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Senate

(Legislative day of Monday, March 27, 1995)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Holy, Holy, Holy, Lord God almighty. Heaven and Earth are filled with Your glory. Praise and honor be to You, Lord most high. Lord of all creation, re-create our hearts to love You above all. Ruler of the universe, reign over us. Lord of our Nation, we invite You to live in us as our personal Lord. Sovereign of history, guide the vital page in history that will be written today. As we begin this new day, we declare our dependence and interdependence. We confess with humility that we are totally dependent on You, dear God. We could not breathe a breath, think a thought, or exercise dynamic leadership without Your constant and consistent blessing. We praise You for the gifts of intellect, education, and experience. All You have done in us has been in preparation for what You want to do through us now. We are here by Your divine appointment.

And we know we could not achieve the excellence You desire without the tireless efforts of others. We thank You for our families and friends, the faithful and loyal staffs that make it possible for the Senators to function so effectively, and for all who make the work of this Senate run smoothly. Help us express our gratitude by singing our appreciation for the unsung heroes and heroines who do ordinary tasks with extraordinary diligence. We praise You for the gift of life and those who make work a joy. In the name of Him who taught us the greatness of being servant leaders. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BURNS). The distinguished Senator from Colorado is recognized.

SCHEDULE

Mr. CAMPBELL. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 10:45 a.m., with Senators to speak for up to 5 minutes each with the exception of the following: Senator CAMPBELL, 10 minutes, and Senators NICKLES and REID, 10 minutes combined. At the hour of 10:45 a.m. today, the Senate will proceed to a 15-minute rollcall vote on passage of S. 219, the regulatory moratorium bill. Immediately following the vote on passage of S. 219, the Senate will begin consideration of H.R. 1158, the supplemental disaster assistance bill. Therefore all Senators should be aware that votes can be expected throughout today's session.

MORNING BUSINESS

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 644 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leadership time this morning to talk about a couple of issues, if I may.

REGULATORY TRANSITION ACT

Mr. DASCHLE. Mr. President, I wish to commend, first of all, Senator NICKLES and Senator REID for their leadership over the last couple of days. The legislation that the Senate will be voting on a little later on is legislation that I believe enjoys broad bipartisan support. It does so because it is moderate, because it addresses a serious problem, and because it gives us a tool with which to work more effectively through the regulatory morass that has existed now for a long period of time.

I think it is equally clear that the moratorium is dead. We have driven a wooden stake through the heart of the moratorium. It is dead and I say good riddance.

This legislation, were it to come up again out of conference, would suffer the same consequences. I want everyone to understand the great disappointment that would be felt on our side were the moratorium to come back at some later date or in some other form. We have negotiated and worked in good faith, and I think we, as a result of that good-faith work over the last couple of days, have come up with an alternative to the moratorium, something that we expect to be an effective tool, something that we strongly support on this side of the aisle.

We have laid out the adverse consequences of a moratorium. I believe that both Republicans and Democrats want to ensure that we do not jeopardize meat safety, that we do not jeopardize children with dangerous toys, that we do not jeopardize women with the loss of good mammography, that we do not jeopardize people with the problems that a moratorium would

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

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have created in our efforts to achieve clean air and clean water.

So we recognize that a moratorium is an extreme measure that, frankly, does not work. It is an extreme measure that may have been part of a 100-day plan in the House. Nevertheless, I do not care whether we take 1,000 days in the State, it is not something that we can support here.

Let me also commend Senators GLENN and LEVIN for their work over the last couple of days. They have improved the original version of the regulatory veto in a very significant way. I think their efforts have given even greater life and support to the concept that Senators REID and NICKLES have presented to the Senate in the regulatory veto.

Let me just say in closing, Mr. President, that this is an example of the moderating influence of the Senate. We have seen extreme measures acted upon in the House over the last couple of months. Those extreme measures are not ones that we feel very comfortable with on this side of Capitol Hill. Indeed, we had similar reactions to the House proposals on unfunded mandates, congressional coverage, and line-item veto, and a number of very important pieces of legislation.

Because of the moderating influence of the Senate, because of the ability of Democrats and Republicans to work together more effectively, we have been able to take the extreme proposals and put them away, hopefully for good, and pass legislation that many of us are very pleased to support.

CONSERVATION RESERVE PROGRAM

Mr. DASCHLE. Mr. President, this year we are going to be involved in a very significant debate about the Conservation Reserve Program. From time to time, I want to address the Senate on various agricultural-related issues. Perhaps one of the most important of all is the Conservation Reserve Program. It has touched nearly every facet of life in rural States, including that of the distinguished Presiding Officer. It has reduced soil erosion, it has substantially increased wildlife habitat, it has improved water quality, and it has reduced crop surpluses.

As I look back at the many programs that Congress has contemplated, considered, and ultimately enacted in the last 10 years, I think one would be hard pressed to find a program that has worked better than the CRP. No program has more effectively invested Federal dollars in natural resources than has the CRP. As a consequence of the program's tremendous success, it enjoys broad support from agricultural groups, conservation groups, environmental groups, and virtually everybody else in rural America.

Mr. President, 2.1 million of the 36.4 million acres enrolled in the CRP are located in my State. In South Dakota, the erosion rate on CRP land fell from 12 tons an acre to just over 1 ton an acre over the last 10 years—a dramatic reduction in destructive and wasteful erosion. All told, the CRP has generated a reduction of soil erosion in my State alone of over 22 million tons.

Nationwide, soil erosion has decreased by 19 tons per acre. So the program has had an even greater effect in other States than it has had in South Dakota.

Chart 1 shows where the bulk of the success has been. The red depicts those areas where we have seen significant soil erosion reduction—the Mountain States, the southern plains, and the northern plains, which includes, of course, South Dakota. We have seen about 126 million tons of soil erosion reduction in the Mountain States; 145 million tons of soil erosion reduction in our area of the country; and in the southern plains, we have seen the greatest success story of all, 170 million tons in soil erosion reduction.

So in every part of the country, we have seen a substantial degree of progress in reduction of soil erosion. But if you look more carefully at the chart you will see that where the greatest potential lies for soil erosion, where we saw the greatest consequences of soil erosion in the past, we have now seen the greatest progress. That really, in one picture alone, depicts what I consider to be the success story of CRP over the last 10 years.

Simply looking at the topsoil savings really does not tell the whole story, however. Costs to society of impaired water quality from farmland erosion are $208 billion a year. We are substantially preserving and improving water quality through the CRP because it idles so much highly erodible land.

The CRP has also had a significant positive effect on several species that were endangered. The prairie chicken and the sharp-tailed grouse were threatened and endangered species. Those have come back to flourish as a result of the efforts in CRP.

More than 85 percent of the CRP acres have now been planted to grasses. The CRP also has fostered tree plantings on 3,600 square miles. That, Mr. President, is the equivalent of Yosemite and Glacier National Parks combined. In a sense, with the CRP, we have actually created the equivalent of two new national parks, if you just consider the effect in tree plantings alone. So the program has created a substantial new incentive to plant trees and, obviously, when trees are planted, it is far less likely that the enrolled land will come back into production in the future.

In my State, of course, pheasants are very prominent, and we are very proud of the fact that we are probably the pheasant capital of the world. We have attracted 128,000 hunters in 1993 who spent more than $50 million in our rural communities. More than $13 billion in resource-based benefits to society have been generated by the CRP over the life of the program.

So I guess the short summary is, Mr. President, if you look at endangered species, if you look at the tree plantings, if you look at the consequences for recreation and tourism—and in my State, something I love personally to do, the opportunities for more pheasant, goose, and duck hunting—CRP has vastly expanded the opportunities to do the kinds of things that we go out West to do each and every year.

CRP has also had significant consequences with regard to reductions in Federal spending. We have saved the Federal Treasury $16 million in subsidy payments just in 1 year alone by removing the marginal lands from production. We save money in large measure because the CRP gives farmers an opportunity to do something other than plant for the program on their highly erodible acres. It is no longer necessary for producers to plant their erodible land just to get deficiency payments, to get disaster payments, or to get whatever other payments the Federal Government may have. Now, CRP gives them an ecologically and economically sound alternative.

In South Dakota, nearly 1.5 million cropland base acres were enrolled into the CRP. If commodities had been planted on this land, taxpayers would have paid crop subsidy payments on these acres, and the figure would have been millions of dollars more than what it is right now.

Chart 2 depicts really the anticipated result of what would happen if we lost the CRP in the future. The post contract CRP land uses have been the subject of a good deal of discussion. What we see here is that all of the green would be what we anticipate going back into production. There would be plant to crop, 43 percent; cash rent to other farmers, 13 percent; annual set-asides, 4 percent; and, of course, some would go into the 0/92 program.

In essence, you have a good percentage of current CRP acreage that would go back into the same kind of production activity that we experienced in the mid-1980's, that massive production was one of the primary causes of the cataclysmic economic situation that rural America experienced in the mid-1980's.

The contracts begin to expire this year, and over half of the CRP contracts will expire by 1997. All will expire by the year 2001. Only 63 percent of contract holders now plan to return the CRP acres. That is this green that I have mentioned. Only 9 percent would voluntarily keep their land in wildlife habitat or trees. That is something we hope to expand dramatically. Obviously, 9 percent is a good start, but we have to go a lot further than 9 percent if, indeed, the CRP will have the lasting benefits that we all hope it will have.

The third chart depicts, Mr. President, the effect of the CRP on the actual farm program itself.

When all CRP contracts expire, wheat and sorghum prices may actually fall by 36 cents. The effects of CRP on farm program expenditures and prices are even more impressive in the aggregate. This chart depicts the millions of dollars we can save with the continuation of the CRP. As you can see, continued enrollment of 50 percent of the CRP acres are depicted in the purple; 100 percent in the red. For example, if in 1996, 100 percent of the CRP acres are reenrolled, as we hope they will be, we could actually save about $100 million in farm program expenditures. But the real savings come in the outyears. The program could generate savings in the years 2000 and 2001 of over $1.5 billion a year. As you can plainly see, a substantial amount of savings is generated as a result of the CRP.

I am very hopeful that people will understand that CRP generates those savings, in large measure, because the program effectively helps manage the supply of many program crops. If we lose this supply management tool, sorghum prices would fall 36 cents; barley prices would fall 53 cents; corn prices would fall 6 cents; and oats prices would fall 17 cents. Without the CRP, we would, once again, be forced to consider more dramatic efforts to try to bring balance to commodity prices by increasing farm program benefits and outlays.

CRP can certainly be improved, Mr. President. We want rental rate reform. We want expanded economic uses of CRP acreage, including limited haying and grazing. We want partial field enrollments. We want management to control noxious weeds. We want competitive bids for enrollment. We want sensible reform. And I think we can build a strong, bipartisan consensus in support of continuing the CRP and reforming it to ensure that its benefits will grow in the future.

I know that there are those who are here to resume debate and consideration of amendments on the Reid-Nickles legislation.

At this time I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think time is now controlled. I wonder if the Senator from Nevada will yield me 2 minutes.

Mr. REID. Mr. President, if I could say to my friend from Oklahoma, it is my understanding that there is a Republican Senator who wishes to speak for a couple minutes; Senator BOXER wishes to speak for a couple minutes; and Senator LEVIN for 6 minutes. It is my understanding that the majority leader also wishes to speak prior to the vote. Is that true?

Mr. NICKLES. The Senator is correct.

Mr. President, I ask unanimous consent that the vote occur at 10:50 a.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, if I could, with the approval of the Senator from Oklahoma, the Senator from Michigan wishes 2 minutes; the Senator from California, 2 minutes; the Senator from Texas, 2 minutes. Is that true?

Mr. NICKLES. Yes.

Mr. REID. Could we have that, and the remainder of the time will be split between me and the Senator from Oklahoma?

Mr. NICKLES. Yes.

Mr. LEVIN. Mr. President, the American people are winning a double victory today here in the Senate. First, we are defeating the regulatory moratorium. This bill that came over from the House was a reckless and arbitrary bill. It caught all new regulations in its web. Even health and safety regulations would have been stymied, which are important to gaining uniform, high-quality mammograms; new regulations that would have protected children from unsafe toys; new regulations that would have protected the American people from E. coli bacteria. All of those would have been caught and stymied in the House regulatory moratorium. It was a bad, reckless, arbitrary bill. It is important that the Senate stop it, and we did stop it. For that, I think the American people can claim victory No. 1.

Victory No. 2 is that we are passing legislative veto or legislative review. It is long overdue that Congress take the responsibility to look at the regulations which come out of the regulatory process and to have a realistic opportunity to veto those regulations which are excessive, which cannot be justified by the benefits, and which are not carrying out legislative intent.

For 15 years, I have fought for legislative veto. When I came here, I introduced and got passed, with Senator Boren and others, legislative veto legislation. Today's generic legislative veto or review legislation is a great victory for the American people. It will put the responsibility here to look at regulations one on one, not to sweep all regulations into a net and to sweep out the good with the bad, but to force Congress to take responsibility to look at regulations one on one and to veto those which are excessive or cannot be justified by the benefits.

Finally, Mr. President, we must make sure that in conference this so-called moratorium stays dead. It does not belong on the books, and it is now up to the Senate not just to win these two victories for the American people today, but to maintain these two victories as we proceed to conference with the House.

I congratulate the Senators from Oklahoma and Nevada for this legislative review mechanism. It is a very significant achievement. They are to be congratulated for their efforts. I also thank Senator GLENN for the work he has put in on this bill.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to congratulate Senators REID and NICKLES for drafting the alternative to the regulatory moratorium bill passed by the House. The truth is almost anything would be better than the House bill, but in fact the Nickles-Reid bill is a very reasonable response to the problem of unreasonable regulations.

It is good to see the Senate playing the role the Founding Fathers intended for it. We have rejected a poorly conceived and inadequately considered House bill and offered instead a reasonable and workable solution, one that does not relinquish our responsibility to public health and safety.

Unfortunately, this responsible alternative must be conferenced with the draconian House bill. Our Republican colleagues say they will try to convince House conferees that the Nickles-Reid bill is a better approach, but they also say they continue to support the moratorium itself. Let me be very clear about this: I oppose a regulatory moratorium, and if the conferees return to the Senate with anything like it, I will filibuster it.

A moratorium would bring to a dead stop scores of sensible rules, including safety standards to protect our children from food poisoning, our workers from cancer-causing indoor air pollution, and our elderly people from deadly contaminants in tap water.

A moratorium is bad for California and bad for the Nation. It would stop needed health and safety standards and do nothing to address the underlying problems that produce unreasonable, burdensome, or unnecessary regulations.

Let us look at some of the standards that would be stopped by the House bill.

SAFER MEAT AND POULTRY PRODUCTS

The moratorium would stop new meat and poultry inspection rules proposed by the USDA. These rules would help end the threat that has killed hundreds of Americans in the past few years, including Eric Mueller, a 13-year-old from Oceanside, CA.

In late 1993, Eric died from eating a fast-food cheeseburger tainted with the E. coli bacteria. Eric had been his class president, on his school's honor roll, captain of his soccer team, an assistant coach for his little sister's soccer team, a member of his school's surfing team, a member of the school band, and a member of Oceanside's all-star Little League baseball team.

Death by E. coli poisoning is a very painful and tortuous death. Eric's father recently testified before the Governmental Affairs Committee to protest the regulatory moratorium. He told the committee:

> As a parent standing by and watching my only son go through incredible agony and pain before he lost consciousness and died, was something I don't even wish on my worst

enemy. Immediately before slipping into unconsciousness, Eric screamed, ''Get my Dad!'' Those were the last words he ever said. I couldn't do anything for him. I am haunted daily by this incredible, totally senseless tragedy.—Statement of Rainer Mueller before the Senate Committee on Governmental Affairs, February 22, 1995.)

Implementation of the USDA's proposed rules to improve meat and poultry inspection would help prevent or reduce the 20,000 illnesses a year and 500 deaths a year from E. coli bacteria. According to the Centers for Disease Control, foodborne illness from all food sources range from 6.5 million to 81 million cases each year, and up to 9,000 deaths. We cannot afford to impose a moratorium that would simply cause more needless death and injury from contaminated meat.

PROTECTION FROM LEAD CONTAMINATION

The moratorium would also leave American children vulnerable to the ravages of lead poisoning. This is a totally preventable tragedy that strikes families all across the nation.

In 1990 the Sauser family bought a 67-year-old home in Kalamazoo, MI, which they decided to renovate themselves. The Sausers were never informed of the possibility of lead-based paint hazards. The family refurbished hardwood floors, repaired cracks in the plaster, and scraped and sanded old paint from the windowsills, door frames, and walls, unaware that renovation work that disturbs lead-based paint can create serious lead poisoning hazards.

Six months into the renovations, 2½-year-old Jonathan began acting up—he was easily excited, easily frustrated, and violent. Soon after Jonathan's negative behavior change, Margaret Sauser became pregnant with their second son. Although Cameron was born a little early, he seemed healthy. Then, at 11 months, his weight and height, which had been in the 95th percentile at his birth, dropped to the 25th percentile. It also became clear that he was not progressing in speech or movement as a healthy baby should. Meanwhile, Jonathan was still throwing himself into walls.

Eventually both boys were diagnosed as lead poisoned. The poisoning had come from their home's lead pipes and by the dust created by their home's renovation. The lead hazard in the home was so severe that no matter how much cleaning, mopping, and washing the parents did, the boys' blood lead levels continued to climb.

The family could not afford to move and eventually had to declare bankruptcy in order to get the boys into lead-safe housing. At age 2, Cameron Sauser has hearing loss and is developmentally delayed. His big brother Jonathan, now age 6, is still hyperactive and doctors believe he has attention deficit disorder due to lengthy exposure to lead and possible neurological damage.

Some 1.7 million American children have blood lead levels high enough to cause reading and learning disabilities, reduced IQ and attention span, and growth, behavioral, or developmental problems. The principal source of lead exposure is lead-based paint.

Regulations that are set to become effective October 28, 1995, require that people be notified about the potential danger associated with lead-based paints used in homes built prior to 1978. Until the regulations are in place, the kind of tragedy that happened to the Sauser's will happen again and again. In fact, after the house that poisoned the Sauser's two sons was repossessed, it was sold to another unsuspecting family with three young children.

According to HUD, approximately 57 million pre-1978 housing units contain lead-based paint, of which 13.2 million contain chipping and peeling lead-based paint. EPA has proposed certification and training standards for lead-based paint testing and abatement work. These regulations will ensure such work will be done in a safe manner, but would be delayed by a moratorium.

DRINKING WATER STANDARDS

Public health in the United States also continues to be threatened by contaminated drinking water. Under the current Safe Drinking Water Act that is being criticized as overly burdensome—a law approved by a Republican-controlled Senate by a vote of 94 to 0 and signed into law by President Ronald Reagan—people all across America have been getting sick and even dying from drinking tap water.

In 1987, 13,000 people became ill in Carrollton, GA, as a result of bacterial contamination in their drinking water. In 1990, 243 people became ill and 4 died as a result of E. coli bacteria in the drinking water in Cabool, MO. In 1992, 15,000 people were sickened by contaminated drinking water in Jackson, County, OR. And in late 1993, over 400,000 people in Milwaukee became ill and 120 died as a result of drinking the water from their taps.

The House regulatory moratorium bill would disrupt efforts to establish a new rule on microbiological contaminants in drinking water supplies. The new safety standards, produced by a team consisting of industry, State, and local government and citizen representatives would protest against cryptosporidium, E. coli, and other contaminants. The moratorium would delay the information collection necessary to finalize the standards.

SECOND-HAND SMOKE

The moratorium would also delay OSHA's proposed rule to protect workers against second-hand smoke in the workplace. According to the American Lung Association, environmental tobacco smoke causes an estimated 3,000 lung cancer deaths, 12,000 non-lung cancer deaths, and 35,000 to 40,000 deaths from cardiovascular disease each year. The Association also estimates that 14 million to 36 million nonsmoking adults are exposed to environmental tobacco smoke at work. Those workers are 34 percent more likely to develop lung cancer than those who work in smoke-free environments.

I should say a word about some of these regulations and the argument that the moratorium might not affect them. As the Senate sponsor of the moratorium says, the rules on E. coli and cryptosporidium might come under the ''imminent threat to public health or safety'' exemption of his bill. But he has been asked repeatedly for a definition of ''imminent threat'' from the bill's backers and has yet to respond. Would the rules on lead contamination or indoor smoke come under the exemption? What about the bay-delta water accord that is so important to my State of California? Because we have no definition of imminent threat it is impossible to say.

SAN FRANCISCO BAY-DELTA ACCORD

I believe that the exemption would not apply to rules like the one implementing the historic bay-delta agreement—an agreement that will have major repercussions in California and all across the country.

