAN, BIDEN, and WELLSTONE have joined me in support of this bill, and I look forward to further consideration by the entire 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. 632

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 ''Child Custody Reform Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) parents who do not find a child custody ruling to their liking in one State will often start a custody proceeding in another State in the hope of obtaining a more favorable ruling;

(2) although Federal and State child custody jurisdictional laws were established to prevent this situation, gaps still exist that allow for confusion and differing interpretations by various State courts, and which lead to separate and inconsistent custody rulings between States;

(3) in the event that a different ruling is handed down in the second State's court, the problem then arises of which court has jurisdiction, and which ruling should be granted full faith and credit under the Parental Kidnapping Prevention Act of 1980;

(4) changes in the Parental Kidnapping Prevention Act of 1980 must be made that will provide a remedy for cases where conflicting State rulings exist—

(A) to prevent different rulings from occurring in the first instance by clarifying provisions with regard to continuing State jurisdiction to modify a child custody order; and

(B) to assist the courts in this task by establishing a centralized, nationwide child custody database; and

(5) in the absence of such changes, parents will continue to engage in the destructive practice of moving children across State borders to escape a previous custody ruling or arrangement, and will continue to use their helpless children as pawns in their efforts at personal retribution.

SEC. 3. MODIFICATION OF REQUIREMENTS FOR COURT JURISDICTION.

Section 1738A of title 28, United States Code, is amended—

(1) by amending subsection (d) to read as follows:

''(d)(1) Subject to paragraph (2), the jurisdiction of a court of a State that has made a child custody determination in accordance with this section continues as long as such State remains the residence of the child or of any contestant.

''(2) Continuing jurisdiction under paragraph (1) shall be subject to any applicable provision of law of the State that issued the initial custody determination in accordance with this section, when such State law establishes limitations on continuing jurisdiction when a child is absent from such State.'';

(2) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively; and

(B) in paragraph (1), as so redesignated, by inserting ''pursuant to subsection (d),'' after ''the court of the other State no longer has jurisdiction,''; and

(3) in subsection (g), by inserting ''or continuing jurisdiction'' after ''exercising jurisdiction''.

SEC. 4. ESTABLISHMENT OF NATIONAL CHILD CUSTODY REGISTRY.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended by adding at the end the following new subsection:

''(g)(1) Subject to the availability of appropriations, the Secretary of Health and Human Services, in cooperation with the Attorney General, shall expand the Federal Parent Locator Service established under this section, to establish a national network to allow State courts to identify every proceeding relating to child custody jurisdiction filed before any court of the United States or of any State. Information identifying custody determinations from other countries will also be accepted for filing in the registry.

''(2) As used in this subsection—

''(A) the term 'information' includes—

''(i) the court or jurisdiction where a custody determination is filed;

''(ii) the name of the presiding officer of the issuing court;

''(iii) the names and social security numbers of the parties;

''(iv) the name, date of birth, and social security numbers of each child; and

''(v) the status of the case;

''(B) the term 'custody determination' has the same meaning given such term in section 1738A of title 28, United States Code;

''(C) the term 'custody proceeding'—

''(i) means a proceeding in which a custody determination is one of several issues, such as a proceeding for divorce or separation, as well as neglect, abuse, dependency, wardship, guardianship, termination of parental rights, adoption, protection from domestic violence, and Hague Child Abduction Convention proceedings; and

''(ii) does not include a judgment, decree, or other order of a court regarding paternity or relating to child support or any other monetary obligation of any person, or a decision made in a juvenile delinquency, status offender, or emancipation proceeding.

''(3) The Secretary of Health and Human Services, in cooperation with Attorney General, shall promulgate regulations to implement this section.

''(4) There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 5. SENSE OF SENATE REGARDING SUPERVISED VISITATION CENTERS.

It is the sense of the Senate that local governments should take full advantage of the Local Crime Prevention Block Grant Program established under subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994, to establish supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them, and for children whose parents are separated or divorced and the children are at risk because of physical or mental abuse or domestic violence.

Mr. BIDEN. Mr. President, there is no greater legacy we leave on this Earth than our children. Keeping our children safe and helping them grow into productive adults is our greatest challenge and responsibility—as individuals and as a society.

For the most part, parents assume this responsibility willingly. But with more than 50 percent of marriages ending in divorce, some of our children face special risks.

Notwithstanding the fact that many divorced parents are sensitive to their children's needs and act in their best interests, in some cases, custody battles become prolonged wars. When this occurs, children can suffer severe emotional damage.

More seriously, when conflict escalates, it can place children at risk physically through parental kidnapping; in 1988 alone, an estimated 354,000 children were abducted by parents or family members nationwide.

In extreme cases, disputes between parents can even become fatal conflicts. Consider two recent chilling events in my State of Delaware:

In one incident, the father picked up his three children in Delaware for a visit, but then drove them to North Carolina—where he shot them in the head, set the van they were in on fire, and then killed himself in a nearby field.

In a second case, a father killed his two young children as they slept, then turned the gun on himself.

The result of these incidents, which occurred in the space of 2 weeks time—five children dead, all innocent victims of divorce and custody disputes. Of course, these are extreme cases, but they illustrate what can happen when custody disputes escalate.

That is why over the years, we have worked to ensure that the justice system works as smoothly and effectively as possible at handling custody matters, and in particular at making sure that interstate conflicts in custody orders are resolved quickly and appropriately.

Between 1969 and 1983, all 50 States adopted the Uniform Child Custody Jurisdiction Act, reducing the incentive for parents to abduct their children to another State in an attempt to obtain a favorable custody order.

The act spelled out when a State has jurisdiction to issue a custody order and when it has to enforce the order of another State.

We also addressed a second problem, because States had different views of when custody orders—which are subject to modification—were adequately final so as to trigger the full faith and credit requirements of the Constitution.

In 1980, Congress enacted the Parental Kidnapping Prevention Act to impose a Federal duty on the States to enforce and not modify the custody orders of sister States that issued orders consistent with the act.

This act gives priority to States with home State jurisdiction over States that have what is called significant connections jurisdiction.

It also provides that the State that issued the first custody order has continuing jurisdiction as long as the child or any contestant resides in that State.

Unfortunately, over the years, cracks have surfaced in the application of this law, and contrary to congressional intent, many State courts have continued to modify the custody orders of States that retain continuing jurisdiction.

Take for example a case in which a married couple obtained a divorce in Michigan in 1988. Custody of their child was awarded to the mother, with visitation rights to the father. The decree specifically set-out that Michigan would maintain jurisdiction over the parents and the child.

But 6 months later, the mother, who had moved with the child to Illinois, petitioned an Illinois court to modify the father's visitation rights under the Michigan order. The Illinois trial court denied her motion, ruling that it had no jurisdiction.

Yet the Illinois Court of Appeals reversed and remanded the case, holding in part that Illinois could ''* * * modify a foreign custody judgment even if the other State has jurisdiction so long as the Illinois court has jurisdiction * * *''

The Child Custody Reform Act of 1995 that we introduce today makes it clear that in the case I just described, Illinois could not modify the Michigan court's grant of visitation rights because the father continued to reside in Michigan—and thus, Michigan maintained continuing jurisdiction to protect his interests.

The Child Custody Reform Act of 1995 will help prevent conflicting custody orders and jurisdictional deadlock. I would like to commend Senator DOMENICI for his leadership on this issue.

The act clarifies that a sister State may not enter a new custody order nor may it modify an existing custody order, as long as the original court acted pursuant to the Parental Kidnapping Prevention Act.

It also clarifies that continuing jurisdiction exists as long as the child or one of the contestants continues to reside in the State.

There are two exceptions to this rule:

If the State that issued the initial custody order declines to exercise jurisdiction to modify such determination; or

If the laws of the State that issued the initial custody order otherwise limit continuing jurisdiction when a child is absent from such a State.

Thus, the act we proposed today does not tread on a State's ability to formulate child custody policy. Instead, it merely provides a Federal obligation to give full faith and credit to the custody orders of sister States.

The importance of this legislation is that it sets a clear line to guide State decisions by requiring that a State cannot modify and must enforce a custody order issued by a sister State that retains jurisdiction under the Parental Kidnapping Prevention Act.

A second problem the legislation that we are introducing addresses is that judges do not now have a reliable, efficient way to know that a judge in another State may have already issued a custody order relating to a particular child.

In our age of advanced computer capabilities, we have the technology at our fingertips. So, let's put cyberspace

to good use for our children. And we don't need to reinvent the wheel here—we can build on what we know works.

The Federal Parent Locator Service, which has operated effectively and efficiently under the Social Security Administration for the last decade, already works to enforce State child support obligations. This legislation will expand this service to establish a child custody registry.

We must give judges in different States the ability to communicate about custody cases, and computers are the tools to do that. State courts already are automated.

With modest additional effort, we can link this information and put it to work for our children to prevent interstate custody battles.

Finally, this legislation encourages local governments to take advantage of visitation centers funded under the 1994 crime law. We can never be 100 percent certain when, how, and even if children will return safely from visits with noncustodial parents.

But visitation centers can provide a safe haven where parents can transfer their children for visitation, or leave their children for court-ordered, supervised visits.

Such centers, which Senator WELLSTONE advocated successfully last year, should be established in communities in existing facilities, such as schools, neighborhood centers, in public housing complexes, and other convenient locations.

So, by clarifying and strengthening the Parental Kidnapping Prevention Act, by putting critical child custody information at the fingertips of judges, and by providing State and local governments with the funding to open visitation centers, Mr. President, we can go a long way toward protecting our children from being caught in the middle of painful, sometimes violent custody battles.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first, let me thank my colleague, someone whom I consider to be a good friend and someone I admire as a legislator and a Senator. I am very proud to be an original cosponsor of this legislation.

By Mr. PRYOR:

S. 633. A bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE BANK CUSTOMER CONFIDENTIALITY AND PROTECTION ACT OF 1995

Mr. PRYOR. Mr. President, I rise to introduce the Bank Customer Confidentiality and Protection Act of 1995. This legislation has been crafted to address problems in the area of bank sales of uninsured products, such as mutual funds, identified during a continuing investigation conducted by my staff on the U.S. Senate Special Committee on Aging.

After hearing the stories of numerous older Americans who claim they did not know what they were buying when they purchased an uninsured product through their bank and then lost much of their life savings, I am convinced that more stringent protections are needed to ensure that financially inexperienced bank customers fully understand what they are buying when they invest in uninsured products.

Mr. President, this legislation is intended to help those who really need its protections, such as the 72-year-old widow in Florida who had always put her savings into FDIC-insured certificates of deposit until she was contacted by telephone by an employee of her bank offering a product with a higher rate of return. This woman then went into her bank, listened to the advice of a man whom she thought was a banker, and then transferred all her savings into an uninsured government bond fund. Even though she did not exactly understand the risks associated with the product, she trusted the bank to do her right.

Two years later, the value of the fund declined and she lost about a quarter of her life savings, savings that she had intended to use in the years ahead to avoid being a burden to her children. It is this sort of tragedy, Mr. President, that this legislation is intended to prevent.

Mr. President, under our present banking system financially inexperienced customers have reason to be concerned about the safety of their deposits. During our investigation, my Senate Aging Committee staff found that some banks were, for example, routinely:

Sharing detailed customer financial information with people selling securities, without customers' explicit knowledge;

Avoiding full and clear disclosure about the risks associated with uninsured products;

Discouraging bank customers from investing in certificates of deposit [CD's], savings accounts, and other similar FDIC-insured investments;

Establishing commission structures that provide incentives for securities salespeople to offer the bank's in-house investment products, regardless of the products' suitability for a particular customer; and

Operating in a manner that leads some customers to not fully understand the relationship between the securities salesperson and the depository institution.

I and a number of my colleagues consider these to be questionable marketing practices and find them especially troubling because of the special place banks have in our communities.

Mr. President, many older bank customers hold their bank and the people who work there in high regard and feel comfortable about taking advice from them about where to put their money.

In addition, when some customers see the FDIC emblem—something analogous to the Good Housekeeping seal of approval for many—they may believe that the FDIC coverage applies to all products offered in the institution. As customers who have seen their principals drop have realized, this is not the case.

While all bank customers need to exercise caution, older customers need to be particularly vigilant when it comes to uninsured investments such as mutual funds, principally because the savings of the elderly do not represent a renewable resource and the loss of such savings cannot be written off as lessons learned for the future.

Mr. President, to explore the impact on older Americans further, in September 1994 I chaired a U.S. Senate Special Committee on Aging hearing entitled ''Uninsured Bank Products: Risky Business for Seniors?'' At this hearing, we had older bank customers, former bank-based brokers, and industry experts come and discuss how some banks' brokerage businesses are selling inappropriate products to older customers.

It is clear that something must be done about these questionable practices. While I would prefer to avoid legislation, it appears that there may be no other option. Although some banks recently have taken steps to clean up their practices, many are continuing business as usual. In addition, the banking regulators' joint guidelines and the industry's voluntary guidelines, while well-intended, do not appear to have been totally effective in addressing marketing abuses.

Mr. President, let me address one part of these guidelines, the provision that banks have their customers sign ''disclosure'' documents before they make a purchase. One concern I have is that the format of these disclosure forms vary from bank to bank. Some banks or their investment subsidiaries do a fine job putting in plain English required disclosure information, such as the fact that uninsured investment products are not backed by the Federal Deposit Insurance Corporation. Other banks, however, present the information in such a way that you would have to be an attorney or an experienced investor and have great eyesight in order to understand what they mean.

Then there is the even more problematic issue of oral disclosure—what bank customers are told. More than a few financially inexperienced bank customers have told me that when they looked over the disclosure forms they did not understand what they meant. These customers typically would then ask the investment salespeople to interpret the forms for them. In these cases, the salespeople told their customers that the documents were just a formality to open the account or that the forms simply restated what the salespeople had told the customers.

The problem is that in some cases the salespeople had made misleading or false statements about the nature of the uninsured products when they described them, such as that they were ''as safe as the money in your pocket and will only lose money if the Federal Government goes bankrupt'' or ''backed by something better than the FDIC.''

Mr. President, the legislation I am introducing, which has been crafted after numerous meetings with industry and consumer groups, would provide needed consumer protections for financially inexperienced customers.

The legislation would provide protections by:

Requiring full and clear disclosure about the risks associated with uninsured products;

Limiting the compensation that institution employees receive for making referrals to securities salespeople;

Establishing guidelines for uninsured products' promotional materials;

Requiring common-sense physical separation of deposit and nondeposit sales products;

Prohibiting the sharing of bank customers' personal financial information without customers' explicit consent; and

Improving the coordination of enforcement-related activities between the Federal banking agencies and the Securities and Exchange Commission.

These protections will be especially important if the remaining legal barriers that currently restrict banks' involvement in the securities and insurance industries are broken down, as called for by Treasury Secretary Robert E. Rubin and several congressional proposals. These changes to our banking system that Secretary Rubin and others are advocating are not necessarily bad ones, and I will consider them with an open mind if they come to the floor of the Senate. However, without the consumer protections called for by my legislation, dropping the remaining restrictions likely would create even more confusion among customers over which products at a bank are federally insured and which are not.

In the meantime, as we consider the legislation I am introducing today, we need to continue reminding all bank customers that not everything they put money in at the bank is backed by the FDIC or the bank—regardless of what somebody might lead them to believe.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 633

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 ''Bank Customer Confidentiality and Protection Act of 1995''.

SEC. 2. CUSTOMER PROTECTIONS REGARDING NONDEPOSIT INVESTMENT PRODUCTS.

(a) AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(q) SAFEGUARDS FOR SALE OF NONDEPOSIT INVESTMENT PRODUCTS.—

''(1) DEFINITIONS.—For purposes of this subsection—

''(A) the terms 'broker', 'dealer', and 'registered broker or dealer' have the same meanings as in section 3 of the Securities Act of 1934;

''(B) the term 'customer'—

''(i) means any person who maintains or establishes a deposit, trust, or credit relationship with an insured depository institution;

''(ii) includes any person who renews an account in an insured depository institution and any person who rolls over a deposit in any such account; and

''(iii) any person who contacts an insured depository institution, in person or otherwise, for the purpose of inquiring about or purchasing a nondeposit investment product;

''(C) the term 'Federal securities law' has the meaning given to the term 'securities laws' in section 3(a)(47) of the Securities Exchange Act of 1934;

''(D) the term 'nondeposit investment product'—

''(i) includes any investment product that is not a deposit; and

''(ii) does not include—

''(I) any loan or other extension of credit by an insured depository institution;

''(II) any letter of credit; or

''(III) any other instrument or investment product specifically excluded from the definition of such term by regulations prescribed jointly by the Federal banking agencies after consultation with the Securities and Exchange Commission;

''(E) the term 'nonpublic customer information'—

''(i) means information regarding any person which has been derived from any record of any insured depository institution and pertains to the person's relationship with the institution, including the provision or servicing of a credit card; and

''(ii) does not include information about a person that could be obtained from a credit reporting agency that is subject to the restrictions of the Fair Credit Reporting Act by a third party that is not entering into a credit relationship with the person, but that otherwise has a legitimate business need for that information in connection with a business transaction involving the person; and

''(F) the term 'self-regulatory organization' has the same meaning as in section 3(a)(26) of the Securities Exchange Act of 1934.

''(2) MISREPRESENTATION OF GUARANTEES.—It shall be unlawful for any insured depository institution sponsoring, selling, or soliciting the purchase of any nondeposit investment product to represent or imply in any manner whatsoever that such nondeposit investment product—

''(A) is guaranteed or approved by the United States or any agency or officer thereof; or

''(B) is insured under this Act.

''(3) CUSTOMER DISCLOSURE.—

''(A) IN GENERAL.—An insured depository institution shall, concurrently with the opening of an investment account by a customer or with the initial purchase of a nondeposit investment product by a customer, prominently disclose, in writing, to that customer—

''(i) that nondeposit investment products offered, recommended, sponsored, or sold by the institution—

''(I) are not deposits;

''(II) are not insured under this Act;

''(III) are not guaranteed by the insured depository institution; and

''(IV) carry risk of a loss of principal;

''(ii) the nature of the relationship between the insured depository institution and the broker or dealer;

''(iii) any fees that the customer will or may incur in connection with the nondeposit investment product;

''(iv) whether the broker or dealer would receive any higher or special compensation for the sale of certain types of nondeposit investment products; and

''(v) any other information that the Federal banking agencies jointly determine to be appropriate.

''(B) CUSTOMER ACKNOWLEDGMENT OF DISCLOSURE.—

''(i) IN GENERAL.—Concurrently with the opening of an investment account by a customer or with the initial purchase of a nondeposit investment product by a customer, an insured depository institution or other person required to make disclosures to the customer under subparagraph (A) shall obtain from each such customer a written acknowledgment of receipt of such disclosures, including the date of receipt and the name, address, account number, and signature of the customer.

''(ii) RECORDS OF CUSTOMER ACKNOWLEDGEMENT.—An insured depository institution shall maintain appropriate records of the written acknowledgement required by this subparagraph for an appropriate period, as determined by the Corporation. Such record shall include the date on which the acknowledgment was obtained and the customer's name and address.

''(iii) DURATION OF ACKNOWLEDGEMENT.—Written acknowledgement shall not be considered valid for purposes of this subparagraph for a period of more than 5 years, beginning on the date on which it was obtained.