Late last year, California farmers, bankers, municipalities, and environmentalists all came together to approve a plan to provide the certainty they need to allocate water in the San Francisco Bay-Delta among competing users. The agreement is a direct result of years of negotiation, and provides a blueprint for managing fresh water supplies, minimizing water quality impacts on San Francisco Bay, and providing the assurances that the financial community needs to support economic activities throughout California.

The beneficiaries of the agreement, memorialized in an EPA rule finalized in January, are the consumers of food produced with delta water—45 percent of the Nation's fruit and vegetable production—and the 20 million Californians who rely on the delta for drinking water.

Due to the lack of an agreement, no new investment decisions had been made with respect to new canals, major construction projects, water allocation, alternative sources of water supply, canal systems, or reservoir management in the bay-delta for the last 20 years.

The moratorium could void the agreement and eliminate the opportunity it offers to maintain the delta as a viable source of drinking and irrigation water. Long-term use of the bay-delta as a viable source of water would be threatened because of overuse and lack of coordination among the millions of users of bay-delta water, especially during droughts. Vacating the agreement could threaten the State of California's credit rating and our economy.

TRUTH IN POULTRY LABELING

Finally, Mr. President, the moratorium would stop a very simple rule designed to protect consumers against fraud every time they go to buy a chicken or turkey at the supermarket.

Current law allows poultry that has been frozen hard as a bowling ball to be thawed out and labeled ''fresh'' for sale to consumers—consumers who will pay significantly more for a fresh project.

In January the Agriculture Department proposed a commonsense rule to restrict the use of the term ''fresh'' to poultry that has never been kept frozen. In fact, this was actually just a reissuance of a rule that was first proposed at the end of the Reagan administration and then shelved. The moratorium would add at least another year to the delays that began in 1988. While 8 years is far too long for consumers to wait for basic truth in labeling, the 45-day review period contemplated by the Nickles-Reid bill is not unreasonable.

Mr. President, like many of the provisions of the Contract With America, the regulatory moratorium may look at first glance, but it begins to look pretty ugly upon closer examination. The moratorium is nothing more than a valentine to industry, to polluters, to the tobacco companies, and others who would prefer not to live up to the responsibilities we all share to our neighbors, our communities, and our Nation.

Our responsibility is to improve the lives of all the American people, not just the bottom line of the corporations. We must do the hard work to produce real regulatory reform—not walk away by putting a stop to all regulations, reasonable and unreasonable alike.

I agree with Senator GLENN that we should simply declare the moratorium dead. The 45-day review provided in the Reid-Nickles bill will give Congress another chance to stop the unintended consequences of well-intentioned regulations before they burden the American people. If the bill comes back from conference in this form, I will give it my full support. However, if it comes back looking like a moratorium, on behalf of the people of my State and the 49 others, I will stand on this floor as long as it takes to stop it.

Mr. NICKLES. Mr. President, I yield the Senator from Texas 2 minutes.

Mr. GRAMM. Mr. President, on the day that President Clinton gave the last State of the Union Address during which he talked about reducing the regulatory burden, his administration published over 300 pages of new regulations in the Federal Register. In fact, in the first 2 years of the Clinton administration, the level of regulatory burden, as measured by the number of pages in the Federal Register, has been higher than the first 2 years of any President in the history of the United States. Despite all of the rhetoric to the contrary, the Clinton administration is imposing more regulations than any administration at a comparable point in that administration's term in the history of the United States of America.

I congratulate our leader here, DON NICKLES, for bringing to a final vote a bill that does make some marginal improvement. But this bill is a far cry from the original bill. I think a regulatory moratorium is called for. I think it is something that is needed. I am still strongly in support of it. And while you might say this is a kiss, it is a kiss from your sister and not your sweetheart.

This is not something that is going to dramatically change American Government. The Congress is already burdened with doing what it is doing. The idea that we will be able to go through regulations and assess them, I think, is fairly unrealistic.

There will be one positive result that will come out of it, however. That is, we will be able do zero in on some items where clearly the Federal Government is dramatically increasing the cost of doing business, dramatically limiting our ability to create jobs, and making decisions through regulations that do not make any sense.

So, this is a marginal improvement. This is a long way from a victory. I think the House approach was better. I intend to vote for this because it is an improvement on the current procedure.

This is not the end of this debate. This is the first short step in trying to bring rationality to Government regulations which, today, cost the average American family $5,000 a year.

Something has got to be done about these regulations. This is a marginal improvement. This is a long way from victory.

I yield the floor.

Mr. NICKLES. Mr. President, I yield the Senator from Texas 2 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Oklahoma for his leadership on this issue.

I was one of the original cosponsors of the moratorium bill. I would like to say to my senior colleague from Texas that I agree with everything he said. But I would just add that a kiss from your sister is better than no kiss at all.

I think it is very important that we understand that we are taking a giant first step toward reining in regulators that have gone far beyond congressional intent.

Some people say, ''We really do not have the right in Congress to assess what regulators do.'' To them I would say, ''If we do not have the right, who in the world does?''

Why are the regulators out there? They are out there implementing congressional legislation. If Congress does not rein them in and say, ''You are not doing what we intended for you to do in implementing our laws,'' who will? The answer is, no one will.

It is our responsibility to rein in regulators to whom we have authorized implementation of the laws that we pass. The buck stops here.

With this bill today, we are taking the responsibility that we have to the people of America, to the small business people of America. We are saying ''We are going to look at everything the people we have delegated our authority are doing, and hopefully we are going to bring common sense into the process.''

I hope our colleagues will vote for this today. It will give Members that first measure to say the regulators have gone beyond where we wanted them to go, and we are going to have a say.

Thank you, Mr. President. I thank the Senator from Oklahoma for his leadership on this issue.

Mr. REID. Mr. President, would the Chair advise the Senator from Nevada and the Senator from Oklahoma how much time we have?

The PRESIDING OFFICER (Mr. DEWINE). There are 3 minutes on each side remaining.

Mr. REID. Mr. President, Business Week on the 23d day of January of this year, wrote, among other things:

> Lately there has been a wave of creative regulatory reform at both State and Federal levels, relying on such devices as free competition under price caps and mandated cost sharing by competitors. Such reforms are designed to reconcile the contradictory goals of universal service and increased competition.

Mr. President, the reason I mention this is that we have a magazine such as Business Week, we have entities such as the chemical manufacturers saying regulations are good if they are handled properly. And that is what this substitute deals with. If we handle regulations properly, as we will do after this, this is a giant step forward for the American business communities and the American people, in general.

I believe, as I have stated on this floor the last 2 days, that there will be by the Federal bureaucracy, a more stringent review of regulations than we intend to promulgate. Why? Because we legally have the right to veto those regulations.

This, Mr. President, is good. It is an indication that bipartisan work in this Chamber can produce good legislation. This final product is the result of not only the work of the Senator from Oklahoma and this Senator, but also the good work done by the Senator from Michigan, the Senator from Ohio, the Senator from Alaska, Senator STEVENS, and a number of individuals on both sides of the aisle who have worked toward making this more meaningful legislation.

I indicated yesterday I appreciate the work of the Senator from Oklahoma. I want to reiterate that. The work that he has done has been exemplary in being able to listen to both sides and then make decisions. We have been able to work together on this.

This legislation, Mr. President, will go a long way to meeting what the American public said they want. That is, they want product without people taking credit for it. There is no party that can take credit for this legislation. It is a product of the Senate of the United States. We will work very hard to make sure that this bill that will pass out of here by a very large margin is the final product that comes

out of this Congress and be sent to the President.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Nevada, Senator REID, for his leadership not only on this amendment but on several other issues that we have had the pleasure of working on in the past.

Also, Mr. President, I wish to thank Senator BOND and Senator HUTCHISON for their cooperation and leadership, as well as Senator LEVIN and Senator GLENN for their contributions in making this bill a reality. Hopefully, this bill will become law.

Mr. President, during this process I have heard a several comments regarding this legislation. Some people are still debating the regulatory moratorium passed by the House. I have heard that it is bad and reckless and if it passed we will have E. coli in meats, and we will have cryptosporidium in our water, and people are going to die.

I disagree with that assertion. The original regulatory moratorium did have problems, but frankly it was not that it was too strong but that it had numerous exceptions that could have left the bill inadequate.

I want to get the attention of my friend from Texas, Senator GRAMM, because I think this is a better bill than the original regulatory moratorium.

One of the reasons is because the strength of original moratorium has mischaracterized by saying such things as saying E. coli regulations would be stopped. That is false, because there are broad exceptions to exempt regulations such as the E. coli regulations. The bill that passed the House and the bill that passed the Governmental Affairs Committee had lots of exceptions—enough exceptions to drive trucks through.

We started out with 8 exceptions, and it ended up 10 or 12, and frankly these exceptions gave the President complete discretion to determine any exception that he would want.

Also, I might mention and tell my friend from Texas that the House bill was temporary, it would only last until we passed permanent regulatory reform. That is probably going to happen in 60 days. It is a temporary moratorium.

The bill the Senate is about to adopt is a permanent moratorium on new significant regulations. If this bill becomes law, it will still be in effect 3 years from now, 5 years from now. And so Congress will have a chance to review significant regulations. It is a moratorium on significant regulations of 45 days. During this 45-day moratorium, Congress would have the opportunity to repeal those regulations and reject them if we felt it was necessary.

I think this is a vital improvement to regulatory process. It is not a panacea. It is not a cure-all, but this gives Congress a chance to carry out its oversight responsibility in making sure that excessive regulations can be stopped.

We also have the opportunity, I might tell my colleagues, to review the regulations that are not classified as significant but yet we find are troublesome or confusing or do not make sense. We would have a chance to review those, to reject those, to repeal those.

So I would just urge my colleagues to take a close look. I will urge my colleagues in the House to look at this legislation and to realize that their temporary moratorium would have no effect probably in 60 days because we will pass comprehensive regulatory reform legislation.

The bill before us today has a chance to become law and have a significant impact for the for years into the future, and therefore, in my opinion, is a far superior piece of legislation than the original regulatory moratorium legislation.

I urge my colleagues to adopt it. I think it is a big step in the right direction. I also want to say that we have had good support from Democrats and Republicans.

This idea, I might mention, came from a State representative in the State of Oklahoma, Danny George, who contacted my staff. I think it is an excellent idea. I am hopeful it will be agreed upon by a very large margin, that the House would concur, the President would sign it, and we would take a giant step toward real regulation reform this year. I thank my colleagues. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today to make two points regarding the efforts made in the Senate to craft meaningful regulatory reform.

First, let me say I support the efforts we are making in the Senate to reform Government regulations and I look forward to participating in this bipartisan effort to make Government more effective and meaningful. Everyone has examples of Government regulations that have gone too far, become too onerous, or have otherwise disrupted peoples' lives. This is not the goal of the House-passed regulatory moratorium proposal, however, which brings me to my second point.

I have serious objections to any measure that would jeopardize public health and safety by suspending Federal rules on health, safety, or the environment. As a legislative body, our job is not to police the rest of Government; but it is to enable legislation that sets in motion solutions. It would be irresponsible to paralyze the Government process with a regulatory freeze, or by imposing costly, inflexible, and bureaucratic procedures.

In yesterday's debate, my colleagues brought to the floor reams of paper representing regulations recently approved by Federal agencies. I was reminded of the piles of paper that Vice President GORE saved through the streamlining of the National Performance Review. It seems we are all working for the same thing—to make Government work better for people. We need to reduce paperwork, and repetitive, unnecessary regulations are a good place to do it, but only so long as we do not compromise public health or safety.

Some regulations are necessary and beneficial for the public. In my State of Washington, we saw first hand how dangerous ineffective regulations can be during a deadly outbreak of E. coli contamination in 1993. Tragically, four children died and many more children and adults got sick from eating hamburger contaminated with this virulent pathogen. In the absence of a single clear Federal standard ensuring the safety of the food supply, a host of insufficient regulations offered poor protection at best. Subsequent to this epidemic, USDA proposed reforms of its meat and poultry inspection system to bring these inspections into the 21st century. USDA's proposal would require the Nation's 9,000 slaughter and inspection plants to adopt preventative, science-based inspection systems. A regulatory freeze such as that imposed by the House or by S. 219 as passed out of committee would have prevented USDA from responding to this public health emergency.

Moreover, I have concerns that the proposal passed by the House would tie the hands of the fisheries management councils around the country. I commend the amendment approved in committee by my colleague from Alaska, Senator STEVENS. Without such a provision, the recently enacted halibut and sablefish ITQ Program would be negated. Furthermore, the National marine Fisheries Service would not be able to manage the opening or closing of fishing seasons, thereby gutting the oversight authority of a very credible agency.

Our deliberation about this moratorium proposal is just the beginning of the broader debate about regulatory reform. In fact, the alternative proposal offered by Senator REID and Senator NICKLES, allowing Congress to veto new regulations, has generated support, having passed the Senate Government Affairs Committee unanimously. I am confident that this body can address the need for regulatory reform without resorting to a heavy-handed moratorium, which could threaten the public good.

I support the Nickles-Reid amendment and hope that we can reach a compromise with the House in conference.

Mr. HATFIELD. Mr. President, I would like to announce my support for the substitute amendment offered by Senator NICKLES and Senator REID and offer my name as a cosponsor of this amendment. This amendment starts the Senate down the road toward regulatory reform. While I view our action today as an important step, I look forward to a more comprehensive regulatory reform bill which is working its way through the Senate.

I would like to take this opportunity to highlight the fact that the Federal

Government places burdensome regulations on State and local governments as well. Often times these regulations tie the hands of these governments in their attempt to address the needs of their citizens. That is why I introduced S. 88, the Local Empowerment and Flexibility Act of 1995, on the first day of this Congress. The need to provide flexibility to local and State governments is enormous. While I intended to offer S. 88 as an amendment to the legislation on the floor, I did not want to delay passage of this bipartisan bill. However, I will continue to offer the Local Empowerment and Flexibility Act as an amendment to legislation which comes before the Senate. I will also work with other Members to push this legislation forward as I believe it addresses regulations which are often overlooked and are as burdensome as those that this amendment addresses.

Mr. ROTH. Mr. President, I am pleased that the Senate is about to pass legislation establishing an expedited procedure for congressional consideration and, where necessary, disapproval of regulations. I believe this is the right choice. The original legislation, which provided for a moratorium on regulations, was fraught with difficulty. It was legislation which could not pass this body and which, if it did, would probably have been vetoed. The approach we take today holds far greater promise for responsible review of regulations. And I applaud the efforts made by Senator NICKLES, Senator REID, and Senator GLENN who floor managed and perfected this legislation.

However, there was one provision inserted in the legislation yesterday that deserves further scrutiny. That provision would require the General Accounting Office to provide a report to Congress on each and every significant regulation promulgated by an agency informing Congress whether the agency has performed its job. Among other things, GAO's functions would include checking out whether the agency consulted with State, local, and tribal governments under the unfunded mandates legislation recently signed into law as well as checking on the agency's compliance with cost-benefit and risk analyses requirements under Executive Order 12866 and under legislation the Committee on Governmental Affairs last week ordered reported.

We are now in conference on the Paperwork Reduction Act of 1995. In neither body was a single vote cast against that legislation. We all agree the Government generates too much paperwork. While the central complaint concerns burdens on the public, there is also the recognition that Government imposes needless paperwork requirements on itself. In fact, Senators MCCAIN and LEVIN added important provisions to the paperwork legislation that would reduce unnecessary reports to Congress.

Now before those provisions even have a chance to get enacted, the Senate contradicts itself, mandating the creation of about four GAO reports every working day of the year, the vast majority of which will be unnecessary and unread. These reports will cover functions already assigned to OIRA and in some cases duplicate the mission of independent peer review provisions in legislation ordered reported by the Committee on Governmental Affairs.

Moreover, we all need to be reminded that serious discussions are underway to cut the budget of GAO by 25 percent. By its own admission, GAO lacks expertise in the area of regulatory review. This would be a new mission for that agency coming at a time when we need to see how the present core mission of GAO can be preserved on a smaller budget.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in $1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

To be exact, as of the close of business Tuesday, March 28, the total Federal debt—down to the penny—stood at $4,849,995,857,343.69—meaning that every man, woman, and child in America now owes $18,410.67 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding $4.8 trillion.

CIA LINKS TO GUATEMALAN MURDERS

Mrs. MURRAY. Mr. President, I am deeply troubled by new information reported in the New York Times and elsewhere linking the CIA to those responsible for the murders of United States citizen Michael DeVine and Efrain Bamaca Velasquez, the Guatemalan husband of United States citizen Jennifer Harbury. At this point, we do not have all the facts necessary to get a full picture of what occurred, but these preliminary reports raise serious questions.

For most of the last 30 years, systematic human rights violations have been committed with impunity against Guatemalan civilians. The political repression and deplorable practices of the Guatemalan military—extrajudicial killings, political kidnappings, and death threats—have taken the lives of at least 100,000 citizens since the early 1980's.

It is because of Guatemala's miserable human rights record that I have closely followed the cases involving U.S. citizens, including the case of Jennifer Harbury's husband and Michael Devine. Over the last 2 years, I have taken several steps to find information regarding the whereabouts and status of Mr. Bamaca, Mr. DeVine and others who have disappeared or been murdered in Guatemala. I have written letters or inquiry to the President, the National Security Council, and to the President of Guatemala, Ramiro De Leon Carpio, expressing my concern with these cases. Last year, I also introduced legislation urging the need for greater protection of human rights in Guatemala.

Throughout these efforts, and specifically on the case of Jennifer Harbury, I have been told that every attempt was being made to investigate her case, so that she could finally know the fate of her husband. Likewise, Congress has pressed time and again to resolve the questions surrounding the killing of Michael DeVine, an American innkeeper who was brutally murdered in Guatemala in 1990.

And now it is being reported that a Guatemalan Army colonel linked to the deaths of Michael Devine and Jennifer Harbury's husband was, in fact, employed by the CIA and twice trained by the United States Army.

According to Thomas Stroock, who served as United States Ambassador to Guatemala from 1989 til 1992, our Embassy, having investigated Mr. DeVine's murder, came to the conclusion that Col. Julio Roberto Alpirez was behind it. Reportedly, Ambassador Stroock then told his staff at the Embassy that they were to have nothing more to do with the colonel. Nonetheless, reports indicate that the CIA station chief in Guatemala keep Col. Alpirez on the payroll for nearly 2 more years. The reports go on to indicate that much later the CIA, in 1992, paid Alpirez a lump sum of $44,000 for intelligence work done for the Agency, nearly 46 times the average yearly income in Guatemala. If these reports are true, it is difficult to understand how and why the policy carried out by the CIA was so clearly at odds with the policy established years earlier by the U.S. Ambassador. How could the CIA justify providing U.S. taxpayer dollars to this criminal? And whom did the CIA station chief answer to, if not the U.S. Ambassador?

The Clinton administration must continue to push the Guatemalan Government to prosecute Alpirez and any others who were involved in these murders. And if the reports I have described here are true, the CIA must be held accountable for their deeply troubling involvement.

It is equally of concern to me that Col. Alpirez evidently oversaw the killing of Michael DeVine just 6 months after Alpirez had graduated from an elite course for senior officers at the School of the Americas, a U.S. Army School in Fort Benning, GA. It was the second time that U.S. taxpayers paid to train Col. Alpirez, who evidently then went on to thank this country by ordering the murder of one of our own citizens.

It remains unclear how long and for what reasons the CIA knew information related to the fate of Jennifer Harbury's husband, and withheld it from those within the administration who had explicitly sought it.

Serious questions have been raised about the CIA's involvement in both of these cases, and a full accounting is in order. Congressman TORRICELLI, in making information related to these cases public, has said, ''This is the single worst example of the intelligence community being beyond civilian control and operating against our national interest.''

A central United States objective in Guatemala is to contribute to an improved human rights environment in that troubled nation. If the reports of recent days are true, then clearly the CIA has failed to embrace this goal and may, in fact, be part of the problem in Guatemala. Mr. President, Congress and the taxpayers deserve answers to all of these questions.

THE AMERICAN CITIZENS HELD IN IRAQ

Mr. GRAMS. Mr. President, I rise to share my strong concerns about the safe and prompt return of two American citizens currently being held in an Iraqi prison.

William Barloon, the brother of one of my constituents in Minnesota, and David Daliberti unintentionally strayed into Iraqi territory on March 13 while seeking to visit friends in the demilitarized zone between Kuwait and Iraq.

They were allowed to pass through two check points, one run by the United Nations and the other by Iraqis, before they were arrested for not possessing appropriate visas to enter Iraq. Thus, the very vulnerable position in which these men found themselves was not altogether of their own making.

Following their arrest, Mr. Barloon and Mr. Daliberti were given a rushed trial with no Americans present and without satisfactory legal counsel. An Iraqi court sentenced them to 8 years in prison, a very severe and disproportionate punishment for what was, at most, simple carelessness and neglect.

Mr. President, I also rise in strong support of the amendment offered yesterday by the gentlemen from Iowa to condemn the conviction and sentencing of Mr. Barloon and Mr. Daliberti. We must send a loud and clear message to the Iraqi Government: Under no circumstances should it even attempt to link its unjustified detention of the Americans to other international issues.

The Iraqi Government must be made to realize that the longer they hold these two men, the more they will heighten tensions and damage relations with the United States and the rest of the international community.

If Iraqi hopes to use American citizens as bargaining chips in negotiations on U.N. economic sanctions, it is sadly mistaken. Nothing less than the immediate release of Mr. Barloon and Mr. Daliberti will be satisfactory.

Finally, I want to take this opportunity to thank those countries that are assisting the U.S. Government on this matter. Poland, in particular, deserves our gratitude for making sure that its diplomats have visited the Americans in prison and were present at their trial. I hope other countries will prove to be as cooperative as we work to resolve this situation.

Mr. President, as we all work to gain the quick release and safe exit from Iraq for Mr. Barloon and Mr. Daliberti, our prayers and thoughts are with them and their families.

COASTAL INSTITUTE IS WELL UNDERWAY

Mr. PELL. Mr. President, I rise to object to any amendment affecting Cooperative State Research Service funding that would rescind funds, already obligated by the U.S. Department of Agriculture, for building educational facilities at the University of Rhode Island.

USDA already had obligated $6.2 million, appropriated in fiscal year 1993, fiscal year 1994, and fiscal year 1995 for the Federal matching share of funds to build the University of Rhode Island's Coastal Institute. I have been personally involved in this project since the 1980's, but it will be destroyed if these funds are rescinded.

Both the Senate Agricultural Appropriations Subcommittee and the full Appropriations Committee decided not to rescind this $6.2 million. These funds represent the authorized, appropriated, and obligated Federal share of an ongoing agricultural education building project.

Rhode Island already has completed construction of one Coastal Institute building and I plan to attend a formal groundbreaking for the second building in about 3 weeks. These buildings constitute the State match—totaling $12.56 million—for a third building to be built with anticipated Federal matching funds.

Mr. President, it strikes me as poor policy for the Federal Government to require Rhode Island to spend $12.56 million to receive a like amount of Federal funds only to reneg on the Federal share once the State had spent more than enough funds to meet its match.

I also want to emphasize that this is not a project that came in through a backdoor. The University of Rhode Island's Coastal Institute went through the most rigorous USDA feasibility review, including a peer review, and its funding has been approved step by step in the appropriations process for more than 5 years.

I would like to tell you just a bit about why the USDA approved matching funding for the Coastal Institute and what the facilities can do for both Rhode Island and the Nation. First and foremost, I want to underscore why the coastal area is clearly an agricultural concern.

The coastal area includes the continental shelf, the shore area—including highly productive estuaries and wetlands, and the land areas which make up the first tier of inshore watersheds.

This encompasses rich agricultural lands, forest resources, and both urban and rural communities. Coastal lands are among the most productive and the most heavily populated on the earth.

The primary mission of the Coastal Institute is to carry out research and analyze policies to better enable society to manage its coastal resources wisely. This research and analysis includes such USDA priorities as agricultural production, aquaculture production, rural welfare, watershed management, and the maintenance of water quality.

USDA is concerned about nonpoint source pollution from agriculture and rural homes—pollution which hurts the productivity of our coastal estuaries. The Coastal Institute will investigate the origins, transport, and fate of these contaminants and will develop improved practices to reduce them.

It also will evaluate policy alternatives for implementation that recognize the legitimate interests of all groups involved, especially the rural and farm communities.

USDA also must address management of water resources in complex coastal areas. The Coastal Institute will investigate salt and other loadings of drainage water from irrigated agriculture and subsequent effects on soils, rivers, streams, and adjacent wetlands. It also will investigate salt water intrusion as a result of ground water withdrawals—a worldwide problem. The Coastal Institute will follow through by evaluating improved management practices and mitigating policies.

The Coastal Institute also will focus on fish and aquaculture as an area of intensive research.

The Coastal Institute will be working to develop aquaculture first, as a source of affordable fish for consumers; second, as a way to reduce our annual trade deficit of almost $3 billion in fisheries products; third, as a potential market for feed products such as soymeal; and fourth, as a means to provide employment and increase the welfare of our rural communities.

Mr. President, I regret to say that, in general, the United States is lagging behind other nations in technological innovations that will allow the expansion of aquaculture systems.

Scientists of the Coastal Institute will continue: first, to develop environmentally sustainable aquaculture technologies for new species and for multiproduct aquaculture systems; second, analyze international trade and

help U.S. producers capture larger market shares; and third, evaluate the impact of U.S. regulatory policies on the industry.

The facilities which are being built by Rhode Island, along with those recommended for Federal financing, are not a duplication of facilities anywhere. The emphasis of the Coastal Institute is on a multidisciplinary teams to address complex problems in a holistic manner. The facility is designed to take advantage of the information superhighway and long distance interactive communication.

The private sector has been involved in the concept and design of components of the facility, such as the policy simulation laboratory, and is expected to be an active participant in its programs. The Coastal Institute is the outgrowth of decades of research which has gained international stature. The facilities are a logical next step and are in the Nation's interest.

COL. JOSEPH MARM, JR.: TRUE PROFILE IN COURAGE

Mr. HELMS. Mr. President, a little more than a month from now, on April 30, 1995, in Willow Grove, PA, a gallant American will formally retire from the Army after nearly 31 years of extraordinary service to his country.

His name is Walter Joseph Marm, but everyone knows him as Joe. For my part, I know and respect him for his willingness to lay down his life for his country. Many times, he almost did.

Joe Marm is a part of the Helms Senate family due to his having had the good fortune to be married to the former Deborah Yelverton of North Carolina who served in our Washington office for 9 years. We were sad for us but glad for Debbie when she departed in 1987 to become the bride of Colonel Marm and move to Pennsylvania to be with him.

Mr. President, Colonel Marm has earned so many medals and awards that it takes awhile to identify all of them. I'll start with the Congressional Medal of Honor and then return to it after I have identified some of the others in the chronological order in which Joe was awarded them:

The Army Commendation Medal with Oak Leaf Cluster; the National Defense Service Medal, the Presidential Unit Citation, the Air Medal with two Oak Leaf Clusters, the Meritorious Service Medal with four Oak Leaf Clusters, the Purple Heart, the Bronze Star, the Ranger Tab, the Parachute Badge, the Combat Infantryman Badge, the Department of the Army Staff Officers Badge, the Cross of Gallantry with Palm, the Cross of Gallantry with Palm Unit Citation, the Republic of Vietnam Ground Campaign Unit Citation, the Vietnam Campaign Medal, the Republic of Vietnam Campaign Unit Citation, the Army Service Ribbon and the Vietnam Service Medal.

And then, Mr. President, on December 19, 1966, Joe Marm was awarded the Congressional Medal of Honor.

Needless to say, Mr. President, all of us are proud of Col. Walter Joseph Marm. And I am personally delighted that he and Debbie may shortly move to North Carolina.

His present responsibility with the Army is in Willow Grove, PA, where he serves as the Senior Army Adviser for the 79th Army Reserve Command.

Mr. President, in honor of our friend, Col. Joe Marm, and as a matter of interest to all who peruse the CONGRESSIONAL RECORD, let me now read into the RECORD the text of the Congressional Medal of Honor awarded to Joe:

The President of the United States in the name of the Congress takes pleasure in presenting the Medal of Honor to MARM, Walter Joseph, Jr.

Rank and organization: First Lieutenant (then 2d Lt.), U.S. Army, Company A, 1st Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile). Place and date: Vicinity of Ia Drang Valley, Republic of Vietnam, 14 November 1965. Entered service at: Pittsburgh, Pa. Born: 20 November 1941, Washington, Pa. G.O. No.: 7, 15 February 1967. Citation: For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. As a platoon leader in the 1st Cavalry Division (Airmobile), 1st Lt. Marm demonstrated indomitable courage during a combat operation. His company was moving through the valley to relieve a friendly unit surrounded by an enemy force of estimated regimental size. 1st Lt. Marm led his platoon through withering fire until they were finally forced to take cover. Realizing that his platoon could not hold very long, and seeing four enemy soldiers moving into his position, he moved quickly under heavy fire and annihilated all 4. Then, seeing that his platoon was receiving intense fire from a concealed machinegun, he deliberately exposed himself to draw its fire. Thus locating its position, he attempted to destroy it with an antitank weapon. Although he inflicted casualties, the weapon did not silence the enemy fire. Quickly, disregarding the intense fire directed on him and his platoon, he charged 30 meters across open ground, and hurled grenades into the enemy position, killing some of the 8 insurgents manning it. Although severely wounded, when his grenades were expended, armed with only a rifle, he continued the momentum of his assault on the position and killed the remainder of the enemy. 1st Lt. Marm's selfless actions reduced the fire on his platoon, broke the enemy assault, and rallied his unit to continue toward the accomplishment of this mission. 1st Lt. Marm's gallantry on the battlefield and his extraordinary intrepidity at the risk of his life are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country.

UCLA AND STANFORD IN THE FINAL FOUR

Mrs. FEINSTEIN. Mr. President, the tradition and success of collegiate athletics in California is as deep and rich as our academic excellence. Three different California universities have won the national championship in both men's and women's basketball in the past 53 years, and over a century of football competition has been played. Over the years our universities have been equally adept in producing winners of Olympic medals as Nobel prizes.

California is home to more division 1 schools than any other State. So it should come as no surprise California has sent a team to both the men's and women's college basketball Final Four. It also should not be a surprise that those two teams are the University of California, Los Angeles, and Stanford University, my alma mater.

These two teams are not unique among Golden State colleges, rather they are representative of numerous schools with great academic and athletic traditions. In this past year California has provided the national champions in men's tennis, men's water polo, women's volleyball, and men's golf. California's universities and colleges have produced such sports legends as Jackie Robinson, Bill Walsh, Matt Biondi, Jackie-Joyner Kersee, Marcus Allen, Cheryl Miller, Arthur Ashe, Bill Russell, Dwight Stones, Rafer Johnson, and Kathy Jordan.

The UCLA basketball program is one of the finest in the Nation, and is currently the No. 1 ranked team. It has won more national championships than any other school. More than Kentucky, Kansas, North Carolina, or Indiana.

Under the leadership of John Wooden, the UCLA men's basketball team won 10 national titles in 12 years. To follow in Wooden's footsteps has been difficult at UCLA. The last time they went to the Final Four was 1980, where they lost to Louisville, coached by Wooden protege Denny Crum.

Coach Jim Harrick has returned them to the Final Four now, for the first time in 15 years. But, maybe what is more impressive, at least to the Senator from California, is that it is a team of Californians. Four out of five starting players are from California, Tyus Edney from Long Beach, the sensational siblings Charles and Ed O'Bannon from Lakewood, and freshman Toby Bailey from Los Angeles. Other Californians on the team are J.R. Henderson, Bob Myers, Kris Johnson, and Kevin Dempsey. I am proud to say that not only is it a California school, it is a California team.

Rounding out the team are Cameron Dollar, George Zidek, Ike Nwanko, omm'A Givens. The players on this team are worthy successors of the greats of a generation ago Alcinder, Johnson, Walton, and Hazzard. In fact Marques Johnson's son, Kris, is a member of the current team.

Stanford women's basketball Coach Tara VanDerveer is creating a legend of her own. In the 10 years since she took over the Stanford program they have gone to the Final Four four times and won the national championship twice.

Rachel Hemmer and Anita Kaplan are the senior low-post players who lead the way with aggressive defense and consistent offense. Kristin Folkl, a two-sport star who was part of the national championship Stanford volleyball team this fall, got her first

start of the year this past Saturday, and she knocked down ''clutch'' three pointers for her team to advance to next weeks game against the No. 1 ranked women of the University of Connecticut. Kate Paye paces the team from the guard position, while Kate Starbird leads the team in scoring.

Also contributing to the team effort are Olympia Scott, Jamila Wideman, Vanessa Nygaard, Regan Freuen, Charmin Smith, Bobbie Kelsey, Tara Harrington, Naomi Mulitauaopele, and Heather Owen. Their 30–2 record this year is a mark of dedication and talent. The trip they make to Minnesota to be in the Final Four is a deserved reward.

I salute these two teams and all the student athletes from California, and wish them the best in both competition and scholarship.

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 resume 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 PRESIDING OFFICER. Under the previous order, the question now occurs on final passage of S. 219, as amended.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—100

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

So, the bill (S. 219) as amended, was passed as follows:

S. 219

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

TITLE I—REGULATORY TRANSITION

SEC. 101. SHORT TITLE.

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

SEC. 102. 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. 103. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(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 Public Law 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of Public Law 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 104(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subparagraph (B) (i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under paragraph (2)(A) of this section.

(3) 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 104 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 104 is enacted).

(4) 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).

(5) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (3), the effective date of a rule shall not be delayed by operation of this title beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 104.

(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 104.

(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 title 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 104 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 title, 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 104 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 104.—

(A) In applying section 104 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 104 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 104.—In applying section 104 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 104.

(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 104 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 104, 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. 104. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ''joint resolution'' means only a joint resolution introduced during the period beginning on the date on which the report referred to in section 103(a) is received by Congress and ending 45 days thereafter, 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 103(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 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.

(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. 105. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 104, 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 103(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. 106. DEFINITIONS.

For purposes of this title—

(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''—

(A) means any final rule 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.

(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, 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 matter.

SEC. 107. JUDICIAL REVIEW.

No determination, finding, action, or omission under this title shall be subject to judicial review.

SEC. 108. APPLICABILITY; SEVERABILITY.

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

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

SEC. 109. EXEMPTION FOR MONETARY POLICY.

Nothing in this title 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. 110. EFFECTIVE DATE.

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

TITLE II—TERM GRAZING PERMITS

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this title as the ''Secretary'') administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, one 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 title 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. 202. DEFINITIONS.

In this title:

(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. 203. 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

(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. 204. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section 203(a) shall not be subject to administrative appeal or judicial review.

SEC. 205. REPEAL.

This title is repealed effective as of January 1, 2001.

TITLE III—GENERAL PROVISION

SEC. 301. 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. NICKLES. Mr. President, 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. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, again I wish to thank my colleague, Senator REID, but also I wish to thank Senator HUTCHISON and Senator BOND, Senator LEVIN, and particularly, on Senator LEVIN's staff, Linda Gustitus, and Senator GLENN.

In addition, I wish to thank several of my staff members who have worked on this for the last couple of months—Diane Moery, Mark Whitenton, Les Brorsen, and Bret Bernhardt—for their tireless efforts.

Mr. President, I think this is a good bill, one that in my opinion is a significant improvement over the House, and

I will be urging our House colleagues to adopt the Senate approach.

Mr. REID. Mr. President, I wanted to make sure that those people who worked on this side of the aisle on the last piece of legislation, which I believe is some of the best work we have done this year in the Senate, have proper recognition.

We spent most of the last 2 days working out problems that developed in the legislation. It could not have been accomplished without my personal staff representative, Paul Henry, and especially the former chief of staff of the Governmental Affairs Committee, Len Weiss, who was instrumental in our being able to develop and craft various amendments, and also the person who had as much to do as anyone with our being able to pass this important legislation, Linda Gustitus, who has been with Senator LEVIN since he has been in the Senate. Her help on this matter was vital.

I wish to make sure the RECORD reflects again that this was a bipartisan piece of legislation, not only as the vote indicates but also as indicated in the statement made by Senator NICKLES and me. The staff was also bipartisan.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. If the Senator will yield, I just wanted to associate myself with the remarks of the Senator from Nevada about the staff members on both sides. On something like this, there are a lot of controversial items. I see Senator NICKLES still in the Chamber. The staff of the Senator from Oklahoma and all of our staff members—we get credit for a lot of things done around here, but the staffs are the ones who put these things together and spend the long hours back and forth working out all the details.

There has not been anything pass through the Senate in some time that required more negotiating back and forth, I think, than we did in this legislation—all done in good faith by staff. We trust them. I am glad the Senator from Nevada chose to honor them. They deserve it.

Mr. LEVIN. Mr. President, if the Senator will yield, let me also thank him and Senator NICKLES and their staffs for the work that they put in on this bill and for taking the time, both of them, to thank the staffs for the tremendous work that they have done. We thank them for their own work and for recognizing the importance of our staffs.

THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the immediate consideration of H.R. 1158, the Emergency Supplemental Appropriations Disaster Assistance Act. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill.

Mr. HATFIELD. 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. HATFIELD. 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. HATFIELD. Mr. President, the Senate now has under consideration legislation to provide the Federal Emergency Management Agency with an additional $1.9 billion in fiscal year 1995 and $4.8 billion for fiscal year 1996 for emergency disaster relief and to make savings in prior year appropriations through rescissions and other actions by a total of approximately $13.5 billion.

The supplemental appropriation is recommended in response to the President's request of February 6, 1995. The President requested a FEMA supplemental of $6.7 billion for disaster relief efforts in California and 40 other States. The House has recommended a reduced amount of $5.3 billion, all in fiscal year 1995 supplementals. Our Senate committee recommends $1.9 billion for fiscal year 1995, which is the amount most immediately required, and an advance appropriation for fiscal year 1996 of the balance of the $4.8 billion. The committee makes this recommendation as a first step in establishing a new procedure for the provision of disaster relief.

As noted in our committee report, Mr. President, funds appropriated for FEMA disaster relief have escalated sharply in recent years. Between 1990 and 1994, 195 disasters were declared by the President and nearly $15 billion was appropriated in emergency supplements for disaster relief. We should not abandon Federal disaster assistance for people and communities in need, but we cannot afford to continue this level of spending.

Senators BOND and MIKULSKI are making a good start in the right direction, and they are to be commended. They are the chair and the ranking minority member of the Subcommittee on HUD and Independent Agencies, under which FEMA comes for its funding.

Most of the attention given this measure has been directed at the rescissions we are recommending. I think there has been a considerable degree of overreaction to our proposals. We are not engaged in a barn-burning exercise. In the main, the rescissions and other savings we recommend on the Senate side are reductions in the rate of increase, rather than a true cut.

Let me underscore that. We read in the media, see on the television, and we hear from many voices that the House or the Senate Appropriations Committee has cut these funds; we are putting the poor out in the street; we are doing all these things because we have cut funds, making it appear as though we have excised the account dealing with that particular human need.

We have also undertaken to take the unobligated balances which have languished for years after their initial appropriation. We call that the pipeline money and we have taken them as rescissions.

So let us get our nomenclature clarified that the cuts are reducing the rate of growth. We are not, in effect, dislocating people or ignoring the needs of people.

So what we bring to the Senate today, Mr. President, represents the committee's considered reevaluation of prior year funding levels, based on a renewed commitment to thoroughly scrutinize every spending proposal.

This is not to say that scrutiny did not exist before. It did. But we should always be willing to take a second look, and that is what the Senate is doing.

Some of those unobligated funds we found in the pipeline were unobligated transportation funds from 1982, 13 years ago. It was our feeling it was better to take those unobligated funds out of the pipeline for our rescissions and, at the same time, to recognize, as an example, low-income energy assistance for people of need in particularly cold weather.

It is not unusual for us to do this type of thing. Our committee has recommended rescissions and the Congress has enacted rescissions in every year for the past 20 years. Rescissions are not an innovation of the Executive. Since the rescission process entered and the Budget Act was created—now that is 1974—Congress has enacted into law a grand total of $92,940,296,915 in rescissions in that period of time, which is $20 billion more than we have been asked to rescind by Presidents Ford, Carter, Reagan, Bush, and Clinton.

I want to focus on that again. In the parlance of today's communications, it is the Congress that is the big spenders; it is the Congress that has to be brought under control. And yet, at the same time, in this 20-year period, we have rescinded $20 billion more than these Presidents, five Presidents, have asked for.

Nor is the size of the package we bring to the floor today unprecedented. In 1981, when I was first honored to be chairman of the Appropriations Committee, we brought to the Senate a $15 billion rescission package. There may be others who find this a novel experience, but I do not.

Mr. President, I think we also have to recognize that, as noted in our report, we have amendments to offer today to change the committee's recommendations. We expect those and we welcome them. We welcome them up to a degree, not an unlimited welcome. Some will want to restore funding. Some will want to cut more. We will engage in those debates and invite those amendments. But I hope there will not be an effort to unduly delay this legislation.

I believe we all share a desire to reduce Federal spending. We know very significant reductions are coming in fiscal year 1996 and the years beyond, and every dollar we are able to save today will make tomorrow's task easier. It is time we begin, and this is the beginning.