''(C) PROHIBITION ON INCONSISTENT ORAL REPRESENTATIONS.—No employee of an insured depository institution shall make any oral representation to a customer of an insured depository institution that is contradictory or otherwise inconsistent with the information required to be disclosed to the customer under this paragraph.

''(D) MODEL FORMS AND REGULATIONS.—The Federal banking agencies, after consultation with the Securities and Exchange Commission, shall jointly issue appropriate regulations incorporating the requirements of this paragraph. Such regulations shall include a requirement for a model disclosure form solely for such purpose to be used by all insured depository institutions incorporating the disclosures required by this paragraph.

''(4) REFERRAL COMPENSATION.—A one-time nominal referral fee may be paid by an insured depository institution to any employee of that institution who refers a customer of that institution either to a broker or dealer or to another employee of that insured depository institution for services related to the sale of a nondeposit investment product, if the fee is not based upon whether or not the customer referred makes a purchase from the broker, dealer, or other employee.

''(5) PROHIBITION OF JOINT MARKETING ACTIVITIES.—No nondeposit investment product may be offered, recommended, or sold by a

person unaffiliated with an insured depository institution on the premises of that institution as part of joint marketing activities, unless the person marketing such nondeposit investment product—

''(A) prominently discloses to its customers, in writing, in addition to the disclosures required in paragraph (3), that such person is not an insured depository institution and is separate and distinct from the insured depository institution with which it shares marketing activities; and

''(B) otherwise complies with the requirements of this subsection.

''(6) LIMITATIONS ON ADVERTISING.—

''(A) MISLEADING ADVERTISING.—No insured depository institution may employ any advertisement that would mislead or otherwise cause a reasonable person to believe mistakenly that an insured depository institution or the Federal Government is responsible for the activities of an affiliate of the institution, stands behind the affiliate's credit, guarantees any returns on nondeposit investment products, or is a source of payment of any obligation of or sold by the affiliate.

''(B) NAMES, LETTERHEADS, AND LOGOS.—In offering, recommending, sponsoring, or selling nondeposit investment products, an insured depository institution shall use names, letterheads, and logos that are sufficiently different from the names, letterheads, and logos of the institution so as to avoid the possibility of confusion.

''(C) SEPARATION OF LITERATURE.—All sales literature related to the marketing of nondeposit investment products by an insured depository institution shall be kept separate and apart from, and not be commingled with, the banking literature of that institution.

''(7) LIMITATIONS ON SOLICITATION.—The place of solicitation or sale of nondeposit investment products by an insured depository institution shall be—

''(A) physically separated from the banking activities of the institution; and

''(B) readily distinguishable by the public as separate and distinct from that of the institution.

''(8) SALES STAFF REQUIREMENT.—Solicitation for the purchase or sale of nondeposit investment products by any insured depository institution may only be conducted by a person—

''(A) who—

''(i) is a registered broker or dealer or a person affiliated with a registered broker or dealer; or

''(ii) has passed a qualification examination that the appropriate Federal banking agency, in consultation with the Securities and Exchange Commission, determines to be comparable to those used by a national security exchange registered under section 6 of the Securities Exchange Act of 1934, or a national securities association registered under section 15A of that Act, for persons required to be registered with the exchange or association; and

''(B) whose responsibilities are restricted to such nondeposit investment products.

''(9) NO FAVORING OF CAPTIVE AGENTS.—No insured depository institution may directly or indirectly require, as a condition of providing any product or service to any customer, or any renewal of any contract for providing such product or service, that the customer acquire, finance, negotiate, refinance, or renegotiate any nondeposit investment product through a named broker or dealer.

''(10) RESTRICTIONS ON USE OF NONPUBLIC CUSTOMER INFORMATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no insured depository institution may use or disclose to any person any nonpublic customer information for the purpose of soliciting the purchase or sale of nondeposit investment products.

''(B) EXCEPTION BASED ON DISCLOSURE.—An insured depository institution may use or disclose nonpublic customer information for the purpose of soliciting the purchase or sale of nondeposit investment products if, before such use or disclosure—

''(i) the customer gives explicit written consent to such use or disclosure; and

''(ii) such written consent is given after the institution has provided the customer with written disclosure that—

''(I) the information may be used to target the customer for marketing or advertising for nondeposit investment products;

''(II) such nondeposit investment products are not guaranteed or approved by the United States or any agency thereof; and

''(III) such nondeposit investment products are not insured under this Act.

''(C) RECORDS OF CUSTOMER CONSENT.—An insured depository institution shall maintain appropriate records of the written consent required by subparagraph (B) for an appropriate period, as determined by the Corporation. Such record shall include the date on which the consent was signed and the customer's name and address.

''(D) DURATION OF CONSENT.—Written consent shall not be considered valid for purposes of this paragraph for a period of more than 5 years, beginning on the date on which it was obtained.

''(E) ADDITIONAL RESTRICTIONS.—The Corporation may, by regulation or order, prescribe additional restrictions and requirements limiting the disclosure of nonpublic customer information, including information to be used in an evaluation of the credit worthiness of an issuer or other customer of that insured depository institution and such additional restrictions as may be necessary or appropriate to avoid any significant risk to insured depository institutions, protect customers, and avoid conflicts of interest or other abuses.

''(11) SCOPE OF APPLICATION.—

''(A) APPLICATION LIMITED TO RETAIL ACTIVITIES.—The Federal banking agencies, after consultation with the Securities and Exchange Commission, may waive the requirements of any provision of this subsection, other than paragraph (10), with respect to any transaction otherwise subject to such provision between—

''(i) any insured depository institution or any other person who is subject, directly or indirectly, to the requirements of this section; and

''(ii) any other insured depository institution, any registered broker or dealer, any person who is, or meets the requirements for, an accredited investor, as such term is defined in section 2(15)(i) of the Securities Act of 1933, or any other customer who the Federal banking agencies, after consultation with the Securities and Exchange Commission, jointly determine, on the basis of the financial sophistication of the customer, does not need the protection afforded by the requirements to be waived.

''(B) NO EFFECT ON OTHER AUTHORITY.—No provision of this subsection shall be construed as limiting or otherwise affecting—

''(i) any authority of the Securities and Exchange Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury under any Federal securities law;

''(ii) any authority of any State securities regulatory agency; or

''(iii) the applicability of any Federal securities law, or any rule or regulation prescribed by the Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury pursuant to any such law, to any person.

''(12) ENFORCEMENT.—The provisions of this subsection shall be enforced in accordance with section 8.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, after consultation with the Securities and Exchange Commission, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) shall jointly promulgate appropriate regulations to implement section 18(q) of the Federal Deposit Insurance Act, as added by subsection (a) of this section.

SEC. 3. REGULATION BY THE SECURITIES AND EXCHANGE COMMISSION.

(a) SEC RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall, after consultation with the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), promulgate regulations that—

(1) would afford customers of brokers and dealers that affect transactions on behalf of insured depository institutions and customers of affiliates of insured depository institutions protections that are substantially similar to section 18(q) of the Federal Deposit Insurance Act (as added by section 2 of this Act) and the regulations promulgated thereunder; and

(2) are consistent with the purposes of that section 18(q) and the protection of investors.

(b) ENFORCEMENT.—The Commission shall have the same authority to enforce rules or regulations promulgated under subsection (a) as it has to enforce the provisions of the Securities Exchange Act of 1934.

SEC. 4. ENFORCEMENT COORDINATION.

The Federal banking agencies and the Securities and Exchange Commission shall work together to develop comparable methods of securities enforcement and a process for the interagency exchange of enforcement-related information.

By Mr. D'AMATO:

S. 634. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Finance.

THE STATE MEDICAID SAVINGS INCENTIVE ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce the State Medicaid Savings Incentive Act of 1995. This bill will reward States that act decisively to contain Medicaid spending by allowing such States to keep 20 percent of the resulting savings to the Federal Government.

This legislation is based on an idea put forward by New York's Governor, George Pataki, when he testified recently before the House Ways and Means Committee. New York is one of several States moving to trim the cost of their Medicaid programs through greater use of managed care. As a result of New York's efforts, the Federal Government stands to save nearly $2 billion. Governor Pataki is right in suggesting that if States like New York can save the Federal Government money through cost-saving initiatives such as Medicaid managed care, then the States should be allowed to share in that savings as a reward. This creates a strong incentive for States to

put in place programs that can both improve the care of Medicaid beneficiaries and lower the bill for American taxpayers.

Federal Medicaid spending will cost American taxpayers an estimated $90 billion in 1995. Over the past 5 years it has grown at a rate of over 18 percent a year. And since 1984 it has grown from 18 percent of all Federal health spending to over 28 percent in 1993.

The Congressional Budget Office's current estimates are that the cost of Medicaid will nearly double by the year 2000. That should serve as a wake up call to all of us.

With Medicaid representing the largest portion of many State budgets, our Nation's Governors are increasingly beginning to employ strategies such as increased use of managed care in an effort to keep rising Medicaid costs in check. Forty-four States already use managed care plans to serve some portion of their Medicaid population. According to the Department of Health and Human Services, about 23 percent of the nearly 34 million people enrolled in Medicaid now receive their medical care through managed care delivery systems—up from 14 percent in 1993.

These efforts not only hold the potential to lower costs, they also provide an opportunity to improve the quality of care for many Medicaid beneficiaries. This is a point on which there is bipartisan agreement. It is a view shared by HCFA Administrator Bruce Vladeck, who has said that managed care programs can, in his view, meet the needs of Medicaid recipients especially well, particularly because they emphasize preventive and primary care. That means better health care for Medicaid recipients, and a reduction in the inappropriate use of hospital emergency rooms as a source of primary care services.

We need to do more to encourage States to make their Medicaid programs more efficient. That is what our bill would do.

Our proposal would give States a strong incentive to restrain their Medicaid spending by allowing them to keep a share of any Federal savings that are achieved as a result. Under our bill, the Secretary of HHS would establish a spending baseline for each State. States that are successful in holding Medicaid below the baseline would receive a payment equal to 20 percent of the resulting savings to the Federal Government.

No State would be penalized for spending above the baseline, but those that spend below the baseline would be rewarded. And rewarding States that save the Federal Government money makes sense.

Containing the growth of Medicaid can only be accomplished with the help and cooperation of our Nation's Governors. This bill sends the message that the Federal Government stands ready to work in partnership with those States that have the determination to do what must be done to bring Medicaid costs under control.

I am pleased that this bill has the support of the majority leader; I believe it deserves the strong support of each of my colleagues, and should be enacted without delay to encourage our Nation's Governors to carry out the important and difficult work of reforming Medicaid.

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. 634

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 ''State Medicaid Savings Incentive Act of 1995''.

SEC. 2. MEDICAID SAVINGS INCENTIVE PAYMENTS.

(a) INCENTIVE PAYMENTS.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) in paragraph (7), by striking the period and inserting ''; plus''; and

(2) by adding at the end the following new paragraph:

''(8) in the case of a State to which subsection (x) applies, the amount of the incentive payment determined under such subsection.''.

(b) INCENTIVE PAYMENT.—Secton 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

''(x)(1) For purposes of subsection (a)(8), if a State achieves a rate of growth for a fiscal year which is less than the State baseline rate of growth for such fiscal year established under paragraph (3), the Secretary shall make an incentive payment to the State for the fiscal year in the amount determined under paragraph (2).

''(2) The amount of any incentive payment shall be equal to the amount that is 20 percent of the difference between the amount that the Federal Government would have paid to a State in a fiscal year for providing medical assistance in accordance with this title, if State expenditures for providing such assistance had increased by the State baseline rate of growth established under paragraph (3) for such fiscal year, and the amount that the Federal Government paid to such State in the fiscal year for providing medical assistance in accordance with this title using the actual State rate of growth for State expenditures for providing such assistance.

''(3) At the beginning of each fiscal year, the Secretary shall determine for that fiscal year a baseline rate of growth for medicaid expenditures for each State with a State plan approved under this title based on—

''(A) the historical rate of growth for such expenditures in the State; and

''(B) such other factors as the Secretary deems appropriate.''.●

By Mrs. HUTCHISON (for herself, Mr. NUNN, Mr. THURMOND, and Mr. GRAHAM):

S. 635. A bill to amend title 10, United States Code, to provide uniformity in the criteria and procedures for retiring general and flag officers of the Armed Forces of the United States in the highest grade in which served, and for other purposes; to the Committee on Armed Services.

MILITARY RETIREMENT LEGISLATION

Mrs. HUTCHISON. Mr. President, the bill that we are introducing today will streamline the process for retirement of military officers who hold 3- or 4-star rank.

Under present law, the highest permanent rank that an officer may hold is that of two stars. All active duty appointments to 3- and 4-star rank are temporary appointments made by the President of the United States and must be approved by the Senate.

The President must also nominate every 3- and 4-star office for retirement in his highest grade, and the Senate must approve of that promotion again, or, under the law, the officer retires with two-star rank.

Mr. President, I am well aware of the historical precedents for the current law, but I feel that it is time that we conformed retirements for officers in the highest flag and general officer grades to those for general and flag officers in one and two star grades.

The bill we are introducing today will accomplish that. Once officers in 3- and 4-star grades have served 3 years in grade, they will be allowed to retire in grade without further action by the Senate. This will reduce the administrative work load of the Senate Armed Services Committee and the Department of Defense.

Our proposed bill will not, however, curtail Senate prerogative over the confirmation of senior military officers for active duty assignments. The President will still be required to nominate each 3- and 4-star officer for any new assignments. The Senate will have to review those nominations and approve each and every assignment while on active duty. We simply seek to expedite the ability of the Department of Defense to retire officers in grade who have completed a statutorily imposed period of honorable service and bring more equity into the system. In no other area of life does a person retire at a lower level than his or her highest rank.

The president of a business does not retire at vice president unless repromoted by the board. The GS–15 doe not retire as a GS–14—he or she retires at the grade last served, with pay based on the highest 3 years of service. I believe our highest military officers should have the same treatment.

If a person serves honorably in the last promotion in business, government, or the military—he or she should have retirement at that level.

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. 635

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

SECTION 1. UNIFORM CRITERIA AND PROCEDURES FOR RETIRING GENERAL AND FLAG OFFICERS IN HIGHEST GRADE IN WHICH SERVED.

(a) APPLICABILITY OF TIME-IN-GRADE REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out ''and below lieutenant general or vice admiral''; and

(2) in the first sentence of subsection (d)(2)(B), by striking out ''and below lieutenant general or vice admiral''.

(b) REPEAL OF REQUIREMENTS FOR SENATE CONFIRMATION.—Sections 1370(c), 3962(a), 5034, and 8962(a) of title 10, United States Code, are repealed.

SEC. 2. TECHNICAL AND CLERICAL AMENDMENTS.

(a) REDESIGNATION OF SUBSECTIONS.—(1) Subsection (d) of section 1370 of such title is redesignated as subsection (c).

(2) Sections 3962(b) and 8962(b) of such title are amended by striking out ''(b) Upon'' and inserting in lieu thereof ''Upon''.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

SEC. 3. EFFECTIVE DATE FOR AMENDMENTS TO PROVISION TAKING EFFECT IN 1996.

The amendments made by sections 1(a)(2) and 2(a) shall take effect immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect.

Mr. NUNN. Mr. President, I am pleased to join with Senator HUTCHISON in introducing legislation to establish equity in military retirement procedures. This legislation will provide that the retirement of 3- and 4-star officers will be considered under the same standards and procedures as other general and flag officers at the 1- and 2-star level. It will also ensure that 3- and 4-star officers facing retirement are not subjected to confirmation procedures that do not apply to their civilian superiors or other civilian government officials. In other words, this legislaion would apply the same procedures to 3- and 4-star officer retirements that apply to other military and civilian officials seeking retirement.

By way of background, promotions to 3- and 4-star positions are treated as temporary, rather than permanent promotions. This means that the individual holds the 3- or 4-star grade only while serving in the 3- or 4-star position. The member also may hold the grade for brief transitional periods to cover transfers between assignments, hospitalization, and before retirement.

Because these grades are temporary, an individual who is in a 3- or 4-star grade retains his or her permanent grade, which is typically a 2-star grade. This means that if the individual is not nominated, confirmed, or appointed to another 3- or 4-star position, the individual will revert to his or her permanent—for example, 2-star grade.

Under current law, these considerations apply to retirements as well as promotions. As a result, if a 3- or 4-star officer who retires is not nominated, confirmed, or appointed to retire in a permanent 3- or 4-star grade, the individual will revert to his or her permanent—for example, 2-star grade upon retirement—with the attendant loss of retired pay and status.

This situation applies uniquely to 3- and 4-star officers. Other flag and general officers, as well as other commissioned officers, retire in the highest grade held, subject to minimum time-in-grade requirements, without a requirement for nomination, Senate confirmation, and appointment to a retired grade.

Similarly, civilian officials who retire from the civil service are not required to face Senate confirmation, no matter how high their grade. Thus, a cabinet or subcabinent official, as well as career civil service officials, who qualify for civil service retirement will receive their full retired pay—based on years of service and high-3 years rate of pay—without action by the President or the Senate.

The effect is that 3- and 4-star officers are the only Government officials who are subject to losing retired pay and status as a result of a requirement that they be confirmed in a retired grade. Neither their civilian superiors nor any other Government officials can have their retired pay and status reduced through the confirmation process.

The proposal we are introducing today would end the requirement for retiring 3- and 4-star officers to be nominated, confirmed, and appointed in a permanent 3- and 4-star grade. The result would be that 3- and 4-star officers would retire under the same conditions as other officers—for example, 2-star officers. That is, they will retire in the highest grade they held, subject to minimum time in grade requirements.

The proposal would not change the current requirement for nomination and Senate confirmation of all 3- and 4-star active duty promotions, assignments, and reassignments.

Mr. President, I want to commend the Senator from Texas [Mrs. HUTCHISON] for preparing this proposal. I believe the concept warrants favorable consideration, but the details should receive careful review and study. The Committee on Armed Service will obtain the views of the Department of Defense, and the proposal will be considered by the Personnel Subcommittee. I look forward to working on this issue with Chairman THURMOND, and with Senator COATS, the chairman of the Personnel Subcommittee, and Senator BYRD, the ranking minority member of the subcommittee.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 636. A bill to require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

GRAZING PERMITS LEGISLATION

Mr. DASCHLE. Mr. President, as part of its management of the national grasslands, the U.S. Forest Service issues permits to ranchers so that they might graze livestock on those lands. Through these permits, the Forest Service ensures that ranchers who utilize these public lands obey basic stewardship requirements and other important standards. Typically, permits are issued for 10 years and therefore must be reviewed and reissued at the end of that period.

In many cases, the ability of ranchers to graze on national grasslands means the difference between success and failure of their operations. Understandably, they are concerned, therefore, about reports that the Forest Service is facing shortfalls in funding needed to perform the National Environmental Policy Act [NEPA] analysis required to reissue grazing permits. Through no fault of their own, these ranchers may face the loss of their grazing privileges simply because the Federal bureaucracy is unable to fulfill its statutory responsibilities in a timely fashion.

As the Forest Service looks for funds to perform the required analysis, the resulting uncertainty leaves South Dakota ranchers, and indeed ranchers throughout the Nation, in an untenable economic situation. Moreover, this unfortunate predicament is compounded by the possibility that the Forest Service may divert funding allocated to other important activities, such as the timber program, research or recreation, for the permit renewal process. This prospect is akin to robbing Peter to pay Paul. At a time when there are insufficient resources to carry out basic management activities; diverting funds to perform the NEPA work on grazing allotments in a rushed manner could seriously jeopardize other priority programs.

In light of these concerns, I have drafted legislation to require the Forest Service to issue new permits for grazing on National Forest System lands where existing grazing permits have expired or will expire. This bill would assure ranchers that they could continue to graze livestock, even if the Forest Service is unable to complete the necessary NEPA analysis this year. Moreover, it would relieve pressure on the Forest Service to take funds away from other important activities such as timber sale preparation in the rush to complete this NEPA work.

My legislation would require the Forest Service to reissue permits to ranchers who are in compliance with the terms of their permits even if the NEPA work has not been completed. The terms of the new permits would be 3 years or until the necessary NEPA work is completed, whichever is sooner. It would not cover ranchers whose permits have been revoked for violations of the rules or new applications. These, I believe, are fair and reasonable conditions.

It is not my intention to overturn the requirements of NEPA. I believe that NEPA assessments provide valuable insight into the effects of range management, insights that in turn can be used to strengthen the entire grazing program. But it has become clear that in this time of funding constraints, some permits may not be reissued on time for procedural rather than substantive reasons. That is not acceptable.

Penalizing ranchers for a failure of the Federal Government to perform the necessary NEPA analysis is neither fair nor defensible. I hope that my colleagues will join me in supporting this effort to ensure the unbroken use of the range by ranchers who have complied with the terms of their permits and thus deserve to have them renewed. I ask unanimous consent that the entire 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. 636

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the ''Secretary'') administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. 2. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term ''expiring term grazing permit'' means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term ''final agency action'' means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term ''term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled ''An Act to facilitate and simplify the work of the Forest Service, and for other purposes'', approved April 24, 1950 (commonly known as the ''Granger-Thye Act'') (16 U.S.C. 580*l*), or other law.

SEC. 3. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. 4. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section 3(a) shall not be subject to administrative appeal or judicial review.

SEC. 5. REPEAL.

This Act is repealed effective as of January 1, 2001.

By Mr. MCCAIN:

S. 637. A bill to remove barriers to interracial and interethnic adoptions, and for other purposes; to the Committee on Finance.

THE ADOPTION ANTIDISCRIMINATION ACT OF 1995

• Mr. MCCAIN. Mr. President, I am pleased to introduce the Adoption Antidiscrimination Act of 1995, a bill that will prevent discrimination on the basis of race, color, or national origin in the placement of children with adoptive families.

There are few situations in this world more tragic than a child without a family. Such children do not have the basic security of parents and a permanent home environment that most of us take for granted, and that is so important to social development. Consequently, there is little that a society could do that is more cruel to a child than to deny or delay his or her adoption by a loving family, particularly if the reason for the denial or delay is that the child and family are of different races. Yet, this is precisely what our public policy does.

In the late 1960's and early 1970's, over 10,000 children were adopted by families of a different race. This was before many adoption officials decided, without any empirical evidence, that it is essential for children to be matched with families of the same race, even if they have to wait for long periods for such a family to come along. The forces of political correctness declared interracial adoptions the equivalent of cultural genocide. This was, and continues to be, nonsense.

Sound social science research has found that interracial adoptions do not hurt the children or deprive them of their culture. According to Dr. Howard Alstein, who has studied 204 interracial adoptions since 1972, ''We categorically have not found that white parents cannot prepare black kids culturally.'' He further concluded that ''there are bumps along the way, but the transracial adoptees in our study are not angry, racially confused people'' and that ''They're happy and content adults.''

Since the mid-1970's, there have been very few interracial adoptions. For example, African-American children who constitute about 14 percent of the child population currently comprise over 40 percent of the 100,000 children waiting in foster care. This is despite 20 years of Federal efforts to recruit African-American adoptive families and substantial efforts by the African-American community. As stated by Harvard Law Prof. Randall Kennedy concerning the situation in Massachusetts, ''Even if you do a super job of recruiting, in a State where only 5 percent of the population is black and nearly half the kids in need of homes are black, you are going to have a problem.''

The bottom line is that African-American children wait twice as long as other children to be adopted. Our discriminatory adoption policies discouraging interracial adoptions are hurting these children, and this is entirely unacceptable.

Last year, Senator METZENBAUM attempted to remedy this problem by introducing the Multi-Cultural Placement Act of 1994. That bill was conceived and introduced with the best of intentions. Its stated purpose was to promote the best interests of children by decreasing the time that they wait to be adopted, preventing discrimination in their placement on the basis of race, color, or national origin, and facilitating the identification and recruitment of foster and adoptive families that can meet children's needs.

Unfortunately, the Metzenbaum bill was weakened throughout the legislative process and eviscerated by the Clinton administration Department and HHS in conference. After the original bill was hijacked, a letter was sent from over 50 of the most prominent law professors in the country, including Randall Kennedy, imploring Congress to reject the bill. They warned that it ''would give congressional backing to practices that have the effect of condemning large numbers of children—particularly children of color—to unnecessarily long stays in institutions or foster care.'' Their admonition was not heeded, and the bill was passed as part of the Goals 200 legislation last year.

As Senator METZENBAUM concluded, ''HHS intervened and did the bill great harm.'' The legislation that was finally signed by the President does precisely the opposite of what was originally intended. It allows race to continue to be used as a major consideration and effectively reinforces the current practice of racial matching. Consequently, adoption agencies receiving Federal funds continue to discourage interracial adoptions, increasing the time children must wait to be adopted and permitting discrimination in the adoption process. I am informed that 43 States have laws that in some way keep children in foster care due to race.

The bill that I am introducing today repeals the Metzenbaum law and replaces it with a clear unambiguous requirement that adoption agencies which receive Federal funds may not discriminate on the basis of race, color, or national origin. By far the most important consideration concerning adoptions must be that children are placed without delay in homes with loving parents, irrespective of their particular racial or ethnic characteristics. This overriding goal must take precedence over any unproven social theories or notions of political correctness.

Mr. President, if we owe children without families anything, we owe them the right to be adopted by families that want them without being impeded by our social prejudices and preconceptions. Denying adoption on the basis of race is no less discrimination than denying employment on the basis of race. And the consequences are certainly no less severe. Let us, finally get beyond race and allow people who need each other—children and familes—to get together.

Mr. President, I request unanimous consent that the text of the bill, and a letter of support from the National Council for Adoption, be included in the RECORD. As a result of the efforts of Congressman BUNNING, similar legislative language has been incorporated into the Personal Responsibility Act, H.R. 4.

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

S. 637

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 ''Adoption Antidiscrimination Act of 1995''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted, and minority children often wait twice as long as other children to be adopted; and

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures.

(b) PURPOSE.—The purpose of this Act is to promote the best interests of children by—

(1) decreasing the length of time that children wait to be adopted; and

(2) preventing discrimination in the placement of children on the basis of race, color, or national origin.

SEC. 3. REMOVAL OF BARRIERS TO INTERRACIAL AND INTERETHNIC ADOPTIONS.

(a) PROHIBITION.—A State or other entity that receives funds from the Federal Government and is involved in adoption or foster care placements may not—

(1) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or

(2) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(b) PENALTIES.—

(1) STATE VIOLATORS.—A State that violates subsection (a) shall remit to the Secretary of Health and Human Services all funds that were paid to the State under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) (relating to foster care and adoption assistance) during the period of the violation.

(2) PRIVATE VIOLATORS.—Any other entity that violates subsection (a) shall remit to the Secretary of Health and Human Services all funds that were paid to the entity during the period of the violation by a State from funds provided under part E of title IV of the Social Security Act.

(c) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—Any individual or class of individuals aggrieved by a violation of subsection (a) by a State or other entity may bring an action seeking relief in any United States district court or State court of appropriate jurisdiction.

(2) STATUTE OF LIMITATIONS.—An action under this subsection may not be brought more than 2 years after the date the alleged violation occurred.

(d) ATTORNEY'S FEES.—In any action or proceeding under this Act, the court, in the discretion of the court, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses and costs, and the States and the United States shall be liable for the fee to the same extent as a private individual.

(e) STATE IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution from an action in Federal or State court of appropriate jurisdiction for a violation of this Act.

(f) NO EFFECT ON INDIAN CHILD WELFARE ACT OF 1978.—Nothing in this Act shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 4. REPEAL.

Subpart 1 of part E of title V of the Improving America's Schools Act of 1994 (42 U.S.C. 5115a) is amended—

(1) by repealing sections 551 through 553; and

(2) by redesignating section 554 as section 551.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

NATIONAL COUNCIL FOR ADOPTION,
Washington, DC, March 23, 1995.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The National Council For Adoption is very supportive of your proposed legislation to end racism in our child welfare system. The research on transracial adoptions shows that:

Children of color wait twice as long as white children for permanent loving homes simply because of the color of their skin.

While African-Americans make up to 12–14 percent of the population an overwhelming 40 percent of the estimated 100,000 children waiting for homes are black. The numbers don't match.

Children of color raised in white homes are not ''lost'' to their ethnic heritage, they do well academically, feel good about themselves and become productive citizens.

The Multi-Ethnic Placement Act of 1994 ought to be repealed as the legislative language and its purposes were hopelessly hijacked by amendments insisted upon by the Administration.

We applaud your interest and your proposed legislation which is aimed at reducing the time children of color spend without homes. We stand ready to work closely with you to ensure timely passage.

Sincerely,
CAROL STATUTO BEVAN, Ed.D.,
Vice President for Research and Public Policy.●

By Mr. MURKOWSKI (by request):

S. 638. A bill to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Energy and Natural Resources.

THE INSULAR DEVELOPMENT ACT

● Mr. MURKOWSKI. Mr. President. At the request of the administration, I am today introducing legislation ''to authorize appropriations for United States insular areas, and for other purposes''. The legislation was transmitted by the Assistant Secretary of the Interior for Territorial and International Affairs to implement the funding recommendations contained in the President's proposed budget for fiscal year 1996. The legislation, if enacted, would replace the current annual guaranteed funding for the Commonwealth of the Northern Mariana Islands with a new program. The new program would complete the infrastructure funding contemplated under the agreement negotiated by the administration with the Commonwealth and redirect the balance of the funds to other territorial needs.

For the current fiscal year, Congress redirected a portion of the Commonwealth funding to support of efforts by the Departments of Justice, Labor, and the Treasury to work with the Commonwealth government to address a variety of concerns that have arisen in the Commonwealth. A report on that effort is due from the Department of the Interior shortly, and we will want to consider the findings and recommendations in that report to determine whether some of these funds might be better spent in support of those activities. I am also concerned with that provision of the proposed legislation that would provide operational grants to Guam and the Commonwealth for compact impact assistance. I do not have any particular objections to providing that assistance if it is justified, if the budget limitations allow funding, and if that assistance is a higher priority than other needs. My concern is providing that assistance through an entitlement rather than through discretionary appropriations. The central objective of the current 7 year agreement with the Commonwealth is to eliminate operational assistance and focus on necessary infrastructure needs. Replacing one type of operational assistance with another seems to me to be a step back.

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

S. 638

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 Insular Development Act of 1995.

SEC. 2. NORTHERN MARIANA ISLANDS.

There is authorized to be appropriated to the Secretary of the Interior for the Commonwealth of the Northern Mariana Islands $6,140,000, backed by the full faith and credit of the United States, for each of fiscal years 1996 through 2001, for capital improvement projects in the environmental, health, and public safety areas, administration and enforcement of immigration and labor laws, and contribution toward costs of the compacts of free association (for the same duration and purposes as are applied to Guam in Public Law 99–239 as amended by section 3 of this Act).

SEC. 3. IMPACT OF THE COMPACT.

(a) Paragraph (6) of subsection (e) of section 104 of Public Law 99–239 (99 Stat. 1770, 48 U.S.C. 1681 note), is amended by striking everything after the word ''after'' and inserting in lieu thereof the following language: ''September 30, 1995 and ending September 30, 2001, $4,580,000 annually, backed by the full faith and credit of the United States, for Guam, as a contribution toward costs that result from increased demands for education and social program benefits by immigrants from the Marshall Islands, the Federated States of Micronesia, and Palau.''

SEC. 4. CAPITAL INFRASTRUCTURE.

There is authorized to be appropriated to the Secretary of the Interior $17,000,000 for each fiscal year beginning after September 30, 1995 and ending September 30, 2001, backed by the full faith and credit of the United States, for grants for capital infrastructure construction in American Samoa, Guam, and the United States Virgin Islands, *Provided*, That the annual grant to American Samoa shall not exceed $15,000,000 and the annual grants for Guam and the United States Virgin Islands shall not exceed $3,000,000 each.

SEC. 5. CAPITAL INFRASTRUCTURE FUNDING REQUIREMENTS.

(a) No funds shall be granted under this Act for capital improvement projects without the submission by the respective government of a master plan of capital needs that (1) ranks proposed projects in order of priority, and (2) has been reviewed and approved by the Department of the Interior and the United States Army Corps of Engineers. The insular areas' individual master plans, with comments, shall be presented in the Department of the Interior's annual report on the State of the Islands, and shall be the basis for any requests for capital improvement funding through the Department of the Interior or the Congress.

(b) Each grant by the Department of the Interior shall include a five percent payment into a trust fund, to be administered by the Governor (as trustee) of the territory in which the project is located, solely for the maintenance of such project. No funds shall be paid pursuant to a grant under subsection (a) of this section without the prior appropriation and payment by the respective territorial government to the trustee, of an amount equal to the federal contribution for maintenance of the project. A maintenance plan covering the anticipated life of each project shall be adopted by the Governor of the respective insular area and approved by the Department of the Interior before any grant payment for construction is released by the Department of the Interior.

(c) The capital infrastructure funding authorized under this Act is authorized to be extended for an additional three-year phase-out period: *Provided*, That each grant during the additional period contains a dollar sharing by each grantee and the grantor in the following ratios: twenty-five/seventy-five percent for the first year, fifty/fifty percent for the second year, seventy-five/twenty-five percent for the third year; *Provided further*, That funding for capital infrastructure for the Commonwealth of the Northern Mariana Islands shall not exceed $3,000,000 annually during the period of such extension.

SEC. 6. REPEAL.

Effective after September 30, 1995, no additional funds shall be made available under subsection (b) of section 4 of Public Law 94–241 (90 Stat. 263, 48 U.S.C. 1681 note), and such subsection is repealed.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title of the Act to be the ''Insular Development Act of 1995.''

Section 2 authorizes a full faith and credit appropriation in an annual amount of $6.14 million for fiscal years 1996 through 2001 to the Secretary of the Interior for Commonwealth of the Northern Mariana Islands (CNMI) devoted to the following purposes: (1) capital improvement projects in environmental, health, and public safety areas, (2) administration and enforcement of immigration and labor laws, and (3) contribution toward costs of the compacts of free association incurred by the CNMI.

Section 3 amends the law authorizing payments to United States Pacific jurisdictions for costs associated with the compacts of free association to provide a specific $4.58 million annual full faith and credit payment to Guam as a contribution toward such costs incurred by Guam.

Section 4 authorizes a full faith and credit appropriation in the annual amount of $17 million for fiscal years 1996 through 2001 to the Secretary of the Interior for capital infrastructure construction in American Samoa, Guam, and the Virgin Islands. The insular area with the greatest need, American Samoa, would receive annual grants of between $11 million and $15 million; Guam and the Virgin Islands would each receive annual grants of up to $3 million.

Section 5(a) provides that capital infrastructure funds granted under sections 2, 4, and 5 of the bill would be subject to master plans developed by the respective government that rank projects in priority order.

The plans would be subject to review and approval by the Department of the Interior and United States Army Corps of Engineers.

Section 5(b) provides that five percent of each Interior grant for capital infrastructure and a matching amount by the respective insular government be paid into trust funds solely for expenditure on maintenance of each project, according to a maintenance plan approved by Interior. The respective insular governor would be the trustee.

Section 5(c) provides for extension of only the capital infrastructure program, authorized in section 4, for an additional three-year phase-out period. The federal share of construction grants would decrease to seventy-five percent in the first year, fifty percent in the second year, and twenty-five percent in the third year, before termination of the program.

Section 6, repeals subsection (b) of section 4 of Public Law 94–241 (which mandates continuing payments of $27.7 million to the Commonwealth of the Northern Mariana Islands until otherwise provided by law). The provision explicitly states that no additional funds shall be made available under this subsection of the 1976 law after fiscal year 1995.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, February 27, 1995.

Hon. ALBERT GORE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill ''(t)o authorize appropriations for United States insular areas, and for other purposes.''

The Department of the Interior recommends that the bill be introduced, referred to the appropriate committee, and enacted.

The bill would terminate the mandatory financial assistance paid to the Commonwealth of the Northern Mariana Islands (CNMI) and shift such mandatory assistance to more pressing territorial needs, i.e., contribution to Guam and the CNMI for impact of immigration caused by the Compacts of Free Association, and capital infrastructure construction. The bill would follow-through on a commitment by the Congress to contribute to the defraying of impact costs incurred by Guam and the CNMI, and would represent a commitment to the territories by President Clinton and the Congress to address the territories' most pressing capital infrastructure needs. The draft bill is consistent with the budgetary requirements under ''Paygo.''

The Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant) committed the federal government to mandatory funding for the CNMI for a period of seven years—1979 through 1985. A total of $228 million in full faith and credit funding for a subsequent seven-year period was approved by the Congress in legislation (Pub. L. 99–396, 100 Stat. 840) that provided—

''(u)pon the expiration of the period of Federal financial assistance . . ., payments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years until Congress otherwise provides by law.''

Congress has not over the last two years approved a third and final financial assistance agreement, nor acted on Administration proposals transmitted with the 1994 and 1995 budgets.

With no additional provisions of law by the Congress, however, the CNMI continues to receive $27.7 million annually as it did in fiscal year 1992, the final year of the second seven-year period.

PROVISIONS OF THE DRAFT BILL

The draft bill addresses specific concerns shared by the Congress, the Administration and the insular areas.

CNMI

The bill would authorize $6,140,000 a year for the Commonwealth of the Northern Mariana Islands through the year 2001 for the purposes of capital improvement projects, administration and enforcement of immigration and labor laws, and contribution to costs of the compacts of free association. Flexibility would be accorded the CNMI in allocating the funding among such purposes. If authorized, the CNMI will have received a total of $120 million during the period of fiscal years 1993 through 2001—the equivalent of the 1992 agreement reached with the CNMI representatives.

The bill would shift remaining mandatory funding to other priority insular needs, i.e., territorial infrastructure needs, and the congressional commitment to reimburse United States jurisdictions for the impact of the compacts of free association.

Guam

When the Compact of Free Association for the Marshall Islands and the Federated States of Micronesia was approved by the Congress, section 104(e)(6) of the Public Law 99–239 authorized the payment of impact of the Compact costs incurred by United States Pacific island jurisdictions due to the extension of education and social services to immigrants from the freely associated states. The Palau Compact legislation (Public Law 99–658) included Palau by reference. The Governments of Guam and the CNMI contend that they have incurred costs in excess of $75 million. While definitions of eligible costs and the magnitude of the costs may be in question, all agree that Guam and the CNMI have sustained substantial expenses due to the Compact. With the implementation of the Palau Compact, which occurred on October 1, 1994, we anticipate that the problem will be compounded. Under the draft bill, funds to defray costs for the CNMI would be a part of the CNMI authorization contained in section 2 of the draft bill. Annual payments of $4.58 million for Guam would help defray Guam's expenses. The contributions would cease at the end of the Compact period, September 30, 2001.