To honor the request I have made to move this bill along expeditiously, I am very happy to say that two Senators, who are on the floor, have indicated that they will agree to a time limit; some more and some less. But, nevertheless, we are starting out right by trying to get time agreements and not to have open-ended affairs that can drag this bill on and on ad infinitum. So I wish to thank the Senators who have indicated they would consider a time agreement. When we get ready for those amendments, we hope to have that agreement.

Mr. President, at this time, I yield to the ranking member of our Committee on Appropriations and former chairman of the Appropriations Committee, Senator BYRD, of West Virginia, for any opening statement that he wishes to make.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon [Mr. HATFIELD] the chairman of the committee.

Mr. President, the Appropriations Committee reported this emergency supplemental and rescission bill, S. 617, on Friday, March 24. The motion to report the bill also included the committee's authorization for the chairman to offer S. 617 as a complete substitute for the House-passed companion measure, H.R. 1158. This was an unusual, but by no means unique, action by the committee. In order to facilitate comparison of the differences between the committee substitute and H.R. 1158, the committee report on S. 617, a copy of which is on each Senator's desk, contains comparisons between the committee's recommendations and the House-passed bill. The report to which I refer is Senate Report 104–17.

As has been the practice in the past, I, as the ranking minority member, joined Chairman HATFIELD during the markup in urging members of the committee to withhold controversial amendments, in order to expedite the markup of this emergency supplemental and rescission bill. That request was largely accommodated, but there were a number of concerns expressed about the bill by various members of the committee on both sides of the aisle.

Among those concerns was the need to find a way to fund disaster assistance programs, such as the $6.7 billion appropriation for the Federal Emergency Management Agency [FEMA] contained in the committee substitute. In his supplemental request, the President designated this $6.7 billion FEMA supplemental as an emergency appropriation under section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. Senators will recall that under the terms of the 1990 budget summit agreement, Presidents may designate discretionary appropriations as emergencies and, if Congress so designates in statute, such appropriations are, in effect, not charged against discretionary spending caps in any year.

In this instance, President Clinton exercised his authority to designate the $6.7 billion FEMA request as an emergency requirement. The House chose to appropriate $5.4 billion for FEMA and to designate this amount as an emergency. However, the House-passed bill also contains rescissions and other reductions totaling $17.4 billion in budget authority. These rescissions are far in excess of what would be required to offset the cost of the FEMA supplemental.

The Senate Appropriations Committee's substitute, as set forth in S. 617, recommends an emergency appropriation of $1.9 billion for FEMA for fiscal year 1995, together with an additional $4.8 billion which would become available for fiscal year 1996. These funds would become available only after receipt of an official budget request for a specific amount of the $4.8 billion and only if such amount includes a designation as an emergency requirement.

What we have attempted to do, then, is to provide the amount needed by FEMA for fiscal year 1995, namely $1.9 billion, and to establish a disaster relief emergency contingency fund into which $4.8 billion would be deposited for use in amounts which Congress and the President agree to in fiscal year 1996 and beyond.

I am certain that the distinguished chairman and ranking member of the VA–HUD Subcommittee, Senators BOND and MIKULSKI, will talk further on this issue during the debate on the bill.

The committee substitute also contains rescissions and other spending reductions totaling $13.5 billion, or approximately $4 billion less in rescissions than the House bill. The major differences in rescissions between the two bills are as follows:

One, for the Labor-HHS Subcommittee, the House bill rescinds a total of $5.9 billion; the committee substitute recommends $3.05 billion, or $2.85 billion less in rescissions.

For the VA–HUD Subcommittee, the House bill rescinds $9.3 billion; whereas the committee substitute proposes rescissions totaling $6.8 billion, or $2.5 billion less than the House bill.

For the Military Construction Subcommittee, the House bill contains no rescissions, but the committee substitute would rescind $231 million in military construction funding.

For Transportation, the House bill recommends rescissions totaling a little over $700 million and the committee substitute recommends rescissions totaling $1.9 billion, or $1.2 billion more in cuts than the House bill.

Mr. President, these are very difficult times for the portion of the Federal budget that is controllable by the Appropriations Committees; namely, discretionary spending. As noted on page 3 of the committee report accompanying S. 617, discretionary spending has decreased from 14.4 percent of GDP in fiscal year 1968 to less than 7.7 percent of GDP in fiscal year 1995. This fact should be ample evidence to those who bemoan Federal deficits and the resulting massive increase in the national debt that discretionary spending—other than the Reagan defense buildup—has not caused the deficit increases. The additional $13.5 billion in discretionary spending cuts recommended in this bill are further evidence that, as painful as it is to cut Federal spending, the Appropriations Committee has always done its share, and more than its share.

Nevertheless, I am certain there will be a number of amendments offered to this measure which will propose restoration of funds for many worthwhile programs. I shall withhold judgment on such amendments until I can determine their merits on a case-by-case basis and to see whether offsets are provided and whether the offsets are reasonable that are provided.

Mr. President, in closing, I compliment the chairman, Senator HATFIELD, for his leadership in bringing this measure to the Senate expeditiously, in order to allow the Senate to work its will on the issues that are raised in the bill, some of which, I fear, will be very troublesome to a number of my colleagues.

I also thank the members of the staffs, the dedicated members of our staffs, both in the majority and in the minority, for their usual fine cooperation and excellent advice and dedicated effectiveness as they have worked so hard to help the chairman and myself and the members of the committee to bring this bill to the floor.

I thank all subcommittee chairmen and all ranking members, Mr. President, for a job well done. I thank the chairman.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I want to express my deep appreciation to the ranking member of the full committee. As is traditional in our committee, we have worked in a very bipartisan spirit. It has been with the

support of the ranking member and members of that side, as well as our own Republican colleagues, that have made this product possible today.

AMENDMENT NO. 420

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 420.

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

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

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

Mr. HATFIELD. Mr. President, I submit this amendment on behalf of the Committee on Appropriations, pursuant to a rollcall taken in the committee. This is a substitute for the House bill that we received on this particular subject.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that on an amendment to be offered by Senator MIKULSKI, the ranking member, and Senator BOND, the chairman of the Subcommittee on VA, HUD, and Independent Agencies, that there be 2 hours equally divided.

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

Mr. HATFIELD. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 421 TO AMENDMENT NO. 420

(Purpose: To propose a substitute for title I)

Ms. MIKULSKI. Mr. President, I send an amendment in the nature of a substitute 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 Maryland [Ms. MIKULSKI] proposes an amendment numbered 421 to amendment No. 420.

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

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

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

Ms. MIKULSKI. Mr. President, I rise today to offer this substitute which I feel greatly improves the manner in which Congress deals with the disaster assistance. I call it the Truth in Disaster Budgeting Act.

Before I describe my amendment in the nature of a substitute, I would like to thank the chairman of the VA, HUD, and Independent Agencies Subcommittee, Senator BOND, for all of the courtesies that have been afforded me, my staff, and other people on this side of the aisle.

I believe that Senator BOND, in the approach he used, tried to do the best with the deck that was dealt him. But I do not think it was a great deck. We essentially feel like we are a couple of cards short.

Mr. President, let me go through the principles of the bill, and I would like to amplify my remarks.

First, what this amendment does is replaces title I and it offsets the earthquake relief aspects by applying a 1.7-percent across-the-board cut to all discretionary spending, except VA medical care, nutrition programs, Social Security, Medicare administrative costs, and defense readiness. It also, as the second part, requires Congress to set up a rainy day fund.

Let me explain where we are. The President has declared the need for a Federal emergency management supplemental to the tune of $6.7 billion to pay for the disasters that the United States of America has faced—like in Northridge, CA, and the remaining aspects of Hurricane Andrew. That is the good news. The bad news is that Congress is being asked to pay for it out of one appropriations subcommittee, the subcommittee called VA, HUD, and Independent Agencies. These are 25 different agencies.

So essentially, one subcommittee within the U.S. Senate becomes the bank to fund disaster relief, and it is being done out of the rescission bill, when we do not have the money unless we take it from those programs that have already been appropriated.

I disagree with the President in taking and funding emergency disaster relief out of one subcommittee. That is the reason I am offering my substitute. I believe that natural disasters, which are acts of nature, should be funded and all the Government should bear the burden and not just a few programs.

Therefore, what my substitute does is replace the rescission contained in the bill with an across-the-board cut of 1.72 percent. This across-the-board cut will raise the $6.7 billion necessary to offset the cost of providing disaster assistance to complete the recovery efforts in Northridge, CA, and for previously declared disasters in 46 other States.

My substitute also specifically exempts those four areas which I feel should not bear any more cuts. First, VA medical care. Promises made, promises cut. Let us not cut VA medical care. Second, it exempts defense readiness because I believe we need to be able to stand sentry and have our force structure ready.

The other is that it exempts food and nutrition programs at the Department of Agriculture, like Meals on Wheels and school lunches. It also exempts the administrative costs related to Social Security and Medicare.

Mr. President, though the President has declared this FEMA supplemental to be a disaster, under the rules of the Senate we do not have to pay for it. It would be off budget. I believe people on both sides of the aisle agree that it should be paid for, and I agree that it should be paid for. I also agree with the principle that my colleague, Senator BOND, is doing, which is to essentially establish a rainy day fund—only I want to establish this rainy day fund for rainy days, both literally and figuratively, prospectively out of this subcommittee.

The reason I say that is the recent disasters like Hurricanes Hugo, Andrew, Iniki, floods in the Midwest, the Northridge earthquake, and the Loma Prieta earthquake, have proven a compelling need to reevaluate Federal disaster assistance policy. The first crucial step is to establish the rainy day fund so that we can respond and meet our responsibilities.

What the Mikulski substitute does is to direct the appropriate authorizing committees to establish both the mechanism and the source of funding for a rainy day fund before the start of fiscal year 1996.

I am offering this substitute because I have, as I said, two serious concerns with the bill reported to us: The bad precedent set by requiring that disaster assistance be offset by cuts in spending in other areas. Second, the dangerous precedent by taking all of these offsets or sources of funds from one subcommittee, VA, HUD, Appropriations Committee. VA, HUD is 25 different agencies. It funds all of veterans, all of housing, all of EPA, administrative expenses of FEMA, National Science Foundation, and even agencies like Arlington Cemetery.

I believe that we should not be the bankroll. I am also concerned that it would come out of primarily HUD and EPA, National Service, and VA medical care.

Mr. President, I am all for reducing the deficit, but what we must understand is that requiring offsets in discretionary spending to cover the cost of disaster assistance represents a fundamental change in Federal disaster policy. This was established with the enactment of discretionary budget caps and the pay-as-you-go and the balanced budget and emergency deficit control of 1985.

This longstanding policy is based on the principle that natural disasters are unprecedented acts of nature, and nature cannot be accommodated in the standard appropriations process. By definition, these acts are extraordinary and catastrophic and beyond the scope of what we could normally confront in the annual battle with both the weather, elements, and the battle of the budget.

Historically, since 1988, Congress has enacted seven major disaster supplementals, and they total $22.5 billion to aid virtually every State in the Union. The Appropriations Committee

never had to come up with offsets, and the Senate continually rejected amendments which called for offsets. It was funded off budget. Our guiding principle was to provide relief to those who desperately need it.

Whether it was Hugo, the riots in Los Angeles, CA, flooding in Chicago, the terrible floods in Missouri, we never adopted offsets. Each of these was sudden, unforeseen, and funded outside of the budget caps.

I do not want to argue that. I believe, along with my colleague, and I believe the majority of my colleagues, that we should pay for it. But I believe we should pay for it across the board and not out of the bank of one subcommittee.

Mr. President, all of this is going to change if the offsets are the name of the game. I believe they should. But natural and national disasters should be a national responsibility. Therefore, that is why I establish this rainy day fund.

The bill before us establishes a second precedent which is that the source of FEMA will be the VA, HUD. I think it is outrageous that one subcommittee needs to pay for what happened in California, Florida, Missouri, Maryland, or any other State. What is about to happen is a disaster for the appropriations. What do I mean?

Well, first, out of that $6.7 billion, $4.6 billion will come from Housing and Urban Development, the one agency in our Federal Government that has primary responsibility for the needs of the elderly, children, disabled, and homeless. Also, $1.3 billion would be taken from EPA programs designed to assist States in complying with safe drinking water and wastewater treatment standards. It also will come from national service, veterans care, and the National Science Foundation.

I know that the Senator from Missouri, in taking the money from HUD, tried to protect the most vulnerable—the homeless and the elderly—and I thank him for that. But still, it will take HUD's annual budget, which is over $26 billion, and this represents a 20-percent cut.

The VA subcommittee cannot be either the bank or the will-call window for disaster relief. I believe it is bad policy. I also believe it is absolutely unfair. What happens the next time disaster strikes? Will we continue to take it from HUD? Will we eliminate the National Science Foundation? Will we just shut down a few hospitals out of VA? I do not know what will be done. What I do know, though, is that we anticipate more disasters. The U.S. Geological Survey estimates the probability of earthquakes only escalating and that there is a 80 to 90 percent probability of another major earthquake in California within the next 20 years.

There is the strong probability of earthquakes in San Francisco and other areas. How are we going to pay for this? I believe we need a rainy day fund. I believe we need an earthquake fund. That is why I direct the authorizers to come up to deal with this.

This amendment is about fundamental fairness. Who pays? Who pays for national disasters? Who pays for natural disasters? That is why I believe it should be borne by the entire Nation.

So, Mr. President, what this amendment does is try to show that it is a new world order. We should not just fund things off budget and make out they do not exist, because we cannot keep racking up the deficit.

But, at the same time, I believe that one subcommittee should not be the bankroller. That is why I offer what I originally called my 2 percent solution. I was able to lower that, and it essentially now is a 1.72-percent across-the-board cut, exempting VA medical care, nutrition programs, defense readiness and those administrative costs, and Social Security and Medicare.

Mr. President, I could elaborate more on this. In the interest of moving in an expeditious way, I will yield the floor, yet reserve the time remaining for my side.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Missouri.

Mr. BOND. Mr. President, I yield such time as I may require. I ask unanimous consent that no second-degree amendments be in order on this amendment prior to the motion to table, which I will make at the end of the expiration of the time or yielding back.

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

Mr. BOND. Mr. President, I want to thank my ranking member, Senator MIKULSKI, and commend her.

I have appreciated her courtesy and the continuing cooperation that we have had. I had the pleasure of serving on this committee when she was the chair. I have only recently found how large a job it was.

She mentioned something about the hand we have been dealt. Both of us, as chair and ranking member, now have a very difficult hand to play.

Senator MIKULSKI is extremely well informed and dedicated to the programs in this subcommittee. Her congressional role as an appropriator and an overseer she does with extreme skill and dedication and concern. I have the highest regard for her and her staff. We have worked together to try to obtain information on these programs, which has not been provided to members in a timely manner by the agencies, particularly by HUD.

Having said that, I could not disagree more strongly with the amendment that the Senator has offered. As I indicated, I will, at the appropriate time, move to table the amendment because, No. 1, this amendment does nothing toward deficit reduction.

The message I believe the people of America sent last November is that we have to get the deficit under control. That is No. 1. No. 2, and I think even more serious, is that this substitute for the measure reported out of the Appropriations Committee totally fails to address the vital need to stop the out-of-control commitments by the Department of Housing and Urban Development for future spending which this Congress and this budget cannot afford.

That is why I think that this measure should be tabled. I will urge my colleagues to do so.

Now, let me say something about the proposal of the VA, HUD, and Independent Agencies Subcommittee in the FEMA disaster relief supplemental and rescission bill.

This chapter, our chapter, rescinds more than $6.8 billion and includes a supplemental for FEMA disaster relief of $1.9 billion for the current fiscal year and provides the balance of $6.7 billion requested as an advance appropriation for FEMA for fiscal year 1996. This will enable the Congress to monitor the utilization of the amount provided before further releases of the contingency appropriation for the next fiscal year.

With respect to the rescissions, the subcommittee's total of $6.8 billion is more than half of the rescissions contained in this bill. As my ranking member pointed out, this is a level that is almost double the subcommittee's proportionate share of total nondefense discretionary spending.

However, the committee's recommendation is less than the House-passed total of $9.3 billion; it also substantially exceeds the President's request of only $648 million in rescissions.

Mr. President, the committee's recommendation reflects the urgency of beginning the long and difficult task of curbing Federal spending. I am mindful that the Appropriations Committee has direct jurisdiction over only one-third of the Federal budget, which is discretionary spending.

I certainly agree with those who point out that a balanced budget cannot be achieved in any way solely through cuts in discretionary spending. Let me be clear about that.

There can also be no doubt that further reductions can and must be made in these activities if we are ever to erase our budget deficit, or hope to do so, and to stop passing on to our children and our grandchildren the burdens of the debt that we were too profligate to stop running up during our stewardship of the Federal Government and its resources.

The formulation, the putting together of this large package of rescissions, has been difficult. The committee was limited in its recommendation to funds which have not been obligated and which are not constrained by concerns over disruption of important ongoing activities.

Necessarily, we directed our focus toward rescissions which would not only curb expenditures in the short term, but which would yield the effect of redirecting programs and terminating

activities to yield further savings in future years.

Finally, the committee's recommendations reflect our attempt to be as balanced and as fair as possible. No major agency within our jurisdiction was spared. Out of NASA, we took $150 million. Out of the National Science Foundation, we took $132 million. Out of the Department of Veterans Affairs, we took $100 million.

As noted, the largest reductions were taken in the Department of Housing and Urban Development, $4.6 billion; and in the Environmental Protection Agency, from which $1.4 billion was taken—not because of a policy of determination against these activities, but simply because of the fact that these two agencies have the largest unobligated balances which can be rescinded and which will curb future year expenditure growth.

Now, a number of these reductions are painful. I have discussed these with officials in the administration who wonder why we are making these cuts.

I have had calls especially with respect to termination of new initiatives, such as the Community Development Financial Institutions Program and halting previously planned expansions, such as National Service or AmeriCorps. I also know that many of my colleagues would rather not deal with reductions in popular programs such as VA medical care, no matter how modest.

However, Mr. President, let me be clear: If we are going to cut, we have to cut something. There is nothing in this budget that was put in because people did not like it. Everything that was put in here was put in last year or in the years before because somebody argued successfully that it was a good idea. We cannot cut spending without cutting things that have some support.

Frankly, with the budget crisis that we face, one of the things we have had to do is put a hold on new commitments. Given the state of our budget deficit and the tremendous debt that we have driven up, a debt which will hit $5 trillion and require Congress to raise the debt ceiling before the summer is over, we have to start making some cuts no matter how difficult they are.

It is clear we must make reductions now or face even greater cuts and dislocations in the future under a very constrained allocation for discretionary spending.

Mr. President, two additional concerns have been raised over the general approach of this supplemental and rescission measure. The first relates to the prevailing sentiment that all supplementals, even emergencies which are or can be procedurally outside the caps, should be offset by reductions in other discretionary spending. I accept and support this greater standard of budgetary discipline because we need to do it. It is a necessary step toward balancing our budget.

But we should be mindful that this revision in our current budgetary practice demands a reappraisal of how subcommittee allocations are treated, since the bulk of emergency supplementals are provided for the Federal Emergency Management Agency, which just happens to fall within the jurisdiction of the VA, HUD, and Independent Agencies Subcommittee.

The fact that we have to increase appropriations for FEMA, in my view should not mean that in the future we have to make cuts from very important programs in HUD, VA, NASA, and other agencies which are disproportional to the cuts taken by other domestic discretionary programs.

There is no way that our subcommittee can, in the future, be expected to pay for supplemental emergency requests for FEMA disaster relief. The number of Presidential-declared disasters and the amount of funding for such emergencies have been dramatically rising in recent years. A total of $14.8 billion has been appropriated in the last 5 years.

The pending supplemental bill carries the request of $6.7 billion, which is almost 10 percent of the entire discretionary allocation of the subcommittee. We cannot be expected to offset such massive requests without dramatic impacts on other ongoing activities within our jurisdiction in future budgets.

These are national disasters. My ranking member has pointed out the scope of these disasters. If they are paid for, resources should be identified on a Federalwide basis, not just by one subcommittee which happens to have FEMA within its jurisdiction. Matching such supplementals with rescissions within the subcommittee should not and cannot be a precedent for how such needs will be addressed in the future.