Capital infrastructure

The remaining $17 million in mandatory funding would be redirected to pressing capital infrastructure needs in American Samoa, Guam and the Virgin Islands for a minimum period of six years. American Samoa has unfunded capital infrastructure needs well in excess of $100 million. Guam and the Virgin Islands have substantial needs in the environmental, health, and public safety areas.

The draft bill would give recognition to the fact that of the four small United States territories, American Samoa has the greatest need for capital infrastructure, but lacks resources for financing construction.

The bill would allow American Samoa to receive up to $15 million annually for capital infrastructure projects. Guam and the United States Virgin Islands would receive up to $3 million annually for capital infrastructure projects related to the environment, health, and public safety.

Capital infrastructure funds would be released only after an insular area—

Develops a capital infrastructure master plan approved by the Department of the Interior and the United States Army Corps of Engineers, and

Contributes five percent of the project cost to a maintenance fund for the project to be expended according to the project's maintenance plan.

Phase out

After the initial six years of mandatory funding, the program may be extended for an additional three-year, phase-out period, with grantee/federal sharing as follows: 25/75 percent in the first year, 50/50 percent in the second year, and 75/25 percent in the third year. Because section 2 of the draft bill which includes capital infrastructure funding for the Northern Mariana Islands will terminate at the end of the fiscal year 2001, the Northern Mariana Islands would participate in the phase-out years of the capital infrastructure program in annual amounts up to $3 million, like Guam and the Virgin Islands.

The proposed bill would have no negative effect on the Federal budget and meets ''Paygo'' requirements by shifting the purpose of existing mandatory funding. Discretionary savings would result by shifting existing discretionary infrastructure funding for the purposes identified in the bill to this proposed replacement program.

The Office of Management and Budget advises that there is no objection to presentation of this draft bill from the standpoint of the Administration's program.

Sincerely,

LESLIE M. TURNER,
Assistant Secretary, Territorial and International Affairs.●

By Mr. CAMPBELL (for himself and Mr. JOHNSTON):

S. 639. A bill to provide for the disposition of locatable minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOCATABLE MINERAL MINING REFORM ACT OF 1995

● Mr. JOHNSTON. Mr. President, I am pleased to join my colleague from Colorado, Senator CAMPBELL, as a cosponsor of this legislation and I commend him for his leadership in this area. As a member of the Energy and Natural Resources Committee, the Senator has been very active in working for a mining law reform bill that will make needed reforms, get this issue behind us, and give the mining industry some certainty.

The bill we are introducing today, with one exception, is very similar to the so-called 8–2 chairman's mark which we crafted last summer during the House-Senate conference on mining law reform. While we were not able to enact this proposal, I think it embodied a balanced and middle ground approach to most of the key issues involved in this controversy. Frankly, I believe this bill represents a better starting point for our deliberations this year than either of the other proposals currently before the committee. Some may feel this bill goes too far in some areas; others may think it does not go far enough in addressing certain issues. While I am certain that this bill will undergo some changes, I think the measure Senator CAMPBELL and I are proposing will provide a vehicle which will facilitate the enactment of a mining law reform bill this year.

The one significant difference between this bill and last year's chairman's mark is in the area of State

water rights. Senator CAMPBELL has replaced the water provisions of last summer's bill with language which protects the ability of the States to make decisions regarding water quality and quantity consistent with existing State and Federal law. Certainly the water issue was one of the most contentious issues we dealt with last year, and I am sure it will be again.

Mr. President, I look forward to working with Senator CAMPBELL, as well as Senator CRAIG and Senator BUMPERS, to confect a bill that can pass both the Senate and the House and that the President will sign.●

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. REID, Mr. BOND, Mr. GRAHAM, and Mr. MCCONNELL):

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE WATER RESOURCES DEVELOPMENT ACT OF 1995

Mr. WARNER. Mr. President, I am pleased to introduce today, along with my colleagues, Senator CHAFEE, Senator REID, Senator MCCONNELL, Senator BOND, and Senator GRAHAM, the Water Resources Development Act of 1995.

This legislation authorizes civil works programs for the U.S. Army Corps of Engineers which preserves the navigation of our harbors and channels so critical to the shipping of agricultural products and industrial goods. It also provides for flood control and storm damage reduction essential to protecting lives and property.

Mr. President, since 1986, when the Congress established the landmark principles for non-Federal cost-sharing of water resource projects, the authorization of the Corps of Engineers civil works programs has occurred on a biennial basis.

This 2-year authorization cycle has provided our local partners in water resources development a level of continuity which has aided their planning and budgeting needs.

Unfortunately, this 2-year cycle was broken by Congress last year when we failed to enact this legislation.

I believe my colleagues will find this bill to be a modest reauthorization proposal that maintains the uniform requirements of cost-sharing between the Federal Government and non-Federal project sponsors.

This legislation responds to water resource needs that are in the Federal interest and meet the benefit to cost ratio of 1 to 1. This means that for every Federal dollar invested in a project, the taxpayer receives more than a dollar in benefits in return.

Mr. President, this legislation also funds projects consistent with the requirements of current law. I must state that I do not support the recommendations contained in the President's fiscal year 1996 budget submittal to terminate Federal participation in local flood control and hurricane protection because I believe that there is significant justification for continuing an appropriate level of Federal funding for these projects.

Yes, the Corps of Engineers, like all Federal agencies, must achieve significant reductions in its budget. In Congress, we must give close scrutiny to water resource needs to determine if Federal funding is warranted under severe budget constraints. We must not, however, unwisely and abruptly abandon the corps' central mission: to protect lives and property.

Such a policy may only serve to shift costs to other Federal agencies and departments. We must recognize that there will always be unforeseen circumstances, times of national emergency, or situations too costly for economically strapped communities to handle expensive projects by themselves.

Mr. President, since I was first elected to the Senate in 1979, and for the following 7 years, I sponsored legislation in each Congress to provide for the deepening and maintenance of our deep-draft ports. Developing a strong partnership with our non-Federal sponsors through cost-sharing was the cornerstone of my legislation.

During the years, since 1976, the Congress and the executive branch had been gridlocked over the financing of water resource projects. Also at that time, global demand for steam coal skyrocketed. But, our ports could not respond to this world demand. In Hampton Roads Harbor, colliers were lined up in the Chesapeake Bay to enter the coal terminals. Upon loading, they would wait for high tide to leave the harbor.

The 1986 Water Resources Development Act [WRDA] was the culmination of our efforts to resolve many contentious issues—including cost-sharing.

I remain committed to the principle of cost-sharing which has become the cornerstone of a successful corps program. As intended, it has ensured that only those projects with strong local support are funded and it has leveraged substantial non-Federal money. Since the enactment of WRDA 1986, funding for Virginia projects has totalled $590 million in Federal funds which has stimulated more than $343 million in non-Federal money.

It was no easy task to devise reasonably fair cost-sharing formulas which were mindful of the difficulty of small communities to contribute to the costs of constructing flood control projects, of our coastal communities to receive credit for the value of property to be protected from hurricanes and of our commercial ports and inland waterways to remain competitive in a shrinking global marketplace.

WRDA 1986 has worked well in three major respects. First, by requiring our local partners to share these costs, it has succeeded in ensuring that the most worthy projects receive Federal funding. Second, it has ensured that our commercial ports and inland waterways remain open for commercial traffic and are now able to serve the larger bulk cargo ships, including the super coal colliers. Third, it has allowed the United States to meet our national security commitments abroad.

Mr. President, these principles remain valid today as we judge those projects which will provide the greatest return for our investment of limited Federal dollars. For these reasons, it is appropriate that Congress continue the Corps' fundamental missions of navigation, flood control, floodplain management, and storm damage reduction.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator JOHN WARNER and others in cosponsoring legislation to reauthorize the civil works program at the U.S. Army Corps of Engineers. With the exception of 1994, the Congress has authorized this necessary infrastructure program on a biennial basis since 1986.

WRDA 1986

As many in the Senate are aware, the 1970's and early 1980's brought a departure from the previous practice of approving omnibus authorization bills and predictable appropriations for the construction of water resources projects. In 1986, however, we broke the logjam. After years of legislative and executive policy confrontations over the role of the Federal Government in water policy, Congress approved the Water Resources Development Act of 1986. The legislation is often referred to as WRDA.

The 1986 Act was landmark legislation because we finally instituted a reasonable framework for local cost-sharing of Army Corps' projects and feasibility studies. This was a huge step in the right direction. I helped author those cost-sharing provisions because there was a real need to recognize our limited Federal resources and the financial responsibility of local project sponsors.

COST SHARING

In establishing cost-sharing formulas for these projects and studies, the Congress accomplished at least two important objectives. First, by reducing the Federal contribution toward individual projects, we have been able to use roughly the same level of total Federal funding for many additional proposals which, despite their particular merit, had previously gone by the wayside without full Federal funding.

Second, by requiring a local match, we have brought the locally affected parties into the decisionmaking process. Even though improvements are still necessary on that score, I think it is fair to say that our State and local

partners have much greater input than they once did.

BUDGET REDUCTION

Now we face a period of even greater fiscal austerity. In an effort to find spending reductions in the out years, the administration has proposed to significantly reduce Federal involvement in the construction of new flood control and coastal storm protection projects. Also being discussed are plans to phase out the Federal maintenance of harbors and ports which do not contribute to the harbor maintenance trust fund.

Perhaps such dramatic change is necessary if we are to reverse the trend of debt spending in Washington. Perhaps this sort of reduction in Federal involvement is exactly what the voters called for last November. I happen to believe that a need still exists for Federal involvement in some of these areas. The interstate nature of flooding warrants Federal coordination and assistance.

Yet, spending reductions must be made. As in 1986, we are being called upon to make tough choices in the effort to define the appropriate Federal role for construction and management of water-related resources.

WRDA 1995

I believe that Senator WARNER has struck a careful balance in the legislation he is proposing today. This bill is cost conscious. Preliminary estimates conducted by the Congressional Budget Office score the authorization level of this measure at less than 50 percent of the nearly $3 billion authorized by WRDA 1992. Even though significant cost and scope reductions are made here—we still authorize a broad mix of navigation, flood control, shoreline protection, and environmental restoration projects and studies.

While the administration has every right to propose long-term savings through broad, overarching policy shifts and program phase-outs, I am convinced that we can achieve more significant and equitable spending reductions through the authorization process.

I am grateful that Senator WARNER has taken the lead this year on water resources reauthorization. Mr. President, with his direction and with the cooperation of colleagues, I am confident that we will see passage of this bill this year.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. HATCH, Mr. JEFFORDS, Mr. FRIST, Mr. PELL, Mr. DODD, Mr. COATS, and Mr. SIMON):

S. 641. A bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes; to the Committee on Labor and Human Resources.

THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, on behalf of myself and Senators KENNEDY, HATCH, PELL, JEFFORDS, FRIST, DODD, COATS, and SIMON, I introduce the Ryan White CARE Reauthorization Act of 1995.

The CARE Act has played a critical role in improving the quality and availability of medical and support services for individuals with HIV disease and AIDS. The most significant assistance under this act is provided through titles I and II. Title I provides emergency relief grants to cities disproportionately affected by the HIV epidemic. Title II provides formula grants to States and territories to improve the quality, availability, and organization of health care and support services.

As the HIV epidemic continues, the need for this important legislation remains. There is a need as well to modify its provisions to take into account the changing face of the HIV epidemic since the CARE Act was first enacted in 1990. Once primarily a coastal urban area problem, the HIV epidemic now reaches the smallest and most rural areas of this country. In addition, minorities, women, and children are increasingly affected.

This reauthorization bill builds on the successful four-title structure of the current CARE Act and includes many important improvements. Chief among these are changes in the funding formulas which would ensure greater funding equity and which provide a single appropriation for titles I and II.

The General Accounting Office [GAO] has identified large disparities and inequities in the current distribution of CARE Act funding. This legislation, developed with GAO input, authorizes equity formulas for titles I and II based on an estimation of the number of individuals currently living with AIDS and the costs of providing services. In addition, the new title II formula includes an adjustment to offset the double-counting of individuals by States, when such States also include title I cities.

The purpose of these changes is to assure a more equitable allocation of funding, based on where people with the illness are currently living. With any formula change, there is always the concern about the potential for disruption of services to individuals now receiving them. To address this concern, the bill maintains home-harmless floors designed to assure that no entity receives less than 92.5 percent of its 1995 allocation over the next 5 years.

In an effort to target resources to the areas in greatest need of assistance, the bill also limits the addition of new title I cities to the program. Beginning in fiscal year 1998, current provisions which establish eligibility for areas with a cumulative AIDS caseload in excess of 2,000 will be replaced with provisions offering eligibility only when over 2,000 cases emerge within a 5-year period.

The legislation makes a number of other important modifications:

First, it moves the Special Projects of National Significance Program to a new title V, funded by a 3-percent set-aside from each of the other four titles. In addition, it adds Native American communities to the current list of entities eligible for projects of national significance.

Second, it creates a statewide coordination and planning process to improve coordination of services, including services in title I cities and title II States.

Third, it extends the administrative expense caps for title I and II to subcontractors.

Fourth, it authorizes guidelines for a minimum State drug formulary.

Fifth, it modifies representation on the title I planning councils to more accurately reflect the demographics of the HIV epidemic in the eligible area.

Sixth, for the title I supplemental grants, a priority is established for eligible areas with the greatest prevalence of comorbid conditions, such as tuberculosis, which indicate a more severe need.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges. Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts, and I particularly appreciate the constructive and cooperative approach which Senator KENNEDY has lent to the development of this legislation. It is my hope that the Senate can act promptly in approving this measure. I ask unanimous consent a summary of this bill be made a part of the RECORD.

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

SUMMARY OF THE REAUTHORIZATION ACT

1. The current four-title structure of the Ryan White CARE Act is maintained.

Title I: Provides emergency relief grants to eligible metropolitan areas (EMAs) disproportionately affected by the HIV epidemic. One-half of the Title I funds are distributed by formula; the remaining one-half is distributed competitively.

Title II: Provides grants to states and territories to improve the quality, availability, and organization of health care and support services for individuals with HIV disease and their families. The funds are used: to provide medical support services for individuals who are not included in the Title I areas; to continue insurance payments; to provide home care services; and to purchase medications necessary for the care of these individuals. Funding for Title II is distributed by formula.

Title III(b): Supports early intervention services on an out-patient basis—including counseling, testing, referrals, and clinical, diagnostic, and other therapeutic services. This funding is distributed by competitive grants.

Title IV: Provides grants for research and services for pediatric patients.

2. A single appropriation for Title I grants to eligible metropolitan areas and Title II grants to states is authorized for fiscal year 1996.

A single appropriation should help unify the interest of grantees in assuring funding

for all individuals living with AIDS, regardless of whether they live in EMAs or states.

The appropriation is divided between the two titles based on the ratio of fiscal year 1995 appropriations for each title. Sixty-four percent is designated for Title I. The Secretary is authorized to develop and implement a method to adjust the distribution of funding for Title I and Title II to account for new Title I cities and other relevant factors for fiscal year 1997 through fiscal year 2000. If the Secretary does not implement such a method, separate appropriations for titles I and II are authorized, beginning in fiscal year 1997 and extending through fiscal year 2000.

3. Equity formulas are authorized for Titles I and II based on an estimation of the number of individuals living with AIDS and the costs of providing services.

The present distribution formulas have led to disparity in funding for individuals living with AIDS based on where they live. This is due to: a caseload measure which is cumulative, the absence of any measure of service costs, and the counting of EMA cases by both the Titles I and II formulas.

The equity formulas will include an estimate of living cases of AIDS. This estimate is calculated by applying a different weight to each year of cases reported to the Centers for Disease Control and Prevention over the most recent ten-year period. A cost index is determined by using the average Medicare hospital wage index for the three-year period immediately preceding the grant award. Over a five-year period, hold-harmless floors for the formulas are provided in order to assure that no entity receives less than 92.5 percent of its 1995 allocation. The phase-in is provided to avoid disruption of services to beneficiaries, while still allowing for the redistribution of funds.

4. The addition of new Title I cities will be limited.

The current designation criteria for Title I cities was developed to target emergency areas. Five years after the initial enactment of the Ryan White CARE Act, the epidemic persists. However, the needs have changed from emergency relief to maintenance of existing efforts. In addition, Title II funding has been used to develop infrastructure in large metropolitan areas, decreasing the relative need for emergency Title I funding.

However, to allow for true future emergencies, the Title I definition is refined to include only those areas which have a population of at least 500,000 individuals and a cumulative total of more than 2,000 cases of AIDS in the preceding five years. This requirement will not apply to any area that is deemed eligible before fiscal year 1998.

5. A priority for the Title I supplementary grants is established.

The severity of illness has a major impact on the delivery of services. The reauthorization establishes a priority for the distribution of funds which accounts for co-morbid conditions as indicators of more severe HIV-disease. Such conditions include sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, and homelessness.

6. The Special Projects of National Significance (SPNS) and the AIDS Education and Training Centers are included in a new Title V.

Currently, SPNS is part of Title II and is funded by a 10 percent Title II set-aside. The reauthorization bill provides that the SPNS program will receive a 3 percent set-aside from each of the other four titles. The SPNS project will address the needs of special populations, assist in the development of essential community-based service infrastructure, and ensure the availability of services for Native American communities.

The AIDS Education and Training Centers program is transferred from federal health professions education legislation. This program provides funding for the training of health personnel in the diagnosis, treatment, and prevention of HIV disease. Its purpose is to assure the availability of a cadre of trained individuals for the CARE Act programs.

7. A statewide coordination and planning process is created to improve coordination of services, including services in Title I cities and Title II states.

8. Representation on the Title I planning councils is changed to more accurately reflect the demographics of the HIV epidemic.

9. Guidelines for a minimum state drug formulary are authorized.

Therapeutics improve the quality of life of patients with HIV disease and minimize the need for costly inpatient medical care. The medical state of the art is constantly changing. The guidelines will help states to keep abreast of these changes and to develop a drug formulary which is composed of available Food and Drug Administration approved therapies.

10. Administrative caps for Titles I and II are extended to contractors and subcontractors.

Administrative costs for grantees and subcontractors are tightly defined and limited. This limitation will ensure monies are utilized to provide services for people living with AIDS rather than subsidizing excessive administrative expenses.

BACKGROUND ON THE AIDS EPIDEMIC

1. The HIV epidemic continues to be a national problem:

The number of AIDS cases has increased to 441,000; one-fifth of the new cases occurred in 1994.

AIDS is now the leading cause of death for all Americans between the ages of 25 to 44.

Cases are distributed across the United States—with only relative sparing of a few Northern Plains and Mountain states.

2. Trends:

The Northeast incidence is higher for the injecting drug user than for other populations.

The Southern region cases remain primarily among the gay male population.

The proportion of the epidemic among gay males in the Midwest and the West has stabilized.

The heterosexual AIDS epidemic is increasing dramatically.

Heterosexual transmission is now the leading cause of AIDS in women.