Let me move to the second point, which is more complicated but has an equally clear answer. That is the concern that we are rescinding too much from HUD. The answer is simply ''no,'' we are not. Some have questioned why HUD is being cut more than $4.6 billion, or two-thirds of the total rescission of $6.9 billion for the subcommittee. The answer is simple. The cut is roughly proportionate to the Department's available budgetary resources. Although HUD received new appropriations for fiscal year 1995, that is the current spending year we are in, of $25.7 billion, HUD represents about 39 percent of the funding for our four major agencies—almost $2 out of every $5—it also carried into this fiscal year $35 billion in unobligated prior year balances. In fact, it carried more money in unobligated balances than we appropriated for this year. We could have the anomaly, even if we wiped out all new authority for HUD, that HUD could spend more than its current year appropriation because of the unobligated balances. In other words, HUD has more than double its current fiscal year appropriation available in budgetary resources when you include the massive amount of unspent, unobligated HUD funding.

Simple mathematics do not tell the whole story. We have to cut HUD. We have to stop spending new dollars. The chairman of the committee, the distinguished Senator from Oregon, made the point very clearly. When we say ''cut'' in this context, we are not talking about throwing people out of housing or imposing burdens on people now being served. We are talking about cutting new commitments, additional spending requests, commitments that could be extremely expensive over time and are not now undertaken.

We have to begin now, if there is any hope of surviving the very constrained freeze minus future for discretionary funds that we expect to see throughout the appropriations committee and even in our subcommittee.

The Congressional Budget Office recently analyzed the HUD reinvention blueprint and discovered that the cost of HUD-subsidized housing will increase by over 50 percent under the President's plan over the next 5 years.

Let me point out that currently, this year, we are spending $26.4 billion. That is how much we are spending this year. The Congressional Budget Office—which as we will all recall, the President in 1993 said is the independent scorekeeper, the objective scorekeeper to whom we must turn for the most honest, most accurate estimates of spending—took a look at the information HUD provided at the time of the budget submission. There have been subsequent discussions and submissions, but based on what HUD, through OMB and the President, presented to us, HUD spending would increase to $28 billion next year, $30.7 billion the following, then $33.8, then $38.9 billion; by the year 2000, HUD-assisted housing would be $39.9 billion—50 percent more than we are spending this year. And, also, incidentally, the total of all these five red bars would come to about $39 billion. So we would be adding $39 billion to the national debt over 5 years, according to CBO's estimate.

Unless we act now to curb the spiraling growth in outlays, we are going to have to make some very draconian cuts in the near future and be in a position where we cannot honor commitments made to those in public and assisted housing.

As I have indicated, I have had meetings with the Secretary of HUD and the Director of OMB. We have gone over many of these questions. They have promised us additional details, which we have not yet had an opportunity to see and analyze. They have said they will meet with the Congressional Budget Office to explain and perhaps even suggest revisions. But let me point out, even under the President's own budget submission, the President asked for HUD to be increased by $20 billion in budget authority over the next 5 years

and by $14 billion in outlays. The President is asking us, at a time when we know that discretionary spending must be kept under control, to increase outlays, to increase actual spending, by his own numbers, by $14 billion.

I suggest there is no way we can do that. I suggest we are faced with a difficult—but a simple—solution, and that is turn off the pipeline of new subsidized units. That is the fundamental focus of the committee's recommendations for this rescission bill. We are also recommending a portion of the funds rescinded by the House be restored, and that we redirect resources to another urgent priority; namely, the restoring of budgetary sanity to this out-of-control department. We say go ahead with the programs to demolish the failed housing developments and put the rest on a sound footing to survive the competition and the subsidy reductions coming down the pike.

Some of my colleagues have said we do not need to deal with severely distressed public housing. This is one area where I believe I agree very strongly with the Secretary of HUD. There is no greater problem in many of our communities than the uninhabitable, often vacant, thoroughly unlivable, large public housing units in many of our metropolitan areas today. Too many of them have become havens for crime, for drugs, and violence. They are not only not a safe place to raise a family, they are a great danger to the neighbors who live in the vicinity and they are tremendous blots on the landscape of our major metropolitan areas.

To me, this is an investment in the future which must be made now if we are to stop some of the spread of blight that has been generated by poorly maintained and poorly conceived projects of the past.

Amid all the debate over the future of HUD, it is important to keep in mind that over 4.8 million families receive Federal housing assistance, and over half of them are elderly or disabled. It is also important to note that such housing assistance is expensive.

As I said, $26 billion in current year fiscal year 1995 outlays and current costs are rising. In fact, with the long-term contractual commitments previously made by HUD the Government is currently obligated to pay over $187 billion over the life of these contracts, some stretching out 40 years.

Many of my colleagues have approached me to express grave concern over some of the battles of the press releases in the State demonstrations characterizing those of us who wish to cut HUD's new commitments as being ready to throw people who are getting assisted housing out on the street, having no concern for the people who are assisted by HUD. I am told that C–SPAN carried a program this weekend that featured HUD officials but it also featured special interest groups and local officials who want to spend as if there was no tomorrow, who think that we cannot spend enough money on HUD and its programs to satisfy them.

Frankly, let us be clear that we are sensitive to and very concerned about the obligations and the undertakings of HUD. That is why we want to make sure that they do the job properly. It is I think not helpful for those who would be advocates for the programs of HUD to make the kinds of irresponsible charges that some local officials have made. That does not advance the level of discussion. That does not assist in helping us formulate responsible programs given the long-term nature of the obligations and commitments. Halting the budgetary growth of the Department can only be accomplished with a focused, determined, multiyear effort. Unless we begin now with this bill we will lock ourselves into another multibillion-dollar chunk of long-term budget obligations.

This is only a first step, one of many in which we will go beyond the limited fixes in cuts that can be accomplished in a rescission bill. We have to enact through the authorizing committee major reform legislation later this year.

I look forward to working with my colleagues in the Appropriations Committee, my colleagues on the authorizing committee and other interested Members in this body in formulating a responsible program. But we are not going to be able to adopt a responsible program if we allow the budget to continue to spin out of control to run up obligations and commitments now that will cost us billions of dollars we do not have in the future. Only if we put a tourniquet on the bleeding and stop the new commitments can we make sure that our restorative work, our surgery and our treatment of the patient, a very sick patient of HUD, can be successful.

I will ask my colleagues to join me in a motion to table. But for the moment, I yield the floor. I reserve the remainder of my time.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 47 minutes and 45 seconds.

Ms. MIKULSKI. Mr. President, I know that there are others who wish to speak. While we are waiting for them to come, I want to comment on the comments of my colleague, the Senator from Missouri.

First, the Senator said that the Mikulski substitute does nothing for deficit reduction. I respectfully disagree with that because you see under the rules of the 1985 Budget Act, disasters, if declared by the President as an emergency, do not have to be paid for. President Clinton declared these disasters in the FEMA supplemental an emergency. So, therefore, under the rules of the Budget Act, they could be placed on the discretionary spending. Yes. Added to the deficit but it will not count against the appropriation.

My bill maintains the President's declaration of an emergency and a disaster. But in the interest of deficit reduction we are willing to pay for it. Therefore, this $6.7 billion does not go off into some limbo and yet add to the deficit. It will be both through my substitute a pay-as-you-go. It will be a one-time only pay-as-you-go through this across the board with the prospective establishment of a rainy day fund.

So you see. I believe that the Mikulski substitute which is a pay-as-you-go substitute does reduce the deficit by $6.7 billion. There is a great deal of debate about what this rescission money will be used for. Is it going to be used for deficit reduction or is it going to be used for tax cuts to be offered by the other party? There are those of us who support deficit reduction and, therefore, know that if that is the point of the rescission package we will look for elements to do the deficit reduction, but here is a whole other substantial school of thought within this institution led by the Senator from West Virginia, Senator ROBERT BYRD, who says ''yes'' to deficit reduction but ''no'' for the savings to be done on tax cuts. I will not debate the points that Senator BYRD wishes to bring to the body's attention later this afternoon. He will do it in his own usual eloquent, persuasive way. But I believe the Mikulski substitute does, because we are doing pay-as-you-go not by putting it off budget but with $6.7 billion for deficit reduction.

Do I go as far as the House? No. Do I go as far as the Hatfield-Bond legislation? The answer is no. The House went to $17 billion. The efforts by the distinguished chairman of the committee, Senator HATFIELD, and the subcommittee, Senator BOND, goes to $13 billion. But when I knew I was going to try to deal with this problem by an across-the-board cut, I did not want to gouge other subcommittees by paying—for the fact that we do not have a mechanism for a rainy day fund. So I kept it under what I called the Mikulski 12.2-percent solution. Sure. I could have come up with more rescissions to do an across-the-board. But I did not want to gouge the criminal justice system. I did not want to gouge Labor, HHS. I did not want to gouge the important funding that needs to go on in defense.

So that is why my amendment is so modest. It is 1.7 percent. It is absolutely modest. I say to my colleagues, I do not like across-the-board cuts either. Hopefully we can do this with line-item evaluations. It is natural disaster funding that should be borne by the Nation doing this across-the-board cut.

I can comment on other aspects of it. But I note that the distinguished chairman, ranking minority of the authorizing committee, Senator SARBANES, is on the floor. He is interrupting his other important work to be here.

So I will yield the floor and yield to Senator SARBANES such time as he might consume to elaborate on this subject.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 41 minutes and 67 seconds.

Mr. SARBANES. If the Senator will yield me 5 minutes.

Ms. MIKULSKI. I yield the Senator such time as he may consume.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment that has been offered by my distinguished colleague from Maryland, the substitute amendment to the supplemental appropriations bill.

First of all, traditionally we have considered disaster relief measures as an emergency supplemental and handled that way, if I am correct. I believe that is correct.

Ms. MIKULSKI. The Senator is correct.

Mr. SARBANES. The last six or seven disaster supplementals over the last few years have all been handled in that fashion, I believe.

Ms. MIKULSKI. That is correct. They total $22 billion. They have been funded off budget as prescribed by law as the President declares it an emergency disaster.

Mr. SARBANES. As I understand it, the President declared this supplemental request an emergency disaster.

Ms. MIKULSKI. The President has declared it an emergency disaster and therefore follows the same procedure under the law.

Mr. SARBANES. What is happening is that there is a move afoot to, in effect, cover the amounts needed for the disaster relief.

Now, I have obviously some questions about this decision on the basis of past practice, but let me pass beyond that issue and simply address the manner in which disaster spending is being covered in the proposed supplemental appropriations bill before us. A very heavy proportion of the disaster spending amount in the supplemental is being taken out of the allocation to the VA–HUD Appropriations Subcommittee in which the FEMA funding is located.

Now, it is my understanding that more is coming out of that subcommittee than the cost of the disaster relief that is before us. So, in effect, this particular subcommittee, which by chance has jurisdiction over FEMA, is absorbing the entire additional amount given to FEMA for disaster relief out of the allocations for the other agencies under its jurisdiction.

This just does not make sense. It leads to great inequities that a disproportionate burden is borne by the other agencies within the jurisdiction of that subcommittee.

I am particularly concerned because I have a responsibility with respect to the authorization of housing programs. The housing department finds itself within that grouping of agencies that are covered by the arbitrary differentiations that are made within the Appropriations Committee.

If there is anything that calls for the kind of approach that the distinguished Senator from Maryland has taken, it is handling disaster relief. Obviously, if you are going to cut other programs to pay for disaster assistance, the burden of these cuts ought to be borne across the board. There is no rationale, no logical or rational reason, why paying for the disaster relief ought to come out of those few agencies that happen to be grouped with the Federal Emergency Management Agency for purposes of handling an appropriations bill.

Providing for disaster relief must be done; I support this supplemental for disaster relief. In fact, I would support doing it as an emergency the way the President submitted it to the Congress. If, in effect, the cost of the disaster is going to be covered by diminishing other accounts—and we are talking about the very fiscal year in which we find ourselves—I do not think that the disaster spending ought to be covered out of those agencies that are grouped within this particular Appropriations subcommittee. That is illogical, not logical, and that is inequitable, not equitable.

The amendment that has been put before us would recognize that national disasters are a national responsibility. It would avoid setting a precedent, that you are going to pay for disasters out of the accounts of this particular subcommittee. With the bill before us, you are going to establish a precedent that makes this particular subcommittee the window to which you go for all future disaster relief. What is the logic in that? We could just as easily put FEMA over into the Defense Subcommittee. We could combine FEMA with emergency preparedness which covers not only disaster relief, but other emergencies. At one point, FEMA's prime responsibility was to address questions of how we would react to a nuclear attack. So maybe FEMA should be put in the Defense Appropriations Subcommittee, and then, if you followed the principle that is being used here, when we have a national disaster, we would pay for it entirely out of the defense budget.

I am not arguing that should be done. I am only making that point to illustrate the lack of logic of what has been done in the supplemental appropriations bill that is before us. This is not the way to handle the funding of disasters. I very much hope the amendment of the Senator from Maryland—which I think provides a much more equitable way of paying for disasters—passes. This amendment is an across-the-board cut with respect to all agencies and departments. It is a much more sensible way to go about this at this time. An across-the-board cut may not be the best way to pay for disasters in the future. I know the Senator from Maryland has pushed the notion of providing an anticipatory mechanism to meet future disasters. Under that approach you would set up a fund and appropriate to it in anticipation of future disasters since it is fairly reasonable to hypothesize that there will be natural disasters at some time. Natural disasters do occur on a periodic basis, and we need to address them. An advanced funding mechanism would be a better way of doing it.

However, that is not now before us. Confronted with the problem that we have, I think this amendment makes a great deal of sense and is certainly a far preferable approach than the one contained in the legislation that is now pending.

Therefore, I very strongly support Senator MIKULSKI's substitute amendment and urge my colleagues to support it.

Mr. President, I thank the Senator for yielding me time.

Ms. MIKULSKI. I thank the Senator for speaking in behalf of this amendment. He makes excellent points, particularly the consequences to the housing programs and the compelling needs we have to meet. I thank him for interrupting his schedule.

How much time would the Senator from California like to have?

Mrs. BOXER. Seven minutes.

Ms. MIKULSKI. I yield to the distinguished Senator from California, who has faced her share of earthquakes and slides and really knows what these issues are, 10 minutes.

Mrs. BOXER. I thank the Senator from Maryland. I thank her for her leadership in giving this Senate a really fine alternative to the bill that is before us. I certainly want to associate myself with Senator SARBANES' remarks, and I will try not to repeat them but to be very specific on why I feel the Mikulski substitute is so preferable to the committee-reported bill.

First of all, why are we here? We are here on this bill because we have had disasters in this Nation, certainly in California more than our fair share, that required payments to the local governments, the local people. We have buildings that need to be repaired from earthquakes. We have buildings that need to be repaired from floods. This is happening not only in California but across this great Nation. We have predictions, as the Senator from Maryland said, for other disasters, and I wish to make a point to my colleague, Senator MIKULSKI, of which perhaps she is not aware.

If I might make a point to the Senator on this issue of the future projections of disasters, what is very interesting is that the USGS has looked at the earthquake situation and not only do they predict a terrible earthquake in California sometime in the future, but they also talk about a devastating earthquake in Seattle and one in the midsection of the country from the Tennessee fault.

So I stand here as a Californian, but I also say to my friend that other areas in this Nation are very apt to be visited by these crises. I wonder if she was aware of that study.

Ms. MIKULSKI. Mr. President, I am aware of the study. We spoke about the work being done by the Geological Survey of the Department of the Interior that is trying to develop sophisticated methods for earthquake prediction. They are predicting future—within the next decade or so—severe earthquakes on the west coast but possibly in the Midwest itself. I might add, you never know when an earthquake is going to hit. As the Senator knows, the State of Maryland is not an earthquake State. We are more a hurricane State.

Yet we had earthquakes in a small county in the Baltimore metropolitan area. It was shocking. Fortunately, we had no major loss of property and no loss of life.

So, yes, we have to be ready to stand centrally on the whole issue of earthquakes, but we do need that rainy day fund.

I thank the Senator for reiterating the report.

Mrs. BOXER. Mr. President, I think it is so key here, because when someone who is an expert says that this country is going to be visited by floods and earthquakes and other disasters, we cannot just throw up our hands.

Why are we doing this particular bill at this particular time? Clearly, the President asked for $6.7 billion. The U.S. Senate has decided to go beyond that and cut out $13 billion—$6.7 for FEMA, the added extra billions just because they wanted to cut more.

I point out, as Senator MIKULSKI has, that since 1988, Congress has enacted seven major disaster bills and none has been offset. This has been done over earthquakes and floods and storms across this Nation, with Republican Presidents as well as Democratic. I suggest to my colleagues, this is not a partisan issue.

We need to be ready for these disasters. So I support that part of the bill to be ready for the disasters. But, on the other hand, I have to say to my friends, we should make this a clean bill. We should give the President the money that he needs to meet these disasters and then have another bill that looks at rescissions and not hold these communities hostage.

Let me explain what I mean.

What we are doing, for the first time in history, is going beyond what even the President has asked and cutting all these other programs. I know a lot of my colleagues are thrilled to do it. They are thrilled to do it. But I want to point out what it does to California.

It hurts my people. And I hear, ''Well, wait a minute, Senator. You are the ones who have all these disasters.'' That is true, and we need that FEMA money.

But you should see what these cuts do to the people of California, to the children, to the children of California—taking computers that were going into classrooms. They are not going to be able to put them there. Rescinding the summer jobs program for our kids, which is so important.

I visited some of these young people who had the benefit of these jobs. What a way to slash and burn, using as an excuse, you know, the FEMA requests.

The House bill was even worse. I compliment my friends. They made this a little bit better. But it still hurts. It hurts business. It hurts jobs.

Let me tell you, the Community Development Financial Institutions Fund program account, this gives credit to businesses to expand, to create jobs. Cut severely. EDA creates jobs. We are looking at a cut in California here and across the Nation. The National Institute of Standards and Technology, these are funds that help our manufacturers. It is very successful. It is cut. It is going to be hurt. And that is going to hurt my State's economy.

Slashing funds from the Base Alignment and Closure Commission, needed desperately to clean up these bases, to move them into productivity. Cut, slashed, and burned.

EPA, safe drinking water. Some people do not like it. They say it goes too far. Well, let me tell you what is going to happen here. We are going to have big problems in my State. In L.A., in Lake County, in San Diego, water cleanup. We need to clean up the water. People need to be able to drink the water. This bill slashes that program.

Agriculture: $1.5 million cut from the new USDA salinity research lab. And all farmers know that controlling that salt water incursion is very important to them. That is going to hurt our farmers.

Interior: We know that some of our threatened species will not be listed. Again, some people here hate this Endangered Species Act. They want to see it destroyed. Well, do not back-door it by doing these kinds of cuts. Let us have the debate. Let us find out where the American people are on saving the bald eagle. I will take you on in that fight any day. But, no, it sneaks in this bill back-door.

There is a $35 million cut from solar and renewable energy research. That makes a lot of sense. The biggest cause of our trade deficit is imported oil. Why do we want to hurt these alternative energy programs? Again, if you want to debate it, let us bring it on to the floor. But this is done in a back-door approach.

I told you about education—$6 million in Federal funds lost to my State to be used for innovative programs emphasizing math and reading.

How about a cut in title I funds for educating our most disadvantaged kids? Mr. President, 8,500 California students are going to suffer from this cut.

How about this one: Safe and Drug-Free Schools Program for drug prevention. I cannot believe that Senators want to cut that program. Everyone stands up here and says, ''Drugs, they are a curse on our society.'' It is in here, a $100 million cut from that program. My State loses $10 million. Ninety-seven percent of all school districts in California benefit from this program, keeping drugs away from kids by teaching them. I do not get it. I do not get where that makes sense for this great Nation.

Sixty-nine million dollars for teacher training under the Eisenhower Professional Development Program—Eisenhower, a great Republican President who understood the need for math and science. As a matter of fact, it was Eisenhower who wrote the Defense Education Act. And do you know what he said, a military man? ''You can have all the bombers you want. If you do not have smart kids who can read and can write and can do math, this country will never be the greatest country on Earth.'' Well, they are slashing and burning from that program too.

I told you about computers in the classroom. I know many of us go around to schools. These computers open up the eyes of these children. Oh, we are cutting that program, too, $5 million for education technology programs. We are going to lose $500,000 in our State. That goes a long way.

You know, if there is any consensus around this place, I would have hoped it would have been around the children.

There is a $42 million cut from Head Start.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mrs. BOXER. I ask the Senator for an additional minute to wrap up.

Ms. MIKULSKI. I yield the Senator an additional minute.

Mrs. BOXER. We have cuts in Head Start. We have cuts in child care. We have cuts in national service—national service. Again, I urge my colleagues, go speak to those volunteers from AmeriCorps. And my friend Senator MIKULSKI was so instrumental in that. I cannot believe we are cutting that program, because it was working out there. I have so many personal stories I could tell about AmeriCorps.

I met a young man who was shot in a drive-by shooting in Los Angeles. An Americorps volunteer visited him in the hospital every single day, got him on the right path, got him back to school. And we are going to cut AmeriCorps.

So let me just say, in closing, I thank my friend, Senator MIKULSKI, for giving us a chance to substitute spending cuts that are fairly done across the board, that do not hurt the children, that do not hurt the businesses, that do not hurt jobs, that do not hurt the environment. I cannot tell the Senator how pleased I am to support her in this amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 5 minutes.

Let me just follow up on some of the points so eloquently made by my good friend from California. She was kind enough to invoke the memory of President Eisenhower. You have to have a pretty good memory, because after World War II, I believe that was probably about the last time we balanced a budget around here and stopped running a deficit that adds to the debts of our children.

She has made a very strong argument for every spending dollar that we have. She said it is all being spent just properly and we can take an even cut across the board. Frankly, I hope that we have come beyond that point where we can say that the only way to cut is to cut across the board. We have seen examples in recent years of how various agencies can look at programs and make cuts to programs that are not working or that have been overappropriated.

The current administration calls it Reinventing Government. The current administration has asked that we cut $5 billion from NASA, not across the board, not across from everything. They are asking the Administrator, and I believe we are going to support him, to take a look at where cuts can be made, not across the board, not off of everything, but combined activities, combined areas where cuts can best be made because we cannot keep spending like money is going out of style or our dollar will go out of style.

Our friend from California mentioned taking computers away from children. Computers are very important for children, but I have been in schools where I have seen rows and rows of computers sitting on empty desks with no children in front of them.

I cannot address all of the cuts made in other parts of the bill, and I will rely on my colleagues who serve on those subcommittees to talk about those, but let me talk about the cuts in EPA. We have cut money that was funded for a program that was not authorized last year. We have left in the safe drinking water funds for EPA the amount of money that the administration has requested for next year on the hope that we will reauthorize the Safe Drinking Water Act and be able to spend that money. We are not cutting jobs, we are cutting money that cannot be spent.

My colleagues talked about the hurt, what a tremendous hurt is being imposed by cutting off some of the Federal spending. Let me tell you about the hurt that is going to be inflicted on our country and on future generations if we continue to build this deficit. We have a commitment to spend far more than we are taking in and, unfortunately, we have no leadership from the President in cutting that spending. He raised taxes and promised to cut spending, and his budget projections show our spending increasing $366 billion over the next 5 years. He would add $1 trillion to the national debt.

What about the hurt of that $1 trillion added on to almost $5 trillion that we have now? That is a tremendous burden for future generations to carry, and we have seen what happened to our neighbor to the south when they spent more money than they had. The international market said the peso is weak. They did not get their economic house in order, and there is a crisis in Mexico.

What has happened in Mexico to the peso could happen in the United States to the dollar. The dollar has fallen against the value of the yen, lost almost a third of its value because the international markets think we are not getting serious about cutting spending.

We are cutting spending here to get our house in order, and we are also trying to fund supplemental emergency appropriations for disasters. Disaster spending over recent years has been about $19 billion. I am pleased that we heard about how important it is to California, because you know how much of that went to California? Mr. President, $11 billion. Sixty percent of the money that we have spent on disasters has gone to California—$11 billion.

We are stepping up to the table to meet the needs of our friends and neighbors in California, as this body stepped up to help the people in the State of Missouri and the Midwest when we were struck by floods. But when we make those cuts, Mr. President, I suggest that the only responsible way to make cuts is to eliminate low-priority items, to eliminate money that is not being spent or that does not need to be spent or, as we are doing in this bill, to cut spending that we cannot afford for the future.

That is why I believe that all these wonderful arguments do not hold any water when you look at the cuts that are made in the portion of the bill before us today; that is HUD, VA, and independent agencies.

Mr. President, I yield the floor and reserve the remainder of my time.

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 21 minutes 24 seconds.

Ms. MIKULSKI. Thank you, Mr. President. I know we are awaiting to hear from the leadership their advice on the hot line as to when they wish to establish the vote. I believe the vote will occur sometime within the next half an hour.

While we are waiting for that, I know one other Senator wishes to speak.

Mr. KERRY. Mr. President, I rise in support of the Mikulski amendment.

I am concerned that the programs of the VA–HUD Appropriations Subcommittee are taking an inordinate cut in the rescission package before us. If we are to pay for disasters, and not declare these as emergencies, then the spending for these should come from a broader base of programs. The Mikulski amendment's 1.72-percent cut is an appropriate way to spread the cost of natural disasters.

The amendment would exempt important accounts from the cut. This across-the-board cut would not hit administrative costs for Social Security and Medicare. It would not cut defense readiness. It would not cut veterans medical care. It would not hurt the food and nutrition programs.

I am particularly concerned about the rescission package because the brunt of the cuts will fall on the programs of the Department of Housing and Urban Development. This bill before us would cut $4.6 billion from HUD's programs. This cut represents 18 percent of HUD's 1995 appropriation and 35 percent of this entire rescission package.

This cut would injure important HUD programs like public housing modernization, an important pension fund demonstration, and section 8 vouchers that help us meet the housing needs of the poorest of the poor. All of these programs are serving to help us with reforming HUD. Modernization is critical for fixing up public housing, the pension fund demonstration is helping us dispose of the HUD-owned inventory, and the vouchers are important tools in helping us solve the problems of mixing the elderly and the young mentally disabled in public housing as well as helping us relocate people when we tear down the older, dilapidated stock.

I also urge the Members to look at the situation that these specific cuts will set up for next year. Many are sighing a sigh of relief that the cuts in the Senate bill were not as draconian as the House cuts, but by taking these resources away today, the programs in the VA–HUD subcommittee will be under even greater pressure next year—these include not only HUD and EPA, but also NASA and veterans.

I urge my colleagues to support the Mikulski amendment.

Ms. MIKULSKI. Mr. President, as we debate this substitute, I want to, again, say that there are two issues that the Senator from Missouri and I absolutely agree on. First, that we need to reform HUD, and the other, that FEMA must have a rainy day fund.

If I can just comment on the need to reform HUD, the Senator from Missouri is absolutely right about the need to organizationally reform HUD and then to deal with the conflicting and confusing budget information we receive that is demonstrated on the Senator's charts presented by CBO.

First, what my colleagues might be interested to know is that I was one of the ones to talk about reforming HUD before the Cisneros plan came in. When I chaired the subcommittee, I actually commissioned a report by the National Association of Public Administrators to identify what are the areas to do that. I am happy that the Senator from Missouri and his very competent staff have also picked up on that.

In essence, what they said was that HUD was an organizational disaster. They have over 240 different programs, sometimes serving such a narrow need

that it becomes dysfunctional from a managerial standpoint. HUD has been crippled not by us trying only to meet compelling human needs, but HUD has been crippled by the passion of both Members of the House and the Senate on both sides of the aisle to pursue trophies: ''Let's come up with a program for this. The new trophy is new programs.'' A line item for this, a line item program for that.

So I look forward to working with the authorizing committees, as well as my colleague on the Appropriations Committee, to move HUD from these 240 different programs often with their own bureaucracy to six programs and that needs to be done in an orderly, methodical, prudent way.

Then there is the second issue about the question about the so-called CBO scoring and about OMB.

Mr. President, in the interest of time, I will not go through these detailed commentaries that I have received from the Office of Management and Budget. But there is a great deal of difference between what the assumptions are by the Congressional Budget Office and by the Office of Management and Budget.

They use technocratic words and I believe I like to use diner vocabulary. Essentially, from the diner's standpoint, we need to get OMB and CBO to resolve their assumptions. The Senator is right, there is absolute confusion over what we need to pay for, what we need to pay for in the future and whether there is a train wreck.

So I do not dispute the nature of his argument, nor am I here to defend OMB against CBO. Believe me, I am going to let those people with green eyeshades and bifocals far better calibrated than mine to get into a room and actually advise the distinguished chairman of the subcommittee and myself as to what are the real assumptions, so that we can come up with a real appropriation.

However, at the request of Dr. Rivlin, I will put into the RECORD her concerns about the differences between CBO and OMB.

What I am concerned about, though, is the $4 billion cut. While we understand that the prospective aspects are troubling, two programs are cut: $835 million for modernization of public housing, though it does leave $2.5 billion in this account; $90 million for lead-based paint hazard reduction.

Mr. President, I have been concerned for some time that HUD itself, in many cities, is the biggest slum landlord in that town. It often has lead paint that has been there for a number of years, and we do know that lead paint and flaking of lead paint does have negative health damages. Also, we know that much of the public housing is obsolete and is very much in need of modernization if it is going to be fit for duty. Those two items, I believe, would give one cause and concern about that.

The other areas that I am concerned about is the issue of national service. I have often been teased and called the mother of national service, and I honor that because, you see, national service is not just one more Government program. Many might think that, but it was meant to be a new social movement. It was designed to deal with certain issues before us. No. 1, that for many college students, their first mortgage, their first debt, is their student loans. Many of our young people are loaned $10,000, $15,000, $20,000. Also, we are faced with the declining ethic of voluntarism in our society, and also such compelling need that we cannot meet it all by more Government programs.

So, therefore, what national service is—and it was a bipartisan effort that passed it; and, yes, President Clinton amplified it—it enables young people to volunteer and work in the service of the United States of America, primarily working in nonprofits, to pay off student debt, but also to make a sweat equity investment in the United States of America.

Last year, we funded it for $200 million. I believe over 20,000 volunteers are now working. It is the first year that the program is fully operational. I am concerned that the cut in national service will, No. 1, devastate the program and, No. 2, be a deterrent for volunteers, community service people, even applying because they think the money will not be there.

This is not some Great Society program. This is not a handout or another Government gimmick and social engineering. It is about instilling the habits of the heart in our young people, making sure that they help and volunteer, getting lots of benefit out of their volunteer community service. I really like the fact that it is primarily in nonprofits and not in big bureaucracies and that we now do not know the full impact of helping these young people learn these habits of the heart. Because like with the Peace Corps, long after they left volunteer service in a foreign country, they came home and kept that spirit of voluntarism right here and made important contributions in the private sector in philanthropic work. I am concerned about the cuts in national service. I could elaborate, but I believe the time is short.

I am going to yield the floor and reserve the remainder of my time and see if the leadership has decided that they would like to vote.

Mr. BOND. Mr. President, I think there has been agreement on both sides that the vote occur at 1:15 p.m. today. I have just a few comments. I do not believe there are any further speakers on this side. I had a few comments, and after that I will be prepared, if my distinguished ranking member is, to yield the remainder of the time, ask for the yeas and nays, and ask unanimous consent that the vote be held at 1:15.

Ms. MIKULSKI. Reserving the right to object. I will not object to the consent. I have been notified that Senator BAUCUS of the Environment and Public Works Committee wanted to speak between 1 and 1:10. So if I could not yield back all of my time and reserve the right, should he be here, I am in absolute agreement to having the vote at 1:15.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOND. Mr. President, I ask unanimous consent that at the hour of 1:15 I be recognized to offer a motion to table and that after the yeas and nays are granted, there be a vote at 1:15 on the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I thank my ranking member for accommodating me. This is a very important amendment because it does go to the philosophy of the approach that was taken in the Appropriations Committee. The ranking member has offered a different approach.

I just want to touch very briefly on a couple of things she mentioned so that my colleagues will understand what we are doing.

We took $90 million out of lead paint. Why did we do something like that? Are we not concerned about lead paint? You bet we are concerned about lead paint. There is an ongoing $10 million study of the best way to establish standards for removing lead paint. Yes, we need to get lead paint out, but we are not going to spend that $90 million until we know the best way to do it. I ask the distinguished occupant of the chair if he remembers the tremendous amount of money we spent and wasted on removing asbestos because we acted first, without thinking about it and without planning and getting the best scientific information? Yes, we took $90 million out, but it is $90 million that we cannot spend.

Modernization for public housing. Yes, we recommended taking $836 million out of the modernization fund, about 20 percent—a little more than that—and it would still leave over $3 billion. We also proposed to do something also to let local housing authorities do the modernization without playing ''mother may I'' with HUD.

HUD is an agency that cannot manage itself, and it has not done a good job of managing the decisions of local public housing authorities. I will be proposing in the authorizing committee a bill to change the way we do this and to say that unless the public housing authority fails on the basic standards that we set, the PHMAP standards we set several years ago, we are going to let them exercise their discretion in how to utilize funds made available. We believe that even with $836 million less, they can do a far better job if HUD is off their backs.

My distinguished ranking member has mentioned the national service, or AmeriCorps, a program very near and dear to her heart. Let me say that we have cut almost in half the proposed rescissions proposed by the House. The House wanted to slash it deeply. In our

committee, we are asking that the funding be kept level so we can find out if the program works. Yes, they are spending money right now. They have hired people. We would allow them to continue throughout this year. But I think before we go charging down the road and say we can have a 40- or 50-percent increase, actually in the year beginning with the school year, we ought to find out if it works. I have had people call me and tell me about one or two instances where very good things were done. I like to encourage volunteers. There have been instances where the National Service Corps volunteers have worked with true volunteers, not people being paid, but people who are really volunteers.

I like the concept of VISTA, because VISTA enabled us to provide resources to organize volunteers. I believe in voluntarism. We have literally hundreds of millions of people who are volunteers every year, and not because they are paid in a program that provides over $25,000 a year, more than the median wage. That is not a volunteer, that is a public employment job.

I have heard other questions raised and suggestions that maybe AmeriCorps, national service corps is not working well. I suggest that we not throw a lot more money at it until we see if it works. That is why we are willing in the measure before us that was passed out of the Appropriations Committee, to let the program continue throughout this year, so we can find out how it works and to see whether the supporters, my ranking member, or the skeptics, myself and others, are right and make the decisions then.

That is the philosophy, Mr. President, that we followed, trying to cut things where spending was not critical, trying to stop commitments for new spending that will bankrupt America in the future. That is our philosophy.

I also want to mention that I have had discussions with the ranking member. We are working on a sense-of-the-Senate resolution to set up a rainy day fund or a California disaster fund, and to encourage a study of the way we do it, to begin to set aside money to start reforms in FEMA.

I believe that this is the road we must go. A report was prepared by the task force which the Senator from Ohio, Senator GLENN, and I chaired last session, to report on the confused and conflicting means that the Federal Government has gone about assisting in disasters.

Is it really assistance or have we thrown a lot of money out the door? We need to take a hard look at that disaster assistance approach and make sure that the money we spend on disasters is well spent.

There is no question about the outpouring of concern and sympathy in this body when a severe disaster strikes. And FEMA has gotten much better. They get the dollars out the door very quickly.

First, we need to look and make sure the dollars are going where they actually do some good and are not wasted; and, second, we need to keep our control on the Federal budget to make sure we do so in a responsible way.

I think something like the rainy day fund that my colleague from Maryland has suggested is a good idea, so we would set aside a set amount of money each year. We do not know where the disasters will strike. We do not know whether it is a flood, hurricane, tornado, or an earthquake. Earthquakes are not just located in California. Earthquakes can hit the east coast. Earthquakes have occurred, of a very significant magnitude, in my home State of Missouri in the Midwest.

There are many, many, types of disasters each year. They are different kinds, and we know $1 to $2 billion will be spent. Maybe we ought to have a separate line in the budget, a 14th department that is disasters, and set it aside. It could be appropriated so that it comes, not from this one subcommittee's jurisdiction, but from across the board.

I look forward to working with my colleague from Maryland and other colleagues as we attempt to reform FEMA to make sure the money is spent well and within the budget constraints.

Mr. President, I yield the floor, and I reserve the balance of my time.

Mr. LEVIN. Mr. President, I will support the Mikulski amendment which would replace the rescissions in the supplemental appropriations bill with a 1.72-percent across-the-board reduction of domestic spending to pay for the $6.7 billion in emergency disaster relief activities to deal with the 1994 earthquake in California.

The legislation before the Senate cuts too deeply into necessary programs, particularly those affecting children and low-income families. We should and must be prepared to pay for emergency operations of the Federal Government during such natural disasters as the earthquake, and the numerous hurricanes, floods, fires, and other disasters which like this one have national scope. Also, we should and must be prepared to reduce the size of government and to continue the budget discipline necessary to reduce the size of the Federal budget and to continue the 3 consecutive years of reduction in the Federal deficit. However, this should not be used as an excuse for a hard-hearted and mean reduction of programs which affect the Nation's least fortunate and most vulnerable citizens, especially children, programs which the American people approve of.

I do not believe that most Americans want a cut in Head Start, education reform, the National Service College Scholarship Program—AmeriCorps, safe and drug-free school programs, the Women, Infants, and Children Program, the Childcare Block Grant Program, title I programs to improve reading, writing, and math skills for educationally disadvantaged kids, impact aid, the TRIO Program for first generation college students, and the safe drinking water revolving fund.

Nearly 650,000 low-income children, including more than 30,000 in Michigan participate in Head Start which has been shown to increase the likelihood of healthy development, improved educational achievement and to be related to decreased involvement in criminal activity in later years. Over 600,000 young men and women will lose the opportunity for summer jobs, and 17,000 young Americans working to give something back to their communities through the national service AmeriCorps Program while receiving some assistance toward obtaining a college education will lose that chance.

The disproportionate and unfair impact of this legislation on the least fortunate among us is made all the worse by the indication that the majority in the Congress intends to use the funds to pay for a tax cut targeted to benefit the most well off. The $189 billion tax cut proposed in the Contract With America according to a Department of the Treasury analysis would provide more than 51 percent of its benefits to the wealthiest 12 percent of families.

The Mikulski amendment would also maintain funding for important projects already announced and underway, such as the EPA center in Bay City, MI, and the Job Corps Center in Flint, the CIESIN facility in Saginaw, and Sea Grant zebra mussel research.

Many important projects such as those are caught up in this rescission bill, despite the fact that they are of proven value and have already obtained strong community support and are underway.

The Milukski amendment would pay for disaster relief which under the law and the President's emergency designation need not be paid for by reductions in other spending. By paying for the relief, the deficit will be reduced. The Mikulski amendment does this in a more equitable way by effecting domestic spending broadly rather than targeted on education, children, and housing programs.

Mr. LEAHY. Mr. President, I rise today in support of Senator MIKULSKI's amendment to replace the emergency spending and rescission bill the Senate is now considering with a more equitable across-the-board cut. The Appropriations Subcommittee on Veterans Affairs, HUD and Independent Agencies is responsible for the Federal Emergency Management Agency's budget—but it is not and cannot be held responsible for bankrolling disaster assistance.

About half of the cuts in both the House and Senate rescission bills come from programs under the jurisdiction of the VA–HUD Subcommittee. Veterans and lower income Americans should not be asked to foot the bill for California's earthquakes or flooding in the Midwest. The burden of paying for these costly disasters should be shared among all Federal programs—not just

those under the jurisdiction of the VA–HUD Subcommittee.

While I support the Mikulski amendment, I would have preferred that the Pentagon chip in. Senator MIKULSKI's across-the-board cut goes a long way toward bringing some equity to the proposed cuts. Including defense in those cuts would go even further.

Mr. MACK. Mr. President, I rise in opposition to the amendment. Reducing appropriations accounts across the board as proposed in the amendment would have the effect of freezing in place the spending priorities established in the previous Congress by the former majority party. We must begin the process of reordering some of the budget priorities established in the last Congress. Unless we do so, it will be virtually impossible to control spiraling Federal spending in fiscal year 1996 and beyond.

I am especially concerned that we get a handle on the looming budget crisis at the Department of Housing and Urban Development. For example, cutting spending across the board wouldn't do a thing to help us to begin controlling now future obligations to renew expiring section 8 contracts. These obligations will reach $20 billion annually by the year 2000.

This rescission package takes a reasonable approach to the HUD budget, which had been among the fastest growing in the Federal Government over the past few years. We target the HUD rescissions to new obligations and commitments, such as section 8 incremental assistance. No one currently receiving assistance should lose that assistance as a result of the rescission of this funding.

But if we fail to rein in new obligations now, it is likely that down the road—in a year or two—we may be faced with the reality of not renewing section 8 contracts or recapturing turnover section 8 units as they become available because we will not have the money to do it. That would truly represent a reduction in the housing assistance we now provide to 2.8 million families receiving section 8.

As a rule, I would agree that all budget accounts should share equally in meeting national disaster needs. However, at this point, there is merit in achieving the reductions in other ways that will reduce our future obligations.

Mr. ROCKEFELLER. Mr. President, I applaud the Senator from Maryland for her leadership on this and many other issues.

The Senator, as usual, raises arguments which are, substantively and institutionally, absolutely correct. Simply stated, the HUD-VA Subcommittee programs—for housing, veterans, and the environment—should not be singled out to pay for emergencies which under law are to be considered emergency spending. As my colleagues know, the President has declared the catastrophes being funded in this supplemental appropriation as emergency in nature, and thus eligible for funding outside of the discretionary caps.