The highest concentration of infected women is in the coastal Northeast, the mid-atlantic, and the Southeast.

Cases in the Northeast remain primarily within urban centers, while cases in the Southeast are more likely to be located in small towns and cities.

3. Minorities:

Blacks and latinos comprise nearly 75 percent of all women infected.

The rates of infection for black women range from 7 to 27 times higher than the rates for caucasian women.

4. Adolescents:

Adolescents have the fastest growing rate of infection.

The rates of infection among adolescents are similar among women and men, but the rates are the highest among blacks.●

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KASSEBAUM in introducing the Ryan White CARE Reauthorization Act of 1995.

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

More than 400,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem.

The epidemic has cost the Nation immeasurable talent and energy in young and promising lives struck down long before their time. We must do better to provide care and support for those caught in the epidemic's path. And with this legislation, we will.

Five years ago, in the name of Ryan White and all the other Americans who had lost their battle against AIDS, Congress passed and President Bush signed into law the Comprehensive AIDS Resources Emergency Act.

Since then, the CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that bipartisan tradition continues.

The CARE Act provides emergency relief for cities hardest hit by the AIDS epidemic, and additional funding for all States to provide health care, early intervention, and support services for individuals and families with HIV disease in both urban and rural areas.

In Boston, the CARE Act has led to dramatically increased access to essential services. This year, because of Ryan White, 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements. This assistance is reducing hospitalizations, and is making an extraordinary difference in people's lives.

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

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

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. These realities challenge us to move forward together in the best interest of all people living with HIV. And that is what Senator KASSEBAUM and I have attempted to do.

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

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

The revised formulas in this legislation will make these desperately needed resources available based on the relative number of people living with HIV disease—and the relative cost of providing these essential services.

The new formula will increase the medical care and the support services available to individuals with HIV in many cities, including Boston, Los Angeles, Philadelphia, and Seattle, and in many States.

Equally important, the compromise will ensure the ongoing stability of the existing AIDS care system in areas of the country with the greatest incidence of AIDS. The HIV epidemic in New York, San Francisco, Miami, and Newark is far from over—and in many ways, the worst is yet to come.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance—it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation. We have sought common ground. We have listened to those on the frontlines. We have attempted to support their efforts, not tie their hands.

Congress and the AIDS community must put aside political, geographic, and institutional differences to face this important challenge squarely and successfully. The structure of the CARE Act—affirmed in this reauthorization—provides a sound and solid foundation on which to build that unity.

Hundreds of health, social service, labor, and religious organizations helped to shape the act's provisions and have made its promise a reality. The act has been praised by Governors, mayors, county executives, and local and State AIDS directors and health officers. It has required all levels of government to join together in providing services and resources. And success stories of this coordination are now plentiful.

Community-based AIDS service organizations and people living with HIV have had critically important roles in the development and implementation of humane and cost-effective service delivery networks responsive to local needs.

Although the resources fall far short of meeting the growing need, the act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS. Through its unique structure, it has quickly and efficiently directed assistance to those who need it most.

The Ryan White CARE Reauthorization Act, however, is about more than Federal funds and health care services. It is also about caring and the American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what has happened in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS. I urge my colleagues to support this vital initiative.

By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 642. A bill to provide for demonstration projects in six States to establish or improve a system of assured minimum child support payments, and for other purposes; to the Committee on Finance.

THE CHILD SUPPORT ASSURANCE ACT OF 1995

• Mr. DODD. Mr. President, I reintroduce a piece of legislation whose subject should be central to our debate over welfare reform. I say this because the Child Support Assurance Act of 1995 promotes work, family, self-sufficiency, and personal responsibility. At the same time, it seeks to put a stop to one of the principal causes of child poverty in this country, lack of financial support from absent parents. I am delighted to be joined in this effort by my colleague from West Virginia, Senator ROCKEFELLER, who has long been a champion of children's causes and this concept in particular.

WELFARE REFORM, WELFARE PREVENTION

I firmly believe we will not succeed in reforming welfare until we succeed in reforming child support. Of course, we need welfare reform that will encourage people to become self-sufficient and leave Government assistance. But just as important, we need welfare prevention policies to allow people to avoid welfare in the first place. We need to seriously ask ourselves, what can we as a nation do to support families in danger of sliding into poverty?

At or near the top of our list of answers should be putting some teeth and some assurances into our child support system. Lack of child support is one of the principal causes of poverty for one-parent families. The Census Bureau illustrated this fact when it estimated that between 1984 and 1986 approximately half a million children fell into poverty after their father left home.

In 1989 alone, the children and single parents of America were owed $5.1 billion in unpaid child support. If every single-parent family had an award and the awards were paid in full, it would mean $30 billion a year for the children of America. Can you imagine the difference it would make if our kids received the sums they are being cheated out of annually?

Connecticut is no different from any other State. Despite a child support enforcement system that ranks among the best in the Nation, its child support delinquencies now total nearly half a billion dollars. That is half a billion dollars in a State of only 3½ million people.

The clear connection between child support and welfare was illustrated during a hearing of the Subcommittee on Children I chaired in the last Congress. Geraldine Jensen testified about struggling as a single mother and receiving no help from her exhusband. She had to work 60 hours a week just to make ends meet. One day she realized her kids had gone from two parents to one parent when her husband left, and then from one parent to none when she had to take her second job. She was working so much that she had no time for her children.

So Ms. Jensen quit her jobs and went on AFDC. She finally collected the child support owed her 7 years later, and she was able to get back on her feet.

CHILD SUPPORT AND POVERTY

Unfortunately, the reality today is that there are far too many families out there like Ms. Jensen's. And far too many children are plunged into poverty when their parents do not live up to their responsibilities. The poverty rate for single-parent families headed by women is nearly 33 percent. This compares to a poverty rate of under 8 percent for two-parent families.

Why is the poverty rate so high for households led by single women? The primary reason is a lack of support from absent fathers—42 percent of single mothers do not even have child support orders for their children. For poor women, this figure is 57 percent. And even a child support order is no guarantee of support. In 1989, half of all mother-led families with child support orders received no support at all or less than the amount due.

We have known for some time now that our child support system needs a major overhaul. The Child Support Amendments of 1984 and the Family Support Act of 1988 made modest improvements. For every 100 child support cases in 1983, there were 15 in which there was a collection. In 1990, there were 18. Out of 100, 15 to 18 is a step in the right direction, but we clearly have a long, long way to go.

ENFORCEMENT AND ASSURANCE CRITICAL

As the Senate considers proposals for welfare reform, I suggest that putting teeth into our child support enforcement system is absolutely critical to the goal of moving people off welfare and into self-sufficiency.

It is time for us to stop this slide toward public assistance by insisting that parents meet the responsibilities they have for the children they bring into the world. The children of America will be the true winners of such a policy, but the taxpayers will also come out ahead because of reduced welfare expenditures. Toward this end, Senator BRADLEY, myself, and others have introduced a tough enforcement bill, supported by Members on both sides of the aisle.

The bill I am introducing today would take us further down the road

toward an effective child support system. It would create incentives for responsible behavior: incentives for custodial parents to seek child support orders, incentives for noncustodial parents to follow those orders, and incentives for States to make sure this whole process works. As a last resort, it would provide a minimum level of support for all children not living with both parents.

Right now, the poor children of America are the ones paying for the failings of our families and the failings of our child support system. It is my view that the welfare reform bill passed by the House of Representatives last week takes us further in the direction of punishing children. I strongly believe that welfare reform that does not try to prevent families from slipping into welfare dependency is doomed to failure.

RIGOROUS REQUIREMENTS

The child support assurance bill would authorize demonstration grants to six States for use in guaranteeing child support benefits. Participating States would have to meet a rigorous set of requirements. To qualify, States would already have to be doing a good job of collecting child support and would have to be at, or above, the national median for paternity establishment. And during the course of the grant, the State would have to show real, measurable improvement in paternity establishment, child support orders, and collections.

Just as the Child Support Assurance Act calls on participating States to meet their obligations, it would do the same for participating families. To qualify, the custodial parent would have to possess, or be seeking, a child support award or have a good reason not to.

We hope that this approach will serve as a model for the country. To test this proposition, the Department of Health and Human Services would conduct 3- and 5-year evaluations of the demonstration programs to gauge the effectiveness of the approach.

I hope my colleagues will join Senator ROCKEFELLER and me in supporting this legislation and demanding that we all meet our responsibilities to America's children.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 642

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 ''Child Support Assurance Act of 1995''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households has increased significantly;

(2) there is a high correlation between childhood poverty and growing up in a single-parent household;

(3) family dissolution often brings the economic consequence of a lower standard of living for the custodian and children;

(4) children are nearly twice as likely to be in poverty after a family dissolution as before a family dissolution;

(5) one-fourth of the single mothers who are owed child support receive none and another one-fourth of such mothers receive only partial child support payments;

(6) single mothers above and below the poverty line are equally likely to receive none of the child support they are owed; and

(7) the failure of children to receive an adequate level of child support limits the ability of such children to thrive and to develop their potential and leads to long-term societal costs in terms of health care, welfare, and loss in labor force productivity.

(b) PURPOSE.—It is the purpose of this Act to enable participating States to establish child support assurance systems in order to improve the economic circumstances of children who do not receive a minimum level of child support from the noncustodial parents of such children and to strengthen the establishment and enforcement of child support awards. The child support assurance approach is structured on a demonstration basis in order to implement and evaluate different options with respect to the provision of intensive support services and mechanisms for administering the program on a national basis.

SEC. 3. ESTABLISHMENT OF CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every eligible child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the ''Secretary'') shall make grants to not more than 6 States to conduct demonstration projects for the purpose of establishing or improving a system of assured minimum child support payments in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application for a grant under this section shall be submitted by the Chief Executive Officer of a State and shall—

(1) contain a description of the proposed child support assurance project to be established, implemented, or improved using amounts provided under this section, including the level of the assured benefit to be provided, the specific activities to be undertaken, and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support payments under the project, and the amounts to which they will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 and not more than 5 consecutive fiscal years beginning with fiscal year 1997;

(6) contain assurances that the State—

(A) is currently at or above the national median paternity establishment percentage (as defined in section 452(g)(2) of the Social Security Act (42 U.S.C. 652(g)(2)));

(B) will improve the performance of the agency designated by the State to carry out the requirements under part D of title IV of the Social Security Act by at least 4 percent each year in which the State operates a child support assurance project under this section in—

(i) the number of cases in which paternity is established when required;

(ii) the number of cases in which child support orders are obtained; and

(iii) the number of cases with child support orders in which collections are made; and

(C) to the maximum extent possible under current law, will use Federal, State, and local job training assistance to assist individuals who have been determined to be unable to meet such individuals' child support obligations;

(7) describe the extent to which multiple agencies, including those responsible for administering the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and child support collection, enforcement, and payment under part D of such title, will be involved in the design and operation of the child support assurance project; and

(8) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support assurance project designed to provide a minimum monthly child support benefit for each eligible child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—

(1) IN GENERAL.—A child support assurance project funded under this section shall provide that—

(A) any child (as defined in paragraph (2)) with a living noncustodial parent for whom a child support order has been sought (as defined in paragraph (3)) or obtained and any child who meets ''good cause'' criteria for not seeking or enforcing a support order is eligible for the assured child support benefit;

(B) the assured child support benefit shall be paid promptly to the custodial parent at least once a month and shall be—

(i) an amount determined by the State which is—

(I) not less than $1,500 per year for the first child, $1,000 per year for the second child, and $500 per year for the third and each subsequent child; and

(II) not more than $3,000 per year for the first child and $1,000 per year for the second and each subsequent child;

(ii) offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent;

(iii) indexed and adjusted for inflation; and

(iv) in the case of a family of children with multiple noncustodial parents, calculated in the same manner as if all such children were full siblings, but any child support payment from a particular noncustodial parent shall only be applied against the assured child support benefit for the child or children of that particular noncustodial parent;

(C) for purposes of determining the need of a child or relative and the level of assistance, one-half of the amount received as a child support payment shall be disregarded from income until the total amount of child support and Aid to Families With Dependent Children benefit received under part A of title IV of the Social Security Act equals the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) that is applicable to a family of the size involved;

(D) in the event that the family as a whole becomes ineligible for aid to families with dependent children under part A of title IV of the Social Security Act due to consideration of assured child support benefits, the continuing eligibility of the caretaker for aid to families with dependent children under such title shall be calculated without

consideration of the assured child support benefit; and

(E) in order to participate in the child support assurance project, the child's caretaker shall apply for services of the State's child support enforcement program under part D of title IV of the Social Security Act.

(2) DEFINITION OF CHILD.—For purposes of this section, the term ''child'' means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by the law of the State in which such individual resides.

(3) DETERMINATION OF SEEKING A CHILD SUPPORT ORDER.—For purposes of this section, a child support order shall be deemed to have been ''sought'' where an individual has applied for services from the State agency designated by the State to carry out the requirements of part D of title IV of the Social Security Act or has sought a child support order through representation by private or public counsel or pro se.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—

(1) SELECTION CRITERIA.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section and shall approve not more than 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct demonstration projects under this section, the Secretary shall—

(A) ensure that the applications selected represent a diversity of minimum benefits distributed throughout the range specified in subsection (d)(1)(B)(i);

(B) consider the geographic dispersion and variation in population of the applicants;

(C) give priority to States with applications that demonstrate—

(i) significant recent improvements in—

(I) establishing paternity and child support awards;

(II) enforcement of child support awards; and

(III) collection of child support payments;

(ii) a record of effective automation; and

(iii) that efforts will be made to link child support systems with other service delivery systems;

(D) ensure that the proposed projects will be of a size sufficient to obtain a meaningful measure of the effects of child support assurance;

(E) give priority, first, to States intending to operate a child support assurance project on a statewide basis, and, second, to States that are committed to phasing in an expansion of such project to the entire State, if interim evaluations suggest such expansion is warranted; and

(F) ensure that, if feasible, the States selected use a variety of approaches for child support guidelines.

(2) REQUIREMENTS FOR GRANTEES.—Of the States selected to participate in the demonstration projects conducted under this section, the Secretary shall require, if feasible—

(A) that at least 2 provide intensive integrated social services for low-income participants in the child support assurance project, for the purpose of assisting such participants in improving their employment, housing, health, and educational status; and

(B) that at least 2 have adopted the Uniform Interstate Family Support Act.

(f) DURATION.—During fiscal year 1996, the Secretary shall develop criteria, select the States to participate in the demonstration, and plan for the evaluation required under subsection (h). The demonstration projects conducted under this section shall commence on October 1, 1996, and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(g) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of a child support assurance project conducted under this Act. Any such savings realized as a result of the implementation of a child support assurance project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State.

(h) EVALUATION AND REPORT TO CONGRESS.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the demonstration projects funded under this section. The evaluation shall include an assessment of the effect of an assured benefit on—

(A) income from nongovernment sources and the number of hours worked;

(B) the use and amount of government supports;

(C) the ability to accumulate resources;

(D) the well-being of the children, including educational attainment and school behavior; and

(E) the State's rates of establishing paternity and support orders and of collecting support.

(2) REPORTS.—Three and 5 years after commencement of the demonstration projects, the Secretary shall submit an interim and final report based on the evaluation to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Economic and Educational Opportunities of the House of Representatives concerning the effectiveness of the child support assurance projects funded under this section.

(i) STATE REPORTS.—The Secretary shall require each State that conducts a demonstration project under this section to annually report such information on the project's operation as the Secretary may require, except that all such information shall be reported according to a uniform format prescribed by the Secretary.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—

(1) IN GENERAL.—A State conducting a demonstration project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 20 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section;

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a demonstration project provided by this section; and

(C) to maintain the Aid to Families With Dependent Children benefits provided under part A of title IV of the Social Security Act at the same level, or at a higher level, as the level of such benefits on the date of the enactment of this Act.

(2) EXCEPTION.—A State participating in a demonstration project under this section may provide not less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in subsection (b)(6)(B).

(k) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—For purposes of—

(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(2) title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(3) section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(4) sections 221(d)(3), 235, and 236 of the National Housing Act (12 U.S.C. 1715*l*(d)(3), 1715z, 1715z–1);

(5) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(6) title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(7) child care assistance provided through—

(A) part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); or

(C) title XX of the Social Security Act (42 U.S.C. 1397 et seq.),

any payment made to an individual within the demonstration project area for child support up to the amount which an assured child support benefit would provide shall not be treated as income and shall not be taken into account in determining resources for the month of its receipt and the following month.

(l) TREATMENT OF CHILD SUPPORT BENEFIT.—Any assured child support benefit received by an individual under this Act shall be considered child support for purposes of the Internal Revenue Code of 1986.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of fiscal years 1996, 1997, 1998, 1999, 2000, and 2001 to carry out the purposes of this Act.●

● Mr. ROCKEFELLER. Mr. President, as we focus on the issues of welfare reform and child support enforcement, I am proud to join my distinguished colleague from Connecticut, Senator CHRIS DODD, in introducing a demonstration project to explore the merits of child support assurance. This is a bipartisan idea to ensure minimum support to single parents as a way to promote work and responsibility.

I first became interested in the innovative idea of child support assurance as Chairman of the bipartisan National Commission on Children which endorsed a demonstration of child support assurance in its unanimous 1991 report, ''Beyond Rhetoric, a New American Agenda for Children and Families.''

The Commission urged the Federal Government, in partnership with several States, to undertake a demonstration to design and test the effects of an assured child support plan that combines enhanced child support enforcement with a Government-insured minimum benefit for children.

Under our demonstration, eligible parents would have to have a child support award in place or be fully cooperating in establishing paternity which would create a real incentive for parents to get a child support award. Once such an award is established, the Federal and State Government can aggressively seek to collect the payments from absent parents. But the minimum assured benefit will protect the innocent child from hardship and economic

uncertainty when one parent is shirking his/her obligation.

Such stable, consistent support is vital for children. A 1994 study by the National Institute of Child Health and Human Development noted that children of single-parent families are at increased risk. It notes that the single most important factor in accounting for the lower achievement of children in single-parent families is poverty and economic insecurity. Income differences account for half of the increased risk for disadvantages. The researchers noted that because income is such an important factor in the increased risk for disadvantages among children in single-parent families, policies that serve to minimize the negative economic impact on children may help reduce their difficulties.

The National Child Support Assurance Consortium issued a compelling report called ''Childhood's End'' in January 1993 that outlined what happens to children when child support payments are missing, or just plain late. Let me share just a few of the report's significant findings about what happens to children when child support is not paid.

Fifty-five percent of mothers reported that their children missed regular health check-ups;

Thirty-six percent of mothers reported that their children did not get medical care when they became ill; and

Fifty-seven percent of the mothers reported that their children lost their regular child care.

The list goes and on, and it is tragic that absent parents are not living up to their financial obligations and placing their own children at risk. President Clinton estimates that 800,000 people could leave the welfare system and dependency if they were paid the child support that they are owed. It is wrong to penalize these families and push them into dependency. Rather we must aggressively move on child support enforcement and explore the benefits of providing a minimum Government benefit in cases where our State enforcement efforts fail to timely collect child support owed to children.

As Chairman of the National Commission on Children, I want to put this child support assurance demonstration project into perspective. Our bipartisan commission report clearly stated that children do best in stable, two-percent families. I wish that every child could grow up in a caring home with both parents and financial security.