Since the Appropriations Committee refused to handle this emergency funding in that normal way, the VA-HUD Subcommittee was forced to drastically reduce fiscal year 1995 funding for housing programs by more than $4.6 billion, environmental funding in excess of $1.4 billion, national service $210 million, veterans programs $100 million, and NASA by $150 million. There is no rational explanation for such large reductions in already appropriated funds solely from these accounts.

As a reasonable alternative, the Senator from Maryland now seeks to impose an across-the-board cut of 1.72 percent in all discretionary funding except for veterans' medical care and a few other accounts. While I do have reservations in general about across-the-board percentage reductions and their meat-ax approach, in this case, the medicine is totally justified.

The committee bill would pay for this emergency funding by reducing housing, veterans, and environmental programs. There is simply no logic to doing this and not at the same time, equally distributing the funding reductions to other accounts. We will look back on this day and regret this action.

I do believe that we need to continue to attack the deficit aggressively, and so I continue to seek every reasonable opportunity to do that.

At the same time, I will oppose the motion to table the Mikulski amendment because of my very strong opposition to forcing multibillion-dollar—and what must be called draconian—cuts on housing and environmental needs. This is a dangerous precedent that we set by insisting that unforeseeable, catastrophic events must be paid for solely by reductions in a very few accounts—most notably veterans, housing, the environment, NASA, and national service.

ENVIRONMENTAL SIMULATION FACILITY

Mr. SIMPSON. Mr. President, this amendment would unfairly rescind building and facilities money that was finally committed 2 years ago to the Environmental Simulation Facility at the University of Wyoming. Years ago, the Wyoming Legislature resolved to assist the University of Wyoming in matching the Federal grant of $9.2 million. This amendment would rescind $1.1 million, a most vital part of the commitment made by Congress to this important environmental project.

The laboratory, which is now in the final planning stages, would provide research in surface and groundwater contamination caused by agricultural chemicals. It will give us a testing facility in which we can control key environmental conditions and apply serious environmental management techniques to evaluate their effectiveness and cost. As we work to bring about increased efficiency in our agricultural conservation efforts—this facility will be of high national importance and value.

But the issue here is not whether this is a ''worthy'' project, but rather that the University of Wyoming and the State legislature have fully supported this proposal through its planning stages and now that we are nearly ready to break ground, Congress is considering pulling the plug and chucking all the time and money already spent down the drain. I would urge that you carefully consider the investments and commitments that have previously been made and vote against this amendment.

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

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

The bill clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Mikulski amendment.

Ms. MIKULSKI. How much time does the Senator desire? A vote is set at 1:15.

Mr. BAUCUS. Mr. President, 2 or 3 minutes.

Ms. MIKULSKI. Mr. President, I yield 5 minutes.

Mr. BAUCUS. Mr. President, I thank the Senator from Maryland.

Mr. President, the amendment by the Senator from Maryland makes sense. It is a commonsense amendment.

The Senator's amendment would spread the pain of the cuts across all areas of the government to pay for the recent natural disasters. Under the present system, all of the cuts needed to pay for these disasters must come from her Appropriations subcommittee—that is, the VA, HUD Subcommittee. That is not fair. It does not make sense to cut programs in this subcommittee over $6 billion to pay for these disasters.

Mr. President, I strongly agree that we should pay for these disaster supplementals. We should make cuts in spending to pay for them and not add to the deficit. We have to pay for them and we should pay for them. But, again, these cuts should not come only from the programs in this subcommittee.

So the amendment before us would spread these cuts across all programs. It would spread these cuts evenly.

Mr. President, I would like to briefly talk about the underlying amendment. I do not agree with many of the cuts proposed in the underlying amendment. Some programs would be dramatically cut. For example, the safe drinking water revolving loan funds that States and communities really need, or clean water funds for sewage

and waste treatment projects that States and communities rely on.

Mr. President, we just passed an unfunded mandates bill. An unfunded mandates bill that said we are not going to add new mandates if we do not have the funds.

The result of the cuts proposed in the underlying amendment would result in a sort of defunded mandate. We will unfund mandates that exist. That is, we will take money away and dramatically cut safe drinking water revolving loan funds and waste water treatment projects.

I disagree with that. Mr. President, it seems we are not looking at the policy reasons for these cuts. Sometimes I think we make cuts simply to say we did so.

Mr. President, I have noticed that our actions around here are entirely budget driven with no thought to the policy considerations. We need to find ways to reduce spending and reduce the deficit. But we need to do it wisely. Let us stop and think before we act. Let us think about the implications of our actions.

Mr. President, I want to stress again that the amendment offered by the Senator from Maryland is an effort to reduce the budget deficit and cut spending but spread the pain around. Everybody has to be part of this effort to pay for these disasters.

Mr. President, our national motto is ''e pluribus unum,'' one out of many. We are all Americans, we are all in this together. We all have to find solutions together. That is what the people who elected us want us to do—be reasonable. Not partisan; not do just what the Republicans want to do; not do just what the Democrats want to do—but think. We need to exercise common sense.

Most people in my State of Montana do not care whether a candidate is Republican or Democrat. They vote for the person—the right person. That is what the people want us to do. I strongly urge Senators to consider the commonsense nature of the Mikulski amendment. I urge they support the able Senator from Maryland and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I thank the Senator from Montana for his remarks. I thank him for his support of this amendment. He has had a very difficult job, trying to bring the authorizing legislation to the floor. I know there were many roadblocks placed in the way of his excellent skills, in both content and parliamentary procedure. So I thank him for this support and upholding of the principle.

Mr. President, I have no further remarks on the content of this legislation. I think one could see the very nature of this debate is we could disagree on content, on precedent, and yet at the same time maintain great civility. I hope the Senate learned a lot in listening to the exchanges here and, of course, I hope my view prevails. But I would like, again, to thank the chairman of the subcommittee for the courtesies. We have a long row to hoe to the next fiscal year.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my ranking member for her kind comments. We have a lot more battles to work on. We are working together on many things. I would conclude by pointing out some of the differences in our approaches.

As I said, the Senator from Maryland would cut across the board, cut across the board. Her proposal, as best we can calculate it, would take another $2.589—almost $6.2 billion in budget authority from defense and $1.243 billion, or $1,243,000,000 out of outlays for defense.

We are working right now on a defense supplemental which is vitally needed if we are not to deprive our fighting men and women of the support, the ongoing assistance, that they need. This would be a disaster. We cannot take more out of defense than we just did in the defense supplemental that is pending in conference right now.

My good friend from Montana said it makes no sense; our proposal is not policy driven. Unfortunately, he is talking about something that is not before us because we have based the recommendations in this measure brought from the Appropriations Committee on policy. He was not able to get safe drinking water authorized for the last 2 years. The money has not been used. What we are rescinding is safe drinking water money that is not even authorized. We have left in the $500 million that the administration requests for next year, in hopes we finally can get safe drinking water reauthorized. I strongly support the reauthorization. There is no sense in leaving money which cannot be spent because there is no authorization.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for the purposes of making a motion.

Mr. BOND. Mr. President, I move to table the amendment before us.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 421, offered by the Senator from Maryland.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—68

Abraham	Feingold	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Bradley	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Packwood
Byrd	Hatch	Pressler
Campbell	Hatfield	Robb
Chafee	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Conrad	Inouye	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lieberman	Thurmond
Dorgan	Lott	Warner
Faircloth	Lugar	

NAYS—32

Akaka	Ford	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Harkin	Murray
Boxer	Heflin	Pell
Breaux	Johnston	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Lautenberg	Simon
Exon	Leahy	Wellstone
Feinstein	Levin	

So the motion to lay on the table the amendment (No. 421) to the amendment (No. 420) was agreed to.

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Now, Mr. President, I would like to propound a unanimous-consent time agreement for the Wellstone amendment which will be now offered by the Senator from Minnesota, a 20-minute time agreement to be equally divided.

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

Mr. HATFIELD. I yield the floor.

Mr. WELLSTONE. Mr. President, I thank the distinguished chairman of the Appropriations Committee.

AMENDMENT NO. 422 TO AMENDMENT NO. 420

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 422 to amendment No. 420:

The amendment is as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. WELLSTONE. Thank you, Mr. President; and I thank the clerk for reading the amendment. It is very simple and straightforward.

Mr. President, since I have had this amendment on the floor, I believe we have had four votes, and this will be the fifth vote. The last vote, I believe, received 47 or 48 votes for the amendment. This is my effort to just make a personal, from-the-heart appeal to my colleagues. I want to give it context.

I do not think I will need more than 20 minutes because I have spoken about this amendment before, except for the fact that I think I can bring it up to date with some more evidence which is based upon what has happened in the House of Representatives, which is why I believe people in the country are looking for the U.S. Senate to really go on record to give them some assurance about what we are going to do and not do here.

Again, this amendment says:

> It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. President, may I have order in the Chamber, please?

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed

Mr. WELLSTONE. I thank the Chair.

Mr. President, yesterday, the Children's Defense Fund issued their annual report, ''The State of America's Children Yearbook, 1995.''

And, by the way, I say to my colleagues, there is a quote on the front of this report that captures the spirit of this amendment.

> Dear Lord, be good to me. The sea is so wide and my boat is so small.

Mr. President, yesterday I went over these statistics. In my State of Minnesota, Minnesota's children at risk, 1989 to 1991, 60,615 children lacked health insurance. There were 27,462 reported cases of child abuse and neglect, 1992; 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: 35 percent of the fourth grade public school students lacked basic reading proficiency, 1992.

Mr. President, I am absolutely convinced that the ultimate indictment of what we have been doing during the decade of the 1980's and, on present course, part of the decade of the 1990's, is the ways in which we have abandoned children in this Nation, not invested in children, and devalued the work of adults that work with children.

In this report, ''The State of America's Children Yearbook, 1995,'' some key facts on hunger speak directly to this amendment.

The U.S. Conference of Mayors survey of 30 cities found that emergency food requests from families with children increased by an average of 14 percent between 1993 and 1994. Emergency food requests from families with children increased by an average of 14 percent between 1993 and 1994. A record level of 14.2 million children received food stamp benefits in 1993, up 51 percent from 1989.

Please remember, Mr. President, we are now moving toward about one out of every four children being poor in America. Every 30 seconds, a child is born into poverty in our country, and one out of every two children of color are poor in the United States of America.

The Women, Infants, and Children Programs provided nutrition assistance to 6.5 million women, infants, and children in 1994, only 65 percent of those who are eligible.

Here we have a program, Mr. President, if we are going to talk about hunger and malnutrition, that makes sure that women who are expecting children have a good diet. It is a program that makes sure that children at birth, infants, have adequate nutrition, and only 65 percent of the women and children who are eligible are receiving this assistance right now.

That is why I want the U.S. Senate to go on record that surely we will not take any action that will increase the number of hungry or homelessness among children in America.

At least 2.1 million children were served by the Summer Food Service Program in 1994, less than 9 percent of those who participated in the School Lunch Program.

Mr. President, on homelessness, one in four people reported as homeless is a child younger than 18. One in four people reported as homeless is a child younger than 18. Nearly half of poor households pay more than 50 percent of their incomes for housing. An estimated 1.2 million families are on waiting lists for public housing and claims of discrimination against families with children account for 23 percent of all housing discrimination complaints.

I bring this amendment to the floor of the Senate for the fifth time with a sense of history in the making right now. Mr. President, I want to give it in context.

Last week in the House of Representatives—and let me just read, if I may, from some major newspaper stories about what was done in the House of Representatives in the name of welfare reform.

The Washington Post, Saturday, March 25, 1995. Introduction: ''It was, perhaps, an unfortunate choice of images.'' Representative—I will not use his name on the floor of the Senate—from Florida ''held up a sign on the House floor yesterday bearing the admonition 'Don't Feed the Alligators'—wise advice in his State, he said, because ''if left in their natural state, alligators can take care of themselves.''

> Welfare worked the same way, he explained, because ''unnatural feeding and artificial care create dependency.
>
> ''Now people are not alligators,'' he added, ''but I submit that with our current handout, nonwork welfare system we've upset the natural order.''

Mr. President, from the Philadelphia Inquirer, ''Debate in House Gets Emotional and Nasty.'' And here, right at the side bar, ''Those receiving welfare were likened to animals.''

Mr. President, let us be clear who we are talking about when we are talking about welfare families, the AFDC Program. We are talking about women and children—sometimes men, but in the main, single parents and children. Likening women and children to animals is pretty vicious. In fact, I think there is no place for it.

But, Mr. President, this was the harsh rhetoric that led to some very frightening cuts.

And I would again cite another source, authoritative source, lest anybody think this amendment is just symbolic. The Center on Budget and Policy Priorities estimates that this welfare reform bill would provide $2.3 billion less for the School Lunch Program than under current law. That would mean that 2 million children would lose their school lunch in the year 2000. For Minnesota alone, 7,280 children could lose their child care by the year 2000.

By the way, I have met, I say to my colleague from Oregon, with child care providers. I had a very dramatic meeting, heartfelt testimony. They were saying to me, ''Senator, don't cut into this nutrition assistance because if we do not get that kind of funding, if we do not get that kind of funding, we are not going to be able to make sure these children have adequate nutrition.''

Mr. HATFIELD. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. First all, I associate myself with the Senator's comments relating to priorities for children.

But, I say to the Senator, there is no rescission relating to any of those subjects in this bill that we now have under consideration. In fact, you will find in this bill that we have restored programs such as the Low-Income Energy Assistance Program that had a rescission.

So I think if you go through this bill, this argument, this debate, this issue would be more appropriately raised on a vehicle in which such action is proposed, but not on this vehicle.

Mr. WELLSTONE. Mr. President, I say to my colleague from Oregon that I appreciate his remarks. Let me make a couple of points.

I am fully aware of the fine work he has done. Let me tell you, I also had dramatic meetings with people back in Minnesota who were terrified about the zeroing out of LIHEAP, the Low-Income Home Energy Assistance Program. They, and I, are very appreciative for what the Senator has done. I appreciate some of the fine work he has done. That is why I am actually referencing this amendment based upon what was done in the House of Representatives last week.

I have offered this sense-of-the-Senate amendment on any number of different vehicles because I fear the worst is yet to come, and I am trying to get us, the U.S. Senate, to provide some reassurance to the Nation by going on record that we do not intend to take action that will create more hunger and homelessness. This is not meant to be a direct critique or criticism of this rescissions package.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. WELLSTONE. Mr. President, I believe it was 20 minutes.

The PRESIDING OFFICER. It was 20 minutes equally divided.

Mr. HATFIELD. Mr. President, I will yield time to the Senator to conclude his subject.

Mr. WELLSTONE. I thank the Senator from Oregon. I will also say to my colleague, there will be, as we go along this week, maybe this week, some alternatives and discussion about some of the specific rescissions. But this amendment, this sense-of-the-Senate amendment, is an amendment to which I am very committed.

I am taking a look at what has happened in the House of Representatives. I believe that really all eyes of the Nation are on the U.S. Senate. I think it is our responsibility to make sure that what we do as we move toward deficit reduction, as we move toward the goal of balancing the budget, though I have always argued that 2002 is an unrealistic date. I have never heard anybody, especially once you take Social Security and put it aside, talk about how you really could take $1.7 trillion out of this economy over 6 or 7 years without an enormous contraction and without inflicting widespread pain across a broad section of the population.

But I believe in the goal of balancing the budget. I certainly think we have to do better on deficit reduction. But what I am saying today, I say to my colleague from Oregon—a Senator I admire and respect and whose vote I hope to get on this—as I look at what is happening in the House of Representatives, as I analyze where these cuts are taking place, I see a tremendous amount of meanness and harshness, and there is tremendous concern in the country.

So when I read the Children's Defense Fund report, No. 1, about the state of children, when I see Minnesota children at risk, when I have come to know my colleagues, Democrats and Republicans alike, and believe that is not what we are about but it is, in fact, worsening the situation of children in America, when I then see some of the action that has taken place in the House of Representatives and I look at the economic analysis of that action, I realize full well that if there ever was a time that people in the United States of America are looking to the U.S. Senate for balance, it is now.

If there was ever a time that people in the United States of America are looking to the U.S. Senate to make sure the Congress does not go too far, it is now. If there ever was a time that people in the United States of America are looking for some reassurance that, in the name of deficit reduction, in the name of reducing debt for our children today, who will be adults in the future, we do not savage children now, it is now. That is the why of this amendment.

I say to my colleague that as I look at the proposed cuts coming out of the House of Representatives, I ask the basic question, which is a question near and dear to people in this country, and it has to do with fairness.

I said this the other day. There is a budget deficit, but there now is a spiritual deficit. Who decided that we were going to cut into nutrition programs for children but we are not going to cut subsidies for oil companies?

Who decided that we were going to eliminate benefits or dramatically reduce benefits for disabled children? I am now meeting with their families from Minnesota, and they are terrified. I do not want anybody in the Senate to say I have tried to frighten people. People are calling me and people are terrified on the basis of what they read.

Who decided to cut into support for disabled children in this country but not to cut subsidies for pharmaceutical companies?

Who decided to cut into educational programs for children but not to cut into subsidies for coal companies?

I will say it one more time, some people are very generous with the suffering of others.

So I say to the distinguished chairman of the Appropriations Committee, this is the fifth time that I have brought this sense-of-the-Senate amendment to the floor. When I brought this amendment to the floor at the beginning of the Congress, there were colleagues who said this is just symbolic.

Each time I have brought this amendment to the floor of the Senate, I have referred to the House of Representatives. This does not directly reference the work of the Senator from Oregon in this rescissions bill. I have some concerns about some of the housing cuts, to be sure. But I understand the job that you have done, and I respect what you have done. But this is an amendment that fits in with what is going on in this Congress.

I say to my colleagues, my colleague from Oregon and my colleague from Mississippi, both of whom I respect, that I really believe that people are looking to us for balance. People are really looking to the U.S. Senate to make sure we do not go too far. People are really looking to the U.S. Senate to make sure that this does not become a mean season on children.

People are looking for reassurance. I have tried to get a majority vote. I made a promise to myself, I made a promise to my colleagues, I made a promise to children's advocates, I made a promise to children that I will keep bringing this amendment to the floor of the Senate to have votes.

I will conclude by reading this one more time:

> It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

I do not know why we cannot support that. The last time, Mr. President, there were a number of my colleagues from the other side who supported this amendment. It is my fervent hope that today I can get a majority vote. I think it would be a wonderful message. I think it would be reassuring to people in the country.

I have no ''hidden agenda.'' I just feel strongly about what these statistics mean in personal terms. I just feel strongly that part of what we are doing in this Congress is going in the wrong direction. I just feel strongly that if there is going to be deficit reduction and we are going to move toward balancing the budget, we ought not go the path of least political resistance.

You have been a leader, I say this to the distinguished chairman of the Appropriations Committee, on these issues. This is no lecture aimed at you. You are somebody who I look up to. But my concern is that what is going to happen, Mr. President, is that when it gets down to where these cuts take place, we are going to go the path of least political resistance. That is to say, all too often the cuts are going to be aimed disproportionately at those citizens who are least able to tighten their belts. But the reason they are going to be aimed disproportionately at citizens least able to tighten their belts, starting with children—I can also include the elderly and also include other citizens—is because they do not have the political clout. They are not considered to be the heavy hitters. They are not considered to be the players. They are not the big campaign contributors. They are all too often invisible. They are all too often faceless. They are all too often voiceless.

But there is a lot of goodness in this country, and there is a lot of goodness in this Chamber. I think that if the U.S. Senate goes on record just supporting the sense-of-the-Senate amendment that I have offered today, it will be a positive, unifying vote for this Nation.

Mr. HATFIELD. Mr. President, what is the time left?

The PRESIDING OFFICER. The Senator from Oregon has less than 1 minute.

Mr. HATFIELD. 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. HATFIELD. 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. HATFIELD. Mr. President, I ask unanimous consent for 2 minutes to close.

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

Mr. HATFIELD. Mr. President, I understand the thrust of the amendment of the Senator, and I do not think anybody can disagree with the essence of it. It is a sense of the Senate, or a sense of the Congress. Let me also indicate, Mr. President, I think the message that the Senator wants to send to the public is that we have stated an action in this bill, for we have not in this bill rescissions relating to the subject matter of children. Therefore, I think we can say that this is a powerful statement the Congress is sending to the people as well.

I want to just indicate two or three items as an example of the focus the Senate Appropriations Committee put on the rescissions. First, the rescissions were basically in the unobligated funds. Second, we were not only concerned about children and young people. We have in this a far, far different document than the rescissions on student aid, as it relates to the elderly and the needs of the elderly and low-income energy assistance.

I think this document represents a very powerful statement to the public of this country that we have put a focus upon people's needs, and that we have shown the compassion, the concerns, for people's needs in this particular document.