But in reality, over 15.7 million children are living in a single-parent household and in need of child support. Demographers warn us that 1 out of every 2 children growing up today will spend some time living with only one parent; and, therefore, half of children today will depend on child support at some point.

I strongly believe that both parents—mothers and fathers—have a moral obligation to financially and emotionally support their children.

The Government has a role to play in ensuring that parents accept their financial obligations to support their children. This does not ignore or discount the importance of emotional support from both parents. But realistically, the Federal Government is limited in its ability to address parental involvement and emotional support. I support other legislation to encourage demonstrations projects to improve meditation and visitation issues among parents as way to respond to this other key facet.

But the Federal Government can have a major effect on child support enforcement and child support assurance. It must be involved because families that do not get the child support payments they deserve, often turn to Federal assistance programs including Aid to Families with Dependent Children [AFDC] and food stamps to make ends meet. Instead of allowing families to slip into dependency, I believe it would be better to invest in systems and incentives to collect the more than $30 billion in unpaid child support.

I want to emphasize that this is a bipartisan idea intended to promote work and independence. In its 1991 report, ''Moving Ahead: Initiatives for Expanding Opportunity in America,'' the House Wednesday Group recommended Federal funding for large-scale demonstrations of child support assurance and time-limited welfare. The report notes that:

> Child support assurance has several attractive features. First it is not welfare. The benefit would be universal; all single-parent families would be eligible for the assured benefit. For most families, the absent parent would pay more than the assured benefit; the government would then recapture its expenditure and the rest would be forwarded to the child. For families in which the absent parent did not pay at least the amount of the assured benefit, the government would pay the amount guaranteed to the child and then attempt to recoup its outlays by vigorous child support enforcement. One way to think of the assured benefit, then, is government's commitment to guarantee at least a given level of cash support to all custodial parents.
>
> The assured benefit can also be seen as a program that encourages independence . . . The assured benefit is a blanket of insulation between a single mother and dependency on welfare. Equally important, unlike welfare payments, the assured benefit may have the attractive feature of minimizing work disincentive.

While noting some questions about child support assurance, the House Wednesday Group did support a demonstration project to test the potential of this innovative concept. Other groups supporting our proposal include: the Center for Law and Social Policy, the Women's Legal Defense Fund, and the Children's Defense Fund.

Mr. President, as we consider dramatic reform of our welfare system, we also should focus on child support enforcement and child support assurance as promising alternatives to promote responsibility and work over welfare and dependence.●

By Mr. JEFFORDS (for himself and Mrs. MURRAY):

S. 643. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on Foreign Relations.

WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT

Mr. JEFFORDS. Mr. President, I rise today to introduce, on behalf of myself and Senator MURRAY, the James P. Grant World Summit for Children Implementation Act of 1995.

This is a bill designed to help the United States implement its commitment to our children and to children at risk throughout the world.

In 1990, the United States and 158 other nations participated in the World Summit for Children at which they signed a plan of action setting goals to be reached by the year 2000. Those goals were: To reduce child death rates by at least one-third; to reduce maternal deaths and child malnutrition by one-half; to provide all children access to basic education; to provide all families access to clean water, safe sanitation, and family planning information; and to reduce medical costs for children.

Our legislation also urges full funding by the year 2001 for Head Start, a program that dramatically improves the performance of children in their early years in school.

Internationally, this bill would shift funds within the U.S. foreign assistance budget to meet the urgent needs of children. Specifically, it would increase allocations in foreign assistance for a few cost-effective programs: Child survival, basic education, nutrition programs, UNICEF, AIDS prevention, CARE, refugee assistance, and family planning.

If we are truly concerned about the kind of future we leave for our children, we must look beyond our borders to the world they will inherit as they come of age. If we want our Nation to be prosperous, we must invest in our future. In times of fiscal restraint, it is more important than ever we clearly focus on our top priorities. Children, both here and throughout the world, are the top priority.

Mrs. MURRAY. Mr. President, I am proud to join my colleague from Vermont, Senator JEFFORDS, in introducing the James P. Grant World Summit for Children Implementation Act of 1995. I take this opportunity to commend Senator JEFFORDS for his leadership on this issue, and I am proud to be associated with this effort.

Because the nations of the world have become so interdependent, there can be no doubt that the well-being of children around the globe affects us here in the United States. Children are the foundation of our society, of our economy, of our future.

It seems obvious, then, that we would provide adequately for the world's children, but sadly we do not.

According to UNICEF, every week, more than 250,000 children die of easily preventable illness and malnutrition.

Every day, measles, whooping cough, and tetanus—all of which can be prevented by an inexpensive course of vaccines—kill nearly 8,000 children.

Every day, diarrheal dehydration—preventable at almost no cost—kills almost 7,000 children.

Every day, pneumonia—fully treatable by low-cost antibiotics—kills more than 6,000 children.

And for every child that dies, several more live on with poor growth, ill health, and diminished potential.

The world's political leadership can ill-afford to ignore these statistics. We are all in this together. The success or failure of economies thousands of miles away can directly affect us here at home. This is especially true in my trade-dependent home State of Washington.

As the old saying goes, we are only as strong as our weakest link. If our trading partners in Asia or Latin America cannot provide the necessary education or health care for their children, we will not have strong partners to trade with in the next generation. And in the end, alleviating poverty promotes economic development, which serves us all.

So it is extremely important that we continue to work to implement the plan of action adopted at the 1990 U.N. World Summit for Children, which rightly placed the needs of children at the top of the world's development agenda.

That is why Senator JEFFORDS and I are introducing the James P. Grant World Summit for Children Implementation Act of 1995, legislation that supports life-saving, cost-effective programs to protect the health and well-being of children worldwide.

The world's children have a right to adequate nutrition, full immunization, education, and health care. The United States must continue to lead the world in promoting that message.

To reach children, of course, we must reach out to the world's women—who are often overlooked in traditional development programs. Fortunately, the World Summit for Children recognized that to improve the lot of the world's children, the status of the world's women also had to improve.

For example, recognizing the important link between child survival and family planning, the world summit for children called for universal access to family planning education and services by the end of this decade.

Family planning saves the lives of both women and children. We know that babies born in quick succession, to a mother whose body has not yet recovered from a previous birth, are the least likely to survive. Increasing funds in this area has been a top priority for me in my work in the U.S. Senate, and is addressed in the legislation we are introducing today.

I realize that in this current political climate, foreign aid is often under attack and misunderstood. While foreign aid has never been popular, it has always served our Nation well. The money needed to support the kinds of programs we are concerned about in this bill is not large in the scope of our budget—indeed, our total foreign aid program represents less than 1 percent of our entire Federal budget. In my view, our foreign aid dollars are best spent when we are investing in programs that strengthen families around the globe, and give a special helping hand to women and children.

For these reasons, I urge my colleagues to join Senator JEFFORDS and me in support of this important legislation.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DOLE, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 5, a bill to clarify the war powers of Congress and the President in the post-cold war period.

S. 254

At the request of Mr. LOTT, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 256

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 442

At the request of Ms. SNOWE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 539

At the request of Mr. COCHRAN, the names of the Senator from Mississippi [Mr. LOTT], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 539, a bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools.

S. 565

At the request of Mr. PRESSLER, the names of the Senator from Montana [Mr. BURNS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 565, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 578

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 578, a bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards.

S. 631

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 631, a bill to prevent handgun violence and illegal commerce in firearms.

SENATE RESOLUTION 95—RELATIVE TO COMMITTEE APPOINTMENT

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 95

Resolved, That the following shall constitute the minority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, Mr. Heflin, and Mr. Dorgan.

Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Dorgan, and Mr. Wellstone.

AMENDMENTS SUBMITTED

THE REGULATORY TRANSITION ACT OF 1995

NICKLES (AND OTHERS) AMENDMENT NO. 410

Mr. NICKLES (for himself, Mr. REID, Mr. BOND, and Mrs. HUTCHISON) proposed an amendment to the bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Transition Act of 1995''.

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ″joint resolution″ means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.'' (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term ''submission or publication date'' means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but

applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term ''Federal agency'' means any ''agency'' as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term ''significant rule'' means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(3) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule. As used in this paragraph, ''rule'' has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EXEMPTION FOR MONETARY POLICY.

Nothing in this Act shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.

HARKIN (AND OTHERS) AMENDMENT NO. 411

Mr. HARKIN (for himself, Mr. GRAHAM, and Mr. D'AMATO) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

LEVIN (AND GLENN) AMENDMENT NO. 412

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 9, line 2, strike everything after ''discharged'' through the period on line 6 and insert the following: ''from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate or by motion of the Majority Leader supported by the Minority Leader, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.''

DOMENICI (AND NICKLES) AMENDMENT NO. 413

Mr. DOMENICI (for himself and Mr. NICKLES) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

''(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604 section 605 section 607, and section 609 of P.L. 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of P.L. 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section.''

On page 14, at the beginning of line 5, insert, ''section 3(a)(1)–(2) and'', and on line 5 strike ''3(a)(2)'' and insert in lieu thereof ''3(a)(3)''.

DASCHLE (AND PRESSLER) AMENDMENT NO. 414

Mr. REID (for Mr. DASCHLE and Mr. PRESSLER) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

At the appropriate place insert the following:

TITLE ___—TERM GRAZING PERMITS

SEC. ___01. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the ''Secretary'') administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. ___02. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term ''expiring term grazing permit'' means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term ''final agency action'' means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term ''term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled ''An Act to facilitate and simplify the work of the Forest Service, and for other purposes'', approved April 24, 1950 (commonly known as the ''Granger-Thye Act'') (16 U.S.C. 580*l*), or other law.

SEC. ___03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. ___04. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section ___03(a) shall not be subject to administrative appeal or judicial review.

SEC. ___05. REPEAL.

This Act is repealed effective as of January 1, 2001.

PRYOR (AND OTHERS) AMENDMENT NO. 415

Mr. PRYOR (for himself, Mr. STEVENS, Mr. PRESSLER, Mr. WELLSTONE, and Mr. COCHRAN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 13, beginning on line 12, strike all through line 8 on page 14 and insert in lieu thereof the following:

''(2) SIGNIFICANT RULE.—The term ''significant rule''—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.''

LEVIN (AND GLENN) AMENDMENT NO. 416

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 14, strike lines 3 through 7, and insert in lieu thereof:

''SECTION 7. JUDICIAL REVIEW.

No determination, finding, action, or omission under this Act shall be subject to judicial review.''

LEVIN (AND GLENN) AMENDMENT NO. 417

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 14 of the amendment, line 2, strike the period and insert: '', except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matters.''

WELLSTONE AMENDMENT NO. 418

Mr. REID (for Mr. WELLSTONE) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 8, line 4, delete everything from ''after'' through ''Congress'' on line 5 and insert ''during the period beginning on the date on which the report referred to in section 3(a), is received by Congress and ending 45 days thereafter,''.

NICKLES AMENDMENT NO. 419

Mr. NICKLES proposed an amendment to amendment No. 410 proposed by him to the bill S. 219, supra; as follows:

On page 12, line 7, strike the word ''significant'';

On page 13, line 2, of amendment No. 415 strike the words '', issued after November 9, 1994,'';

On page 14, line 23, strike the word ''significant''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a markup on Wednesday, March 29, 1995, beginning at 10:30 a.m., in room 485 of the Russell Senate Office Building on S. 325, a bill to make certain technical corrections in laws relative to native Americans, and for other purposes; S. 441, a bill to reauthorize Public Law 101–630, the Indian Child Protection and Family Violence Prevention Act; S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program; S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes; and to approve the committee's budget views and estimates.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR–301, Russell Senate Office Building, on Thursday, March 30, 1995, to hold a markup.

The Committee will consider the following legislative item: Senate Resolution 24, providing for the broadcasting of press briefings on the floor prior to the Senate's daily convening, and an amendment in the nature of a substitute to Senate Resolution 24.

For further information concerning these hearings, please contact Mark Mackie of the committee staff on 224–3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 28, 1995, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 28, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the nomination of Daniel R. Glickman to be Secretary of Agriculture.

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

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, March 28, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on child support enforcement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 28, 1995, at 10 a.m. to hold a hearing on U.S. Assistance to Europe and the NIS.

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 28, 1995, at 11 a.m. to hold a hearing on judicial nominees.

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 28, at 2 p.m. to hold hearing on ''Federal Habeas Corpus Reform: Eliminating Prisoners' Abuse of the Judiciary Process.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Hearing on S 454—Health Care Liability Reform and Quality Assurance Act of 1995, during the session of the Senate on Tuesday, March 28, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, March 28, 1995, in open session, to receive testimony on the defense technology and industrial base policy in review of the Defense authorization request for fiscal year 1996 and the future year's defense program.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on International Finance, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 28, 1995, at 2:30 p.m. to conduct a hearing on the reauthorization of the export-import banks tied aid warchest.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia be permitted to meet during a session of the Senate on Tuesday, March 28, 1995, at 9:30 a.m., to hold a hearing on reducing the cost of Pentagon travel processing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 28, 1995, at 9:30 a.m. in open session to receive testimony on U.S. ballistic missile defense requirements and programs in review of the Defense authorization request for fiscal year 1996 and the future year's defense program.

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

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through March 24, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of

calculating the maximum deficit amount is $238.7 billion. $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated March 13, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 27, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through March 24, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 13, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS MAR. 24, 1995

[In billions of dollars]

	Budget resolution (H.Con. Res. 218) [1]	Current level [2]	Current level over/under resolution
On-budget:			
Budget authority	$1,238.7	$1,236.5	$−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–99 [3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,756.4	−208.7
Off-budget:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	*0
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–99	1.998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H.Con. Res. 64 for the Deficit–Neutral reserve funded.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

*Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS MAR. 24, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues	(*)	(*)	$978,466
Permanents and other spending legislation	$750,307	$706,236	(*)
Appropriation legislation	738,096	757,783	(*)
Offsetting receipts	(250,027)	(250,027)	(*)
Total previously enacted	1,238,376	1,213,992	978,466

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS MAR. 24, 1995—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	(*)
Total current level [1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	(*)
Over budget resolution	(*)	(*)	766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

*Less than $500 thousand.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

TURKEY'S INVASION OF IRAQ

● Mr. KERRY. Mr. President, I commend the Senator from Rhode Island for his principled stand on this issue and am pleased to join him as an original cosponsor of Senate Resolution No. 91, which condemns Turkey's invasion of Iraq.

On March 20, an estimated 35,000 Turkish troops poured across Iraq's northern border in a massive assault on the Kurdish guerrilla group known as the Kurdistan Workers' Party, or PKK. Although Turkish Prime Minister Tansu Ciller defended the invasion as a legitimate act of self-defense, the nature and extent of Turkey's invasion of northern Iraq belie this assertion. Accordingly, this resolution calls on President Clinton to express strong opposition to Turkey's invasion and to request that the United Nations Security Council condemn the invasion and seek an immediate and unconditional withdrawal of Turkey's forces back to Turkey.

Turkey's invasion contradicts its obligations under the United Nations Charter and the Organization for Security and Cooperation in Europe which oblige Turkey to respect the territorial integrity of other states, and to support the human rights, fundamental freedoms, and the self-determination of all peoples.

I and many of my colleagues sympathize with Turkey's struggle to defeat the Marxist PKK which has been engaged in a struggle for over a decade to establish an independent Kurkish state and has adopted terrorism as the principle means toward that end. However, the nature and brutality of the tactics Prime Minister Ciller and the military have adopted to combat the PKK are unacceptable, counterproductive, and unlikely to succeed.

The invasion, besides violating the fundamentals of international law, is likely to exacerbate the conflict rather than calm it. Moreover, Turkey's action seriously detracts from its standing in the international community. For a nation seeking to convince the world—and the European Union in particular—that it is committed to democracy, the rule of law, and respect for human rights, the invasion of Iraq and the ongoing military campaign to eliminate the PKK undermine Turkey's commitment to these principles and raises legitimate questions about the nature and extent of our relationship with Turkey.

Turkey, I fear, has fallen victim to the temptation to combat terrorism with reciprocal and punitive acts of violence more destructive than PKK acts of terrorism. The Turkish military has systematically emptied Kurdish villages and uprooted many Kurdish citizens from their homes. Human rights organizations have documented extensive human rights abuses, including torture and political assassination. The military's actions often wreak havoc and destruction on innocent Kurds and provide an incentive for Kurds to support the PKK.

I fear that relations between our two nations will deteriorate unless Turkey takes demonstrable steps to improve its human rights record, abandon the military campaign, and seek alternative solutions to the Kurdish problem. Turkey's recognition, that its Kurdish civilians have civil, cultural, political, and human rights is an essential first step. Failure to recognize these rights would be folly, for it is simply inconceivable for Turkey, if it is to remain committed to the fundamentals of democracy, the rule of law, and respect for human rights, to seek a military solution where one-fifth of the Turkish population—15 million—is Kurdish.

Turkey has long been a loyal and trusted allay and a valuable member of NATO. Like all nations, Turkey is struggling with the difficult task of defining its diplomatic, security, and economic roles in the post-cold-war era. This task is compounded by the need to combat PKK terrorism and the expansion of violent Islamic fundamentalism. However, these challenges, difficult though they may be, in no way legitimize Turkey's invasion of northern Iraq, and the United States must make it clear to Turkey that such behavior is damaging to our relationship and inconsistent with the announced goals of democracy, human rights, and the rule of law.●

SOCIAL SECURITY FUNDS NOT IMMUNE FOREVER

● Mr. SIMON. Mr. President, one of the interests of all Members of the House and Senate, I am sure, is to preserve Social Security. We may differ on the avenue to achieve that, but we share that concern.

What should be clear to anyone who looks at the Social Security matter with any serious concern is that the national debt is the threat to Social Security.

I have just finished reading an editorial column in Congressional Quarterly written by David S. Cloud, titled ''Social Security Funds Not Immune Forever.''

In that article he says what is the simple reality: ''The longer Congress and the White House delay dealing with the deficit, the greater the threat to Social Security's long-term existence.''

No one can seriously question the validity of that statement.

I hope that sometime between now and the time this Congress adjourns, we can get one more vote for the balanced budget amendment.

At this point, I ask unanimous consent to print the complete David Cloud editorial column in the RECORD.

The column follows:

CQ ROUNDTABLE—SOCIAL SECURITY FUNDS NOT IMMUNE FOREVER

(By David S. Cloud)

If Republicans and Democrats in Congress are as dedicated to eliminating the federal deficit as they profess, someday soon they will have to answer serious questions about the future of Social Security. Otherwise, neither party's promise to preserve Social Security—or to balance the budget—can be considered altogether credible.

Congressional debates about Social Security center almost entirely on charges that one party or the other is plotting to deny benefits to retirees or is looting the trust funds of payroll tax revenue. While deep cuts in Social Security are certainly possible in coming years, it won't happen because of some secret desire by elected officials; it will happen because Congress is left with no other choice.

The relationship between Social Security and the deficit is not obvious. Thanks to big payroll tax increases enacted in 1977 and 1983, Social Security recovered from near-bankruptcy and is now taking in more revenue from workers' paychecks than it pays out in benefits every year. The result is a growing trust fund balance, expected to be about $900 billion by 2000, that many view as a nest egg to pay benefits for baby boomer retirees next century. The surplus is often used as justification for leaving Social Security alone.

There are indeed good reasons to view Social Security as unique. No other program has such a broad base or such a strongly implied contract: Workers sacrifice now in the form of payroll deductions for the security of benefits after they retire. And the program has an uncontested record of sharply reducing poverty among the elderly.

But defending Social Security in isolation from the rest of the federal budget is as misleading as it is enticing. Politicians are especially prone to try.

House Speaker Newt Gingrich, R-Ga., has singled out Social Security as the only program immune from cuts as Republicans work to balance the budget by 2002. Senate Democrats recently killed the constitutional amendment to require a balanced budget after they failed to win special protections for Social Security.

But all this ignores a central fact: It is unlikely that the budget can be balanced without affecting a program that now constitutes more than a fifth of federal spending.

Why can't Social Security be left alone as long as it is self-financing? For openers, a program of Social Security's immenity—$330 billion in fiscal 1994—consumes tax revenue that could otherwise go toward reducing the deficit, if Congress didn't have to keep payroll taxes at such high levels to finance the Social Security system. Some of those benefits are going to retirees who, by any definition, are well-off. In 1990, families with income above $100,000 received more than $8 billion in Social Security benefits.

The logic of capturing some of that money for deficit reduction proved inescapable in 1993, when Congress raised taxes on some upper-income retirees by taxing more of their Social Security benefits. (House Republicans now want to repeal that tax increase.) There seems to be no appetite for undertaking a bolder attempt at scaling back Social Security benefits among recipients further down the income scale. The other option—increasing payroll taxes—does not seem likely.

Yet the longer Congress and the White House delay dealing with the deficit, the greater the threat to Social Security's long-term existence.

The reason rests with what is happening to all those surplus dollars Social Security is now accumulating. The trust funds are being invested in U.S. Treasury bonds, with the promise that the money plus interest will be paid back next century. In other words, the government is borrowing from the Social Security trust funds and eventually will have to repay those funds.

But continuation of massive borrowing from now until then will only make it harder to repay the obligations when the baby boomers retire.

When will this demographic crunch hit? Baby boomers will begin to retire around 2010. According to the 1994 Social Security Board of Trustees report, the trust funds will not run dry until 2036, absent further congressional action. But the fiscal strain will actually arrive much sooner—beginning around 2013, when the Social Security system starts drawing heavily on interest payments from the Treasury to pay for benefits.

If the federal government is still running a deficit, making those interest payments to the Social Security trust funds will necessitate a massive addition to government borrowing, or a big income tax increase.

All of the choices will be unappetizing—a mountain of additional debt, angry workers asked to more heavily subsidize retirees, or sharp cuts in Social Security benefits. And any effort by today's politicians to segregate Social Security from the rest of the budget will matter not a whit.●

STEWART L. BELL: A NEW FACE IN POLITICS

● Mr. REID. Mr. President, it is a pleasure for me to rise today to congratulate a good friend of mine and of the State of Nevada for a lifetime of outstanding achievement, Clark County District Attorney Stewart Bell.

Stew Bell has been a resident of southern Nevada since 1954. He graduated from Western High School with honors in 1963 while also distinguishing himself as the Nevada State High School Mathematics Champion. In 1967, he graduated with distinction from the University of Nevada, Las Vegas and, 3 years later, was awarded a Juris Doctorate from UCLA.

He returned to Las Vegas to work in the Clark County Public Defender's Office and, in 1973, he went into private practice and became a senior partner of one of the State's most prestigious firms.

Throughout his entire legal career, Stew Bell has distinguished himself as an outstanding trial attorney, defending thousands of criminal, civil, business, and domestic cases. He is one of the few attorneys to receive the Martindale-Hubbell A V Rating, the highest possible attorney rating for professional competence and ethics.

In addition to professional achievements, Stew Bell has also been a committed leader in the legal and civic community of Nevada. He has served as president and vice president of both the Nevada bar and the Clark County Bar Associations, on numerous State legal panels, as a court appointed special prosecutor, and as an alternate municipal judge and juvenile court referee.

Stew has also contributed hundreds of hours to youth programs such as the Variety Club for Handicapped Children, the Boys and Girls Club, and the Vegas Girls Soccer League. His list of civic achievements is too lengthy to enumerate, and I have always been amazed at his ability to juggle his civic, church, family, and professional responsibilities. Yet he has always done so with energy, enthusiasm, and zest.

A dedicated family man, Stew is married to Jeanne Bell and together, they have raised four wonderful children: Linda, a recent graduate of the University of San Diego School of Law; Kristen, who is currently attending the University of Nevada, Reno; Stephen, a student at Bonanza High School, and Greg, who is attending Cashman Junior High.

Last year, Stew Bell entered into his first political campaign, for the prestigious position of district attorney for Clark County. Because of his ernest reputation and his commitment to hard work, Stew was able to win the election handily.

On Sunday, April 2, the Paradise Democratic Club will be honoring Stewart Bell with the ''Outstanding Democrat of the Year Award.'' I can think of no one more deserving of this award. Stew Bell represents all that is good about public service, and he is an excellent role model for the children and adults of our State.●

PERSPECTIVE: BACKS DR. HENRY FOSTER'S NOMINATION

● Mr. SIMON. Mr. President, the President of the United States has nominated Dr. Henry Foster to become Surgeon General of the United States.

I have had the chance to visit with him and see him at one public meeting in action, and I have been favorably impressed.

I believe there has been great distortion of who he is and what he stands for.

I was interested in seeing in the Chicago Defender the other day, a statement by the president of Fisk University on the Henry Foster nomination.

Because of its insights, I ask that the statement be printed in the RECORD.

The statement follows:

[From the Chicago Defender, Mar. 13, 1995]

BACKS DR. HENRY FOSTER'S NOMINATION

(By Dr. Henry Ponder)

I support Dr. Henry Foster's nomination to become the next surgeon general of the United States.

I would speak against the three most-mentioned reasons why he should not be confirmed. They are: (1) the number of abortion procedures he has performed over the last 30 years; (2) his integrity; and (3) the bungling of his nomination by the White House.

Regarding the first point, it is yet to be proven that Foster committee any crime or illegalities in the years that he has practiced medicine as one of America's premier board-certified obstetrician/gynecologists.

It must be reiterated that abortion is not considered illegal in America for, under *Roe* vs. *Wade*, the Supreme Court has ruled that abortion procedures performed by a doctor, however abhorrent and immoral it is to a sizable portion of Americans, is still constitutionally acceptable. Until that ruling is reversed, Foster and any number of other doctors will not be in violation of the law.

Ironically, Foster pointed out recently on ''Nightline'' with Ted Koppel, that he ''abhors abortion.'' In cases which he had to perform abortion procedures, he said they were only ''for rape, incest and saving the life of the mother.'' Should a man be castigated for something his society allows or permits as lawful, or should his society confer good behavior upon him for being law-abiding? I think rational men and women would agree with the latter rather than the former.

It can be clearly shown that Foster has done nothing wrong, illegal or unconstitutional. He has stayed within the confines of his professional ethical code and parameters and societal jurisprudence. He should be commended and not assailed.

The second issue being used to stop Foster's nomination is integrity. It is said that, at different times. Foster said he performed about 12, 39 or some 700 abortions over the last 30 years. Foster said that he misspoke about the number of abortion procedures he has performed in his career. How many of us have not misspoken and corrected ourselves when we learned the facts?

I think the worst kind of man is the one who refuses upon learning he is mistaken to correct himself. Foster, before the nation and on ''Nightline,'' stated that upon reflection and in hindsight, he should have consulted his records more thoroughly about it. When Foster had the chance to reexamine his files, he, as any man with integrity will do, correct himself and apologized for the error.

This should not taint one's character. It should rather brighten it. But, unfortunately, in today's America, contrition on the part of anyone is a sign of ''a damaged good'' that is irreparable.

Even the good book, the Holy Bible, says that one should be forgiven in their contrition. Integrity to me is being able to say you are wrong when you discover that you are.

Foster should not be raked over the coals for admitting error, if in the process, he sets his records straight.

Thirdly, there is no question that the White House bungled this nomination. They have said as much. this whole affair could have been handled better in a straight and clearer manner by presenting Foster as a nationally renowned medical practitioner who, over 30 years, has performed abortion procedures to save the life of the mother, or due to rape or incest. It would also have been communicated that he abhors abortions and only performed them under the rarest of such cases.

I accept the statements by the president's staff that they made a mistake in handling the nomination and concur with them that the strong credentials Foster brings to the position of surgeon general outweighs presidential staff bungling and error or at worst misjudgment.

I wholeheartedly support foster's nomination and I ask the Senate to confirm him and for the country to stand by the president's excellent choice. He shouldn't be punished or scapegoated for the controversy and the tensions that abortion brings to the political arena for there are rational people on both sides of the battle.

Better yet, there are some who are working to eliminate at the root, the instances that lead to teenage pregnancy. Foster is a general in this army and he deserves to be confirmed as surgeon general.●

PEACE IN NORTHERN IRELAND

● Mr. LEAHY. Mr. President, I recently returned from a short visit to Ireland, Northern Ireland, and London, England, where I met with government officials and representatives of the political parties in Northern Ireland, on developments in the peace process there. This is an exciting time in Northern Ireland, where a ceasefire is holding for the first time in a quarter century. I ask that the report of my trip be printed in the RECORD.

The report follows:

CODEL LEAHY—TRIP REPORT, REPUBLIC OF IRELAND, NORTHERN IRELAND, ENGLAND, FEBRUARY 17–21

From February 17–21, I traveled to the Republic of Ireland, Northern Ireland, and London, England, to meet with leaders of Irish and British Governments and representatives of the political parties in Northern Ireland, and to observe the use of funds administered by the International Fund for Ireland (IFI). In London, in addition to meeting with British and American officials on developments in Northern Ireland, I also discussed efforts to limit the proliferation and use of antipersonnel landmines. I was accompanied by Tim Rieser and Kevin McDonald of my personal staff. Travel was by commercial air and rental car.

INTRODUCTION

I have closely followed the situation in Northern Ireland for many years. I was among those who last year urged President Clinton to grant Gerry Adams, leader of Sinn Fein, the political arm of the Irish Republican Army (IRA), a visa to travel to the US. That decision is widely credited with having led to the IRA ceasefire and the peace process that is now unfolding.

The timing of this trip was important because of developments in Northern Ireland since the December 1993 Joint Declaration between former Irish Prime Minister Reynolds and British Prime Minister Majors. That Declaration initiated the latest attempt to resolve the Northern Ireland conflict which has claimed over 3,200 lives in the past 25 years. Most importantly, the two leaders agreed that any change in the status of the North could only occur with the consent of a majority of the people there.

In August 1994, shortly after Gerry Adams received a visa to visit the US, the IRA announced a unilateral cease-fire which led to October cease-fires by Protestant paramilitary groups. Since then, informal talks have been conducted between the Irish Government and Sinn Fein. I arrived in the Republic just six days before the publication of a controversial ''Framework Document,'' which contains proposals put forth jointly by Irish and British Governments aimed at bringing about a permanent settlement of the conflict.

DUBLIN

Meeting with Tainiste Dick Spring: I arrived in Dublin on February 17. Senator George Mitchell, who last December was appointed the President's Special Advisor on Economic Initiatives in Ireland, was also in Dublin that day accompanied by a delegation of officials from the White House and Commerce Department, and our two delegations met over lunch with Tainiste Dick Spring. Our discussions focused on the Framework Document, which Tainiste Spring has had a central role in negotiating, and plans for the May 1995 Trade and Investment Conference.

Representatives of the Irish and American business communities, and the political parties, will meet in Washington over a three day period to discuss potential American-Irish joint ventures and other investment opportunities in the Republic and Northern Ireland.

There is universal agreement among all factions that economic development, especially in areas of high unemployment in the North, is key to any lasting peace since there is a direct correlation between high levels of unemployment and violence. There is also widespread recognition of the crucial role that the United States can play in promoting economic investment. Four areas with high potential have already been identified: tourism, food processing; pharmaceuticals; and telecommunications.

Senator Mitchell, after quoting President Franklin Roosevelt that ''the best social program is a job,'' stressed that this is to be an economic conference, not a political conference, although it is inevitable that politics will play a part. Ireland has much to recommend it, including its highly trained, English-speaking workforce and location at the gateway to 350 million European consumers. Setting up follow-up mechanisms to assist potential investors will be particularly important. Senator Mitchell and I stressed that while the U.S. can help facilitate investment in Northern Ireland, this is a long-term endeavor which depends on the sustained efforts of all the people on the island.

There was also a general discussion about the important role the International Fund for Ireland has played in bringing economic development to disadvantaged areas during a period when the Northern Ireland violence caused many potential investors to go elsewhere.

Address to peace and Reconciliation Forum: Shortly after the IRA cease-fire, the Irish Government initiated a ''Peace and Reconciliation Forum'' as a way to quickly bring Sinn Fein into informal discussions with the government and other political parties. Although the Unionist parties complained that the Forum was an Irish Government affair and declined to participate, the Forum has provided a bridge between the cease-fire and formal all-party talks which are anticipated in the future.

Senator Mitchell and I were each invited to address the Forum, which is held each Friday at Dublin Castle. Among the audience of approximately two hundred were Tainiste Spring of the Irish Government, Gerry Adams of Sinn Fein, and John Alderdice of the Alliance Party. After introductions by Forum Chair Judge Catherine McGinness and Ambassador Jean Kennedy Smith, I explained that I had come at this pivotal time to give encouragement to all the parties involved in the peace process, and to emphasize that the United States would fully support their efforts in an even-handed way. I

stressed that the Framework Document, portions of which had been leaked to the press and were already the focus of much debate and intense criticism from Unionists, should be treated as a discussion document rather than a final blueprint. I said that as long as it was based on the principle of consent, it should threaten no one.

Senator Mitchell, who was in the final day of his visit, described the strong desire he had sensed among the people for a better life and the importance of moving quickly to attract economic investment. He noted that the majority of the 44 million Irish immigrants in the U.S. are non-Catholics, and that economic hardship in Northern Ireland is felt by both Catholics and Protestants. He mentioned several items that will be on the May conference agenda, including: establishment of U.S.-owned plants; support for community banking; tax free regimes for U.S. investors; duty free status for Irish imports; addressing the problem of under-represented communities in the workforce; the problem of dual currencies in North an South; and the MacBride principles.

Our speeches were followed by a general discussion among the participants, which included several appreciative comments about the important role of the United States in moving the peace process forward.

Meeting with Taoiseach John Bruton: Although there was some initial speculation in the press that Taoiseach Bruton might not be as seized with the peace process as his predecessor, he has won praise for keeping the process moving steadily forward. Senator Mitchell and I met privately with the Taoiseach for approximately 45 minutes. We discussed the Framework Document and events leading up to it, and how he thought it would be received. We also emphasized President Clinton's strong, personal interest in the peace process and the importance of pressing ahead despite Unionist threats to boycott the talks.

Dinner hosted by Ambassador Smith: A dinner hosted by the Ambassador included Judge Catherine McGinness, Senator Maurice Manning, Reverend Roy Magee, and Dr. Martin Mansergh, all of whom have had a role in the peace process. I discussed the British Government's demand that the IRA decommission some of its weapons before Sinn Fein is rewarded with a seat at the negotiating table. The general view was that Prime Minister Major has backed away from this position somewhat, recognizing that the IRA is unlikely to respond favorably at this point and that it would be a mistake to link further progress in the peace talks to this single issue. The point was made that turning over weapons by one side has never happened in Irish history, and that the aim should be to keep the dialogue moving forward. The issue of disarmament by all parties will be dealt with in the process of the talks. (Since my return, Sinn Fein leader Gerry Adams, in response to President Clinton's decision to permit him to raise funds in the United States, agreed to discuss the issue of disarmament with the British Government at the ministerial level. Although the President's decision was criticized by British officials, I am hopeful that it will lead to further progress towards peace which would be to everyone's advantage.)

The Northern Ireland conflict has been winding down since about 1989. The IRA concluded that violence was accomplishing very little, and that the political process might offer more. On the other hand, the Unionists, lacking imaginative and dynamic leadership, have lost touch with the people, who desperately want peace. But while the war is over, the guns are not going to be relinquished immediately. As the British move their troops out, the IRA and Protestant paramilitary groups will surrender their weapons incrementally as further progress is made towards a final peace agreement. It was also suggested that the British Government exaggerated the amount of weapons possessed by the IRA to suit their own ends, and it also coincidently benefitted the IRA. Now it is a problem for both, and there is no way to prove how many weapons they have. Giving up a small amount of semtex to a third party such as the United Nations or the United States, as I and others have suggested, would be a positive gesture that could help build confidence.

Meeting with former Taoiseach Albert Reynolds: Without the forceful leadership of former Taoiseach Reynolds it is doubtful that there would be a cease-fire or peace process today. Reynolds told me that the Unionists, who claim they were not consulted on the text of the Framework Document, had significant input into the 1993 Joint Declaration. Reynolds said it was his idea to replace Article 3 of the Irish Constitution, which contains Britain's claim of sovereignty over Northern Ireland, with the principle of consent. The aim was to shift responsibility for the status of the North to a majority of the people there. This was a crucial initiative that has become the cornerstone of the Framework Document.

Reynolds described the future as unpredictable. The demographics of the North are changing. Today, 57 percent are Protestant, down from 63 percent a decade ago. In another generation the majority may be Catholic. But not all Catholics want to be part of the Republic.

Reynolds said that both sides accept the reality that the weapons will have to be surrendered, but it will take time. As the process develops it will become less of an issue. He said the IRA will never turn over their weapons to the British, since it would imply surrender. It will have to be to a third party. Reynolds said United States support for the peace process has been critical. He said the decision to grant Adams a visa was what led to the cease-fire, but that there was no way Adams would or could renounce terrorism at that time and that anyone who thought so was naive. He agreed with the view that the Unionist leadership is out of touch. They never thought a cease-fire would happen, and in the unlikely event that it did they assumed it would be short-lived. They have not thought about what they would do in the absence of violence, and were unprepared for the situation they now find themselves in.

BELFAST

The trip from Dublin to Belfast was notable for the dramatic change that has occurred at the border, where just six months ago a British military checkpoint slowed traffic to a crawl and subjected travelers to close scrutiny by armed soldiers and searches of any suspicious vehicles. Today, the checkpoint is unmanned and vehicles pass through without delay. Although British military observation posts still protrude from the tops of hills, the military presence generally is far from what it was. In Belfast, where armored troop carriers and helmeted troops regularly patrolled the streets in large numbers, daytime patrols there have ended. British troops now wear berets instead of helmets.

The reduced British military presence in Northern Ireland has won wide acclaim from Catholics. However, the day before I arrived in Northern Ireland heavily armed British troops conducted a raid in the IRA-stronghold are of Crossmaglen near the border, which drew strong criticism from Sinn Fein as well as Irish Government officials, who felt that the eve of publication of the Framework Document was a time for both sides to show restraint.

Dairy Farm IFI Project: Shortly after arriving in Belfast I toured the 'Dairy Farm'' shopping center with International Fund for Ireland Chairman Willie McCarter, and IFI Joint Directors General Chris Todd and Brendan Scannell. The center, located in a Catholic area of West Belfast, is a community-owned project developed with $3.8 million from the IFI. It includes a retail complex with a large supermarket, multi-purpose civic center, library, retail units, and service businesses that have brought life to a depressed community that lacked any of these facilities.

In later meetings with IFI officials, I discussed past management problems with the Fund and reports that the House and Senate Budget Committees have proposed to eliminate United States funding for the IFI in FY 1996. They assured me that the IFI is no longer financing golf courses and other kinds of projects that drew past criticism, including from myself. It targets disadvantaged communities, Catholic and Protestant, in the North and in border counties in the Republic. Since its inception a decade ago, the IFI, with total contributions of about $400 million from the US and the European Community, has leveraged twice that amount in private sector investment. These funds have been used to support economic regeneration projects in some 300 communities.

I pointed out that whether or not there is an earmark for the IFI in the foreign aid appropriation, the President has said he will provide a $30 million contribution to it in each of FY 1996 and FY 1997, a $10 million increase from FY 1995. IFI officials, and indeed everyone I spoke to in Dublin, Belfast and London concerned with the situation in Northern Ireland, argued persuasively that continued United States funding is an important measure of its support for the peace process.

Comber Orange Lodge: In preparation for my visit to Northern Ireland, I requested the opportunity to speak to a Unionist audience. Arrangements were made for me to address the Orange Order in Comber, a middle-class community near Belfast. The Orange Order is the oldest and largest Protestant organization in Northern Ireland, with over 80,000 active members, and some 4,000 members in the Republic. They regard themselves as British subjects and are intensely pro-Unionist.

My purpose in addressing the Orange Order was, as an Irish American Catholic, to attempt to counter the impression that the United States Government, and especially Irish American Catholics like myself, seek a particular outcome in the North. I stressed that the United States has one goal only, peace, and that it will support the peace process even-handedly. I expressed support for the principle that the status of the North should not change without the consent of a majority of its people. I also stressed the importance of protecting the civil rights of all people, majority and minority.

Several people in the audience vigorously criticized the Framework Document. I responded that rather than reject a document that has not yet been published, they should look towards bringing their ideas and concerns to the negotiating table and to treat the Framework for what it is, a discussion paper rather than a final settlement.

Unionists fear that the British Government's real purpose in seeking a resolution to the Northern Ireland conflict is to abandon them, and they see the United States as part of a pro-Nationalist plot. They fear being isolated—foresaken by Britain and unwilling to become Irish. Lacking dynamic and imaginative leadership, they are at risk

of history passing them by. Many long for a past that never was, dream of a future that never would be, and they fear a present they do not understand.

Members of the Comber Orange Lodge were impassioned, but respectful. They claimed to support tolerance and jobs for all people, and pointed out that many Protestants are as bad off as Catholics. Several complained about not being able to interest the US media in their cause, although they refuse the press access to their own meetings.

Meeting with Gerry Adams: I spent about an hour with Gerry Adams. I commended the efforts he, John Hume and Albert Reynolds have made to seize this opportunity for peace. We discussed Adams' request to raise funds in the United States, which at the time was under consideration by the Clinton Administration. He felt that British opposition to it was nothing more than an effort to control the peace talks, since it is even inconsistent with their own policy of letting him raise funds there. He added that Sinn Fein can already raise funds in the United States, only he and certain other leaders are banned from doing so. I told him that the fundraising issue is an issue primarily because the British have made it one.

Adams said the United States contribution to the IFI enables the Administration and the Congress to speak with credibility on the peace process. He added that the Catholics were organized and ready to make proposals to the Fund, unlike the Protestants, but that Protestant leaders have since been impressed by the Fund's accomplishments.

Adams raised the case of an IRA prisoner in Tucson, Arizona, who is charged with buying explosive detonators. He expressed concern about the conditions of his imprisonment.

Meeting with West Belfast Catholics: On Sunday morning, after meeting with Sister Mary Turley and Father Myles Kavanaugh of the Flax Trust, which like the IFI funds projects in disadvantaged neighborhoods in Belfast, I met with a group of Catholic community workers in West Belfast. Geraldine McAteer, the spokesperson for the group, explained that they work in both Catholic and Protestant neighborhoods. She said there was a great desire for peace, and that with the ceasefire they were finally able to stop living in fear of seeing their children beaten or killed. She said people of both traditions want equal social and cultural rights. She emphasized the importance of equal self-esteem. She said Unionists should be able to act British if they choose, and Nationalists should be able to act and feel Irish. She said there is room on the island for both, and that both have much in common.

We talked about why there was a sense that this time the conflict might really be over. They said that working class Protestants have come to recognize that although they always thought being tied to Britain would make them better off, it has not turned out that way. Their kids are doing worse in school than Catholics. They said the Unionists need to learn to fend for themselves, because the government is not going to do it for them. Catholics realized that a long time ago.

They said the Unionists fear that a united Irish Catholic majority would mistreat them as they have mistreated the Catholic minority in the North. At the same time, when they as Catholics imagine a united Ireland, they become concerned about being part of a religious state. They favor separation between church and state, and the right of all to worship as they please.

Ms. McAteer mentioned the planned construction of a public university on land within their community, funded in part with £5 million from the IFI. She expressed support for the project because of the economic benefits it will bring, but concern that too little has been done to involve community members in the planning of the project. She fears that many of the high paying jobs will go to outsiders, and local people will be left only the menial jobs. I later conveyed her concern to IFI Chairman Willie McCarter.

LONDON

Meeting with Ambassador William Crowe and Under Secretary Peter Tarnoff: At an evening meeting with Ambassador Crowe and Under Secretary Tarnoff, we discussed a wide range of issues including Northern Ireland and the problem of the proliferation of antipersonnel landmines. The issue of Gerry Adams' request to raise funds in the United States came up, and the Ambassador expressed concern that the IRA has done nothing since the cease-fire to enhance confidence in its commitment to peace. Ambassador Crowe also expressed concern about the landmine problem and described some of his own experiences with landmines in combat.

Meeting with Under Secretary Sir Timothy Daunt: I met for approximately 90 minutes with Under Secretary Daunt and three members of his staff on funding for UN peacekeeping operations, international efforts to stop the proliferation and use of antipersonnel landmines, and developments in Northern Ireland.

Sir Timothy and his staff expressed alarm at proposals under consideration in Congress which would have the effect of drastically reducing United States funding for UN peacekeeping operations. They specifically mentioned legislation that would apply the cost of in-kind contributions, such as transport costs and materiel, towards UN assessments. They said the effect of this, if applied to Britain, would be that the UN would owe Britain hundreds of millions of dollars it does not have and UN peacekeeping would quickly end. The logical results would be greater direct United States military involvement in regional peacekeeping activities. I told them that I agreed that these proposals are misguided, and that what is needed is a permanent UN logistical force that can respond to humanitarian crises without unnecessary delay.

On the subject of landmines, Sir Timothy said that Britain and the US are near agreement on a comprehensive agreement (''control regime'') on the production, use and transfer of antipersonnel landmines. He said Britain accepts elimination of antipersonnel landmines as the final goal. They favor restructuring landmine stockpiles in favor of mines that self-destruct or deactivate within 48–72 hours, if they are not in marked and guarded minefields.

I explained the problems posed by such an approach, namely, that they do not always self-destruct and that it assures the continued use of non-self-destruct mines by countries that cannot afford the more expensive alternative. Sir Timothy said that while Britain recognizes these arguments, which are also put forward by certain Members of Parliament and nongovernmental organizations, the government continues to regard landmines as a legitimate and necessary weapon. He said that in the future there may be alternatives and changes in military strategy, but that elimination of these weapons is not feasible in the short or medium term. He added that the British military believes they can assure a failure rate of self-destruct mines of not more than 1/1000. I said that while the United States and British Governments can say they will use only self-destruct mines, Third World governments will be unmoved. They are not going to declare war against either of our countries, but they are going to keep using them against their own people and their neighbors.

The British officials expressed concern that insurgent groups would not comply with a complete ban on antipersonnel mines. I said that while there will always be some who ignore a ban, if the use of landmines is treated as a war crime they will be rarely used. This is what we have seen with chemical weapons. Sir Timothy said they are afraid to take an ''all or nothing approach'' that could jeopardize support in the Third World for less drastic measures. I pointed out that the approach being advanced involves an elaborate, largely unenforceable scheme that will not solve the problem.

The subject of demining was discussed. I was told that Britain has contributed £7 million towards this effort, and that 67 British troops are involved in training deminers in Cambodia. While this is important, all agreed it was a far cry from what is needed.

Finally, we discussed the Northern Ireland situation. Sir Timothy spoke of the strong sense of alienation felt by Unionists in the North. He said the overwhelming majority of people in Britain want to get out, but they also have a sense of responsibility that is reflected in the £4.5 billion in aid Britain sends to Northern Ireland annually.

Meeting with Member of Parliament Paul Murphy: Paul Murphy is the Labour Party's chief spokesman on Northern Ireland. He began the meeting by describing his contacts with leaders of Sinn Fein, who he said are skillful and well-informed, if somewhat unsure of how to proceed. They clearly want to get back into the political process, and are anxious to be treated as politicians although they control only 8–12 percent of the vote. He said Sinn Fein is a growing political threat to John Hume's Social Democratic and Labour Party. He said he is encouraged that Protestant gunmen have also spoken about the need to solve social problems. The armed groups have become used to peace, to being able to walk around without fear. He believes that anyone who threatens that will be harshly criticized.

I told Murphy that I was very impressed with Prime Minister Major's leadership on the Northern Ireland issue, and Murphy confirmed that the British Labour Party fully supports the British government's policy. He said both have strong Unionists in their ranks, but agree on the principles in the Framework Document. He added that there may be some disagreement over the pace of moving ahead. He said the Ulster Unionist Party is facing a successionist vote, and that it's current head, James Molyneaux, may resign in favor of David Trimble who has been a vocal opponent of the Framework. He said no Unionist can embrace any kind of ''all Ireland'' structures, although the obvious and intelligent solution is to have one approach in such areas as energy, tourism, trade, and agriculture. He said he understands the Unionists' fear of being absorbed into a theocracy, but questioned why they are so upset when they know the Framework enshrines the principle of consent and they constitute a majority. He said the Unionists will complain about the Framework but they will be under considerable pressure from their constituents, who want peace, to join the process.

We discussed the issue of Gerry Adams' request to raise funds in the United States. Murphy said he has no objection to this as long as the proceeds are not used to buy weapons. We also discussed the need for reform of the Royal Ulster Constabulary, the Protestant police force in Belfast which is hated and feared by Catholics. Murphy said that any Catholic who joined the RUC would be killed. Sinn Fein favors disbanding the

RUC and creating a new, united police force for the whole island.

Meeting with Minister of State Tony Baldry: Minister Baldry's portfolio includes North America, foreign assistance, and international counternarcotics programs. We discussed recent changes in the Congress, and the need for more interaction between legislators from our two countries. We also discussed Northern Ireland, and the use of the British Virgin Islands as a transhipment point by narcotics traffickers.

CONCLUSIONS

The single most compelling message I heard from the people of the Irish Republic and Northern Ireland was that they are done with violence, and that anyone who returns to violence would be condemned by a majority of people of both traditions. I could feel an intense desire on the island to find a way for both Catholics and Protestants to coexist. However, I also sensed that some Unionists, who have willingly seen themselves as British subjects their whole lives, are so fearful that their way of life is coming to an end that they could ignite renewed violence if they are not reassured otherwise.

Despite this danger, I was very impressed with the momentum the peace process has gained. The visionary leadership of John Hume coupled with the courageous decision of British Prime Minister Major, former Irish Prime Minister Reynolds, and Prime Minister Bruton, to seize this opportunity, have constructed a process that I am optimistic will lead to lasting peace.

The much-anticipated Framework Document was published the day after I arrived back in Washington, where it was very well received. Since then, President Clinton has agreed to permit Gerry Adams to raise funds in the United States, and Adams responded by declaring his readiness to discuss the decommissioning of arms with the British Government. The British Government reciprocated by withdrawing 400 of its troops from Northern Ireland. Ministerial level talks between Britain and Sinn Fein are expected soon. I believe this is crucial to reassuring Unionists that they will not be left defenseless to a renewed IRA threat.

The role of the United States in this effort cannot be overstated. After a somewhat inauspicious beginning, the International Fund for Ireland has served a vital role in creating jobs—29,000 at last count, and bringing hope to hundreds of the most depressed communities, both Catholic and Protestant, in Northern Ireland and the border countries of the Republic. The IFI is clearly a short-term solution. If peace takes hold, private investment should replace the IFI as the engine of economic development within two or three years. Until then, the IFI is an important symbol of U.S. support for the peace process and a tangible way to support that process during this fragile period.

In addition, President Clinton's willingness to take political risks that the Irish and British Governments were either unwilling or unable to take themselves, has made an enormous difference. My hope is that my reinforcing his message in Dublin, Belfast and London I was able to give some added impetus towards lasting peace in the land of my father's father.●

REGULATORY REFORM

● Mr. SIMON. Mr. President, the March 6, 1995 edition of the New Yorker included a thoughtful piece on regulatory reform by James Kunen. He recalls the history that led to the enactment of laws and agency regulations designed to protect the public from unsafe foods and warns against regulatory reforms that will doom us to repeat that history.

This article deserves the attention of the Senate as we prepare for the upcoming debate on regulatory reform so I ask that it be printed in the RECORD.

The article follows:

[From the New Yorker, Mar. 6, 1995]

RATS: WHAT'S FOR DINNER? DON'T ASK.

Ninety years ago, Upton Sinclair's immensely popular documentary novel ''The Jungle'' exposed the conditions then prevailing in the American meat-packing industry. ''Rats were nuisances, and the packers would put poisoned bread out for them; they would die, and then rats, bread, and meat would go into the hoppers together,'' Sinclair wrote, in one of many vivid passages based on his research in Chicago, and he added, ''There were things that went into the sausage in comparison with which a poisoned rat was a tidbit.''

Peering back in time from the moral heights of the present, we may find it hard to make out why the captains of industry circa 1905 conducted their businesses so rapaciously. Were their hearts more resistant to the promptings of conscience than those of today's corporate executives? Or did Sinclair's villains do what they did because it kept costs down and, besides, they could get away with it? Such questions are of more than just literary interest right now, for what can be got away with may be on the brink of vast expansion.

Sinclair's best-seller helped spur the passage by Congress, in 1906, of America's first great consumer-protection measures—a federal meat-inspection law and the Pure Food and Drug Act, which together prohibited the shipment of adulterated or mislabeled foods in interstate commerce. The first great political obstruction of consumer protection quickly ensued. When producers of dried fruit complained that limits on the use of sulfur as a preservative might hurt sales, President Roosevelt's Secretary of Agriculture, James Wilson, backed down. ''We have not learned quite enough in Washington to guide your business without destroying it,'' Mr. Wilson explained to them apologetically, no doubt omitting to deride the inside-the-Beltway outlook of the Department's scientists only because the Beltway had yet to be built. Pro- and anti-regulatory forces have grappled for advantage ever since. This week, the House Republicans, as part of their Contract with America, are striving to rout the rulemakers once and for all with a set of measures they imaginatively call the Job Creation and Wage Enhancement Act of 1995. The legislation would erect new obstacles in the already tortuous path of risk assessment.

GLENCOE STUDENTS WIN ENGINEERING AWARD

● Mr. SIMON. Mr. President, more than 1.8 million Americans are employed as engineers, making it the Nation's second largest profession.

National Engineers Week has been celebrated annually since 1951 in order to increase recognition of the contributions that engineering and technology make in the quality of our lives. During the week of February 19 to 25, more than 40 well-known engineers participated in a variety of activities to help promote engineering.

Among those activities was the national engineers week future city competition. This competition encourages middle-school students to help envision solutions to facing our Nation's cities. These seventh- and eighth-grade students use math and science skills to design tabletop models of futuristic cities, and each group of students is assisted by a teacher and a volunteer engineer.

This year a team of students from Glencoe, IL, was among the seven teams from around the country that went to the final competition at the National Science Foundation, and I was pleased when they took third place in the competition.

Those deserving special recognition are Stephanie Richart, Alexandra Wang, and Denise Armbruster, and their teacher, Barbara James, of Central School in Glencoe, and also Bob Armbruster who volunteered his services in helping the group with their project.●

MAKING MINORITY APPOINTMENTS TO COMMITTEES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 95 at the desk, which was submitted earlier by the Democratic leader.

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

The legislative clerk read as follows:

A resolution (S. Res. 95) making minority party appointments to the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 95) was agreed to, as follows:

Resolved, That the following shall constitute the minority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, Mr. Heflin, and Mr. Dorgan.

Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Dorgan, and Mr. Wellstone.

ORDERS FOR WEDNESDAY, MARCH 29, 1995

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m., Wednesday, March 29, 1995, and that following the prayer, the Journal of the proceedings be deemed to be approved to date, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of routine morning business not to extend beyond the hour of 10:45 a.m., with Members recognized to speak for up to 5 minutes each, with

the following exceptions: Senator CAMPBELL, 10 minutes; Senator MOSELEY-BRAUN, 40 minutes; Senators NICKLES and REID, for a combination of 10 minutes.

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

Mr. NICKLES. Under the previous order, at 10:45 a.m., a rollcall vote will occur on the passage of the regulatory moratorium bill, S. 219.

Mr. REID. Mr. President, I would like to take this opportunity to express to my friend from Oklahoma, my appreciation for his patience, perseverance, and his diligence in arriving at this point.

I think the bill to be voted on, as amended by the substitute, is a very important piece of legislation for this country. This could not have been done but for the leadership of my friend from Oklahoma. I have enjoyed the process. I think it has been one that has been educational for us all, and I think as we proceed through the calendar this year, we will look back to this as a significant improvement in the lives of the American public.

I say that the American public should understand that it is possible to do things on a bipartisan basis. My friend from Oklahoma is chairman of the conference committee. I have a like position on the Democratic side. Again, I publicly commend and applaud the Senator from Oklahoma for his work in this matter.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator REID. We have worked together on many issues over the years in the Senate. It has been a pleasure to work with him on this issue. I think this is a significant bill and one that has been improved because it has been bipartisan. I again thank Senator LEVIN and Senator GLENN, and many other colleagues on this side of the aisle, for some of their amendments that we agreed to today. I think we have improved the bill as well.

ORDER TO PROCEED TO H.R. 1158

Mr. NICKLES. I ask unanimous consent that the Senate begin consideration of H.R. 1158 immediately following passage of S. 219.

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

PROGRAM

Mr. NICKLES. For the information of all Senators, a vote will occur tomorrow at 10:45 on passage of the regulatory moratorium bill, and the Senate will then begin the supplemental disaster assistance bill.

Therefore, votes can be expected to occur throughout Wednesday's session of the Senate. The Senate could also be asked to remain in session into the evening on Wednesday in order to make progress on the appropriations bill.

ORDER TO RECESS

Mr. NICKLES. I now ask that following the remarks of Senator JEFFORDS, the Senate stand in recess under the previous order.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may proceed for a period not to exceed 5 minutes as in morning business.

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

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

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 643 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Mr. President, I yield the floor.

RECESS UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess.

Thereupon, the Senate, at 7:14 p.m., recessed until Wednesday, March 29, 1995, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1995:

DEPARTMENT OF ENERGY

JAMES JOHN HOECKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000. (REAPPOINTMENT.)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LLOYD W. NEWTON, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5137:

CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL

To be vice admiral

HAROLD M. KOENIG, MEDICAL CORPS, 000–00–0000