At the same time, we have reduced our spending for this particular fiscal year by $13.5 billion.

So I am ready to accept the amendment offered by the Senator as a sense of the Congress and take it to conference.

I thank the Senator for his compassion and for his passionate plea on behalf of this. I think it certainly is in concert and certainly represents the work of the Appropriations Committee in focusing upon people's needs—not just children, but the elderly and other people, as well.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator may have another minute.

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

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

Mr. President, actually, what I would like to do is I would like to get to this vote. But first I would like to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. WELLSTONE. Mr. President, I would like to thank my colleague, the distinguished chair of the Appropriations Committee. I have been at this a long time with this amendment, and I am very, very pleased with this result.

The PRESIDING OFFICER. Under the previous order, the question now occurs on the amendment.

The amendment (No. 422) was agreed to.

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

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

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF INTENDED RETIREMENT

Mr. HEFLIN. Mr. President and Members of the Senate, all Members in the Senate are faced with making difficult decisions almost daily. This day marks one of the most difficult decisions I have been faced with during my 16-plus years in this body. After wrestling with this decision for some time, I have decided not to seek reelection in 1996, and to retire from elective office at the end of my term. Simply put, the time to pass the torch to another generation is near.

I have undergone a series of medical examinations by specialists in recent months. While I have problems, nevertheless, my health is good, and I am assured I face no predictable crisis. I continue to work as I have throughout my adult life. While in Washington, I spend 6½ days a week in the office; and while in Alabama, a similar amount of time is devoted to Senate duties. My health problems have not slowed me down, and I do not expect any change in my work habits in the foreseeable future.

This has not been an easy decision because I have always enjoyed campaigning, and the desire to once again hit the campaign trail is a powerful urging. I have been particularly gratified with the overwhelming offer of volunteered support from Democrats, Republicans, and independents alike urging me to run again. I believe I can be reelected, perhaps not with the high percentage of more than 60 percent of the vote that I have received in my last four primary and four general statewide elections, but I am confident I could win by a good majority.

There are numerous factors that have entered into my decision. There is no compelling reason to go into detail about these factors, other than to say that in fairness to any who may seek to succeed me the time to make my announcement is now.

At the conclusion of my term, I will have served the people of Alabama for 24 years, and I hope that I will be looked upon as a public servant who has served with dignity, integrity, and diligence, worthy of the confidence and trust that the people of Alabama bestow upon me.

Throughout my years in the Senate, I have endeavored to stay in touch with the people. I have visited each of the 67 counties in Alabama at least once a year, except for one year when I spent considerable time in the hospital during the recess periods. I have listened to Alabamians from all walks of life on every conceivable issue in over 1,000 town meetings and 500 high school visits.

I have endeavored to represent Alabama in a studied, impartial, and fair-minded manner. My record certainly indicates at least an independent streak. I hope Alabamians know that my decisions were based on what I thought was in the best interest of my State and Nation. While some may argue or disagree with my decisions, I was convinced that I was right. And I believe most Alabamians felt that nothing more could be expected of me.

My service in the U.S. Senate has been rewarding, and I trust of benefit to the people of America and Alabama. I am indeed grateful that America faces no immediate threat to her borders from foreign military powers. I am particularly proud of the role that I played in rebuilding our Armed Forces and military strength during the aftermath of the Vietnam war. This commitment on the part of our Nation contributed to the collapse of the old Soviet Union and its Communist philosophy. This commitment proved itself again during the Persian Gulf war. With my own experiences in World War II and observations since that time, I felt compelled that we must at all times endeavor to obtain lasting peace, and that the only road to achieving this goal was and is through strength.

I am particularly proud of my efforts in other areas, such as agriculture, the judiciary, education, improved race relations, technology advancements, medical research, family values, the war against crime and drugs, the space program, ethics in government, and many other fields.

The agriculture community, while small in number, is considerably better off today than when I came to the Senate in 1979. During my years on the Agriculture Committee, we have been able to craft farm policy which provides market stability and allows U.S. farmers to aggressively pursue international markets. At the same time, these farm programs have dramatically reduced the cost to the U.S. Treasury. This year may prove to be the most crucial for the American farmers with the well-organized effort in this Congress to abolish farm programs that have worked well for the consumer as well as the farmer.

As most of my colleagues know, I came to this body after serving as Chief Justice of Alabama. I brought to the Senate a desire to achieve much

modernization and reform in our Federal courts. My efforts have been focused on improving the Federal judicial system and relieving court congestion in criminal and civil matters. I have always subscribed to the expression, ''Justice delayed is justice denied.'' We have been successful to a major degree in our efforts to achieve these goals. However, much remains to be done. This country's system of justice today faces one of its greatest threats in the Congress. The foundation of our civil justice system and more than 500 years of the development of common law are under attack, including the right of trial by jury. We will continue the battles to improve the administration of justice, as well as maintain its historic role of protecting the weak, the minorities, and the defenseless.

Mr. President, for 13 years I served on the Senate Ethics Committee—two periods as chairman. My service on the Ethics Committee can be described with many adjectives, none of which include enjoyable. From the description ''of how it used to be,'' I would have to say that I am convinced that the Senate has made great strides in ethical behavior and standards during my time in this body. While there is still room for much improvement, I am, nevertheless, convinced that the Senators now serving are the most ethical in the history of the Senate.

During the last several decades, including the time that I have spent in the Senate, there has been much improvement in civil rights. However, race relations continue as a divisive issue in numerous ways. The path toward the achievement of equal opportunity for all persons, regardless of race, color gender, or creed, has many miles to go. We foster democratic principles throughout the world and have seen democracy make great strides in many nondemocratic countries. Yet our own democracy faces its greatest threat from within. Elected officials, media personalities, elements of political parties, and other organizations strive to pit one group of Americans against another. We must set a new course in this Congress and across the land—a course of moderation, tolerance, responsibility, and compassion. We need to return to the traditional value of being just plain neighborly. Not until we become genuinely ''one Nation under God, indivisible, with liberty and justice for all,'' can this country realize its potential for true greatness.

I am proud of my staff. I have always been proud of my staff. Most of them have come from Alabama but, regardless, all have worked with devotion, dedication, and professionalism. They have worked with me to assist thousands of Alabamians—and I might say thousands of Americans outside of Alabama—in every imaginable area. Staff members seldom receive praise, but I thank them from the bottom of my heart for the great job that they have done and the job that I know they will continue to do during the remaining months of my service in the Senate.

No one knows what the future will be, but I plan to return to my beloved Alabama and devote more of my time to the people in my life that I treasure the most—my devoted and lovely wife Elizabeth Ann, who is affectionately also know as ''Mike''—my son Tom and his wonderful, talented, and beautiful wife Cornelia—and, Mr. President, the two finest grandchildren a person could be blessed with, Wilson Carmichael Heflin and Mary Catherine Heflin. Wilson is known to his ''Pop'' as ''Wil,'' and he calls his sister ''K.K.'' because he says Mary Catherine is too much of a mouthful. I do not wish to omit from the treasured list my other friends and relatives in Alabama, particularly those in the Shoals area.

I will enjoy living the remainder of my days in my hometown, for Tuscumbia, AL, is a wonderful little town to be from and it is the best little town in America to go home to.

Mr. President, while my career and work here in the Senate is yet to be completed for I still have much to do, I, nevertheless, thank the people of Alabama ''who I so dearly love'' for the faith and trust bestowed upon me which allowed me to serve as Chief Justice of Alabama for 6 years and as a U.S. Senator for three terms. I also thank my Creator for the blessing of health during my three score and thirteen years thus far, and for having the opportunity to serve this great Nation and my fellow citizens.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Louisiana.

HOWELL HEFLIN

Mr. JOHNSTON. Mr. President, as most Members of this body, I received word of Senator HEFLIN's retirement just a few moments ago. As I began to contemplate his service here, I wondered what was the single word that best epitomized Senator HEFLIN's service. Mr. President, the word that came to mind first was ''wisdom.''

Wisdom is a rare thing. It is acquired genetically, and our Creator has been very generous with Senator HEFLIN in endowing him with a huge amount of wisdom and a huge amount of ability.

It also is born of experience, and having served the people of Alabama now, both as chief justice and as a Member of this body, for some 23-plus years, he has acquired both the skill and the knowledge, along with that genetically inspired wisdom, to be, indeed, one of the wisest Members of this body.

In fact, if the Senator from Alabama rises on any issue in this Senate, not only do Members of the Senate listen, but as far as this Senator is concerned, he almost always follows, because Senator HEFLIN is seldom wrong and is someone whose wisdom is greatly to be emulated. Indeed, Mr. President, if I had to make a two-word speech against term limits, it would probably be ''HOWELL HEFLIN,'' because HOWELL HEFLIN's leaving this body will make it a decidedly lesser place.

There are other words that come to mind when you think of HOWELL HEFLIN. Clearly integrity has to be one, because his is an integrity so strong that nobody would ever seek to disparage it. Indeed, no one would seek to defend it. I mean, you do not have to say HOWELL HEFLIN is a man of integrity because that would be redundant. Everyone knows that. It emanates from every pore in his body, from his history and from his lifetime of work.

He was, indeed, the first choice of almost everyone to be a member of the Ethics Committee.

Mr. President, clearly in describing HOWELL HEFLIN, you would have to refer to his sense of humor. It is legendary. It occasionally erupts here on the floor of the Senate. More commonly, in political speeches back in Alabama. I would hate to be the object of his wit, either in Alabama or anywhere else, because, while it is gentle and while it is funny, it can be, indeed, devastating.

I will never forget the story of the Grey Poupon, the way that HOWELL HEFLIN could describe to those who thought themselves too sophisticated to be from Alabama, and the way he could use that humor to not only enlighten and to lighten the debate, but also as a tremendous political weapon.

Mr. President, this Senate will not be the same when HOWELL HEFLIN leaves. It simply will not. It will be a much lesser place. I will be leaving as well. So it is not that I will miss him. I will enjoy service with him for the next year and 8 months. I hope he completes his agenda, as I hope I complete mine.

But, Mr. President, for I think decades to come, people of Alabama will revere the service of one Chief Justice HOWELL HEFLIN and one Senator HOWELL HEFLIN, one of the most outstanding Members this body has ever produced.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, there is one word that comes to my mind, I say to the Senator from Louisiana, and that is character. Certainly, HOWELL HEFLIN is an individual with the highest of integrity and, yes, humor. But it has to be said, I am glad the Senator from Louisiana did not continue on about HOWELL's humor, because most of those stories could not be told on the floor of the U.S. Senate.

We should all remember his work on the Ethics Committee and the outstanding job that HOWELL HEFLIN did as chairman. It is a very thankless task.

The idea of any kind of farm legislation and, as the Senator mentioned earlier, anything concerning peanuts.

He will knock all of these desks to the floor to make sure the peanut farmers are taken care of.

In addition, we have been blessed with his incredible expertise as a member of the Judiciary Committee. We know him as a former chief justice, the most outstanding of the State chief justices, elected so by his own confreres. At international conferences, he has supported the United States in Europe and NATO with tremendous distinction.

But in addition to honoring his outstanding record, let me just dwell on two things: First, I traveled the State of Alabama during the Presidential race some 10 years ago. And in my travels, I found out was that HOWELL HEFLIN is a common man of uncommon abilities. He knows everybody in that State. I can tell you, he is not leaving because he cannot get reelected. That fellow could walk back in here. The rest of us have to fight our way.

Incidentally, I am not joining you two at all. I am fighting to stay here. But Senator HEFLIN knows them all. He knows every element of that society. He has never outgrown—being a chief justice or U.S. Senator—his humble beginnings in Tuscumbia. That always impressed me, because I met with people in every county in that particular State and every particular group, from the legislature to the Governor, down to the civic organizations and the defense organizations at Huntsville, where HOWELL has been a leader.

But I want to emphasize his message here. I am quoting what he just said:

> We foster democratic principles. Throughout the world scene, democracy has made great strides in many nondemocratic countries. Yes, our own democracy faces its greatest threat from within. Elected officials, media personalities, elements of political parties, and other organizations strive to pit one group of Americans against another. We must set a new course in this Congress and across the land, a course of moderation, tolerance, responsibility, and compassion.

When I first got over here, we were seated on those last two seats. I was seated next to Bobby Kennedy. We had better seats in ''My Fair Lady.'' We were voting, and I got a tap on the shoulder. I looked around, and it was the senior Senator from Kentucky who was tapping me on the shoulder. He said, ''Fritz, change that vote, change that vote.'' I said, ''John, what do you mean?'' He said ''Well, they got a lot of horsemen there in South Carolina, and I know many.'' He said, ''That would be a bad mistake. They like you, and I would hate to see you get in trouble with them.'' John Cooper had come all the way around the Chamber. He had a seat way on the back of the other side and had come over to this side.

The tremendous change that Senator HEFLIN has emphasized here in his announcement of departing is certainly noteworthy. In these times, it seems as if we meet in ambush every Tuesday to get the other side.

A perfect example of what I am talking about can be seen by focusing on what happened with the line-item veto. I have sponsored line-item veto legislation for some 10 years. I have a bill, S. 238, that was referred to the Rules Committee just this year. The Republicans had an intramural between themselves over two different rescission bills, and when they worked out a compromise, they had basically settled on my bill. It is in the Rules Committee, a separate enrollment line-item veto. But I never claimed that on the floor of the Senate. I was afraid that the partisanship was so violent that some would vote against it if they heard that my name was even connected with the blooming thing. It has gotten that bad.

I think in this distinguished statesman's departure, he is emphasizing an awfully important thing—American industry and catching up with the global competition. We have learned, in quality production, that the best way to compete is to have the lowest elements involved in production and working in teams. I have seen the Japanese, and have come to see that teamwork in individual industries in my own State of South Carolina. Industry now has learned how to get quality production.

The political body has gone totally in the other direction, with no idea of working together. Who can get whom? Who can get on the 7 o'clock news? Who can catch the other fellow? And whatever else it is. The legislation that we spew out shows it. It is not quality. It is not production.

HOWELL HEFLIN has left us a most important message. I will not read all of it. I know others here are waiting. But our distinguished colleague was president of the Alabama State Bar Association. He was selected the Most Outstanding Appellate Judge in the United States in 1976. He served his chairman of the National Conference of Chief Justices; was a member of the college faculty at William & Mary, the University of Alabama, and the University of North Alabama. He received the Outstanding Service to Science Award from the National Association of Biomedical Research; National Veterans Award; the Henry Jackson Senate Leadership Award; the Justice Award and Harley Award, American Judicature Society; the Wernher von Braun Space Award; the James Madison Award of the National Broadcast Editorial Association; 12 honorary degrees.

The Senator from Louisiana is exactly right. If I had to answer this nonsense of term limitations—which incidentally is included in the U.S. Constitution, but seems like a new idea—I would answer it with two words. ''HOWELL HEFLIN.''

I thank you for that expression. That is exactly what I have in mind.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am sorry to get the news of the retirement of my good friend and distinguished Senator from Alabama. I hope on this side of the aisle that I can claim the right to miss him more than any other Republican might miss him, because for 15 years, I have had the chance of working with him on a subcommittee of Judiciary. At various times, the committee has been entitled Administrative Practice and Procedure; at another time, Courts, and this time, Oversight and Courts, I guess. I was chairman of it from 1980 to 1986. He was chairman for the last 8 years, and when the Republicans gained control of the Senate, I became chairman again.

So I have either been ranking member or chairman with the distinguished Senator for now going on my 15th year.

I can say that it has been a pleasure working with him. It has been a pleasure because there has not been any friction. It has been a pleasure because he does not think in a partisan way. It has been a pleasure because he knows a great deal about the law and, for a nonlawyer like me, it gives me an opportunity to have a great deal of confidence that the product that comes out of that committee, whether I am chairman or whether he is chairman, is going to be a good product. I think an example of that good product is the bankruptcy reform legislation that was passed over in the last Congress.

Not too many people in this body pay too much attention to bankruptcy legislation. It is not the sort of legislation that keeps you awake when you are reading and considering some of its aspects. But he worked real hard on that, and I hope I worked helping him as the ranking member to get a bill that would be passed.

That is one example of the hard work that he has done where there is not public attention given to it. But he does not do his work because he cares about the public attention. He does his work because he wants to do the job right and according to the Constitution and what is good public policy. I have known that to be his characteristic in these years that I have worked with him on this committee. But most importantly through the work on the committee, I have been able to develop a friendship with him. It is the sort of friendship that is going to have a crack in it when he is not here in succeeding Congresses. He knows there is a lot of legislation he is going to be working on with me over the next 20 months. I look forward to working with him. But I was also looking forward to working with him much beyond that. So I am going to miss him but I wish him well.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Just let me add a few brief words in salute to HOWELL HEFLIN—truly a son of the Old South who I think is of as much distinction as all of the other great southerners who have served in the U.S. Senate. He is far more than just a southern Senator. He is a U.S. Senator.

Certainly I wish to say to Mike and HOWELL HEFLIN from both myself and my wife, Pat, we came here together and we will be leaving together. When I think about things like that, Mr. President, I cannot tell you about anyone in this body that I think more exemplifies the term a true workhorse and not a show horse of the Senate.

Mike and HOWELL HEFLIN have been close friends and associates of the Exons lo these many years. However, it is far more than just our personal relationship I have treasured. I have treasured also the professional working relationships we have had in the Senate. And I think when the rollcall of votes are summarized you will likely see that HOWELL HEFLIN and JIM EXON probably voted as close alike as any other Members of this body, which I know we have been very proud in serving.

I wish to cite something personal about HOWELL HEFLIN that not very many people know. A few years ago I had an opportunity to lead a delegation to the Pacific area. HOWELL HEFLIN went along. We stopped in Guam for refueling en route to Manila, and there was to be a brief ceremony for HOWELL HEFLIN that I knew nothing about when we landed there.

It was anything but a brief ceremony. It was obviously one of the most important ceremonies that the Island of Guam had had, I suppose, since the American forces drove out the Japanese from that island during the war in the Pacific. There was a big entourage of cars. I could not imagine what was going on. Finally, I began to get the feel of things. They wanted to take us out to the beach where the American marines landed when the United States of America started taking back that very important and strategic island.

We went out to the beach, and we saw where they landed, the difficulty they had in landing there with the coral reefs that had not been researched very well obviously from a landing standpoint. We went to the museum out on the beach. This was all about HOWELL HEFLIN. When we went over to the beach itself, there was a small Navy band. There was a small tent with people from the Island of Guam who were there when the Americans landed.

A very touching sight. There was a big sign out there that I shall never forget. It said, ''Welcome Back Our Liberating Hero, Lt. HOWELL HEFLIN.'' The mayor was there; the Governor was there; a little Navy band was there. They gave us a flag. And, of course, the big man of the moment was HOWELL HEFLIN.

Because of all his other accomplishments, HOWELL HEFLIN, without very much fanfare—and I suspect maybe most of his colleagues in the Senate do not even know about it—early on he was one of those marines, Lt. HOWELL HEFLIN, who was part of the assault force of the Americans landing to take Guam from the Japanese. He was wounded in the initial assault and kept on fighting. He pointed out the hill to me where he took his second hit. He spent relatively little time there because he was evacuated to the United States where he spent considerable time in the hospital.

This is a side of the proud HOWELL HEFLIN that I know. That is a side that I want his colleagues to know about and Americans to know about in addition to all his other outstanding accomplishments. He is one of those who serves his country in time of need, and we must never forget that.

So to you, HOWELL, and to Mike, the best from Pat and I for our close association. And I point to people like you, HOWELL, as I have talked about before. One of the most wonderful things about being involved in politics—and I have been involved in it about the same amount of time as you—were it not for my involvement in politics there is not one chance in 2 trillion that I would have ever met HOWELL and Mike Heflin. Having met them, having known them, known of their stature, their character, having had them as friends, means a lot to one as you look back on your life and see what really has been important.

I am not going to cite all of your accomplishments, HOWELL, because that has been done so very, very well by your friends and colleagues who have spoken before me in this Chamber in this regard today.

I simply say that one of the great treasures of my life has been knowing you, seeing you serve with such distinction, knowing of the great gratitude of your fellow Senators on both sides of the aisle for the important role that you have played in the Senate, representing your great State so very, very well, but even more so by an excellent, outstanding individual who responded to duty early in life when you served in the Marines; saw and discharged your duties as well here in the Senate as you did in Guam. God bless and God keep you.

I yield the floor.

Mr. DASCHLE. Mr. President, I rise as well to express my disappointment but as well my very best wishes to our dear colleague, HOWELL HEFLIN, with his announcement this afternoon. I have known him as a member of the Senate Agriculture Committee for a long period of time, and all of us have had the good opportunity to work with him in so many different capacities over the last 18 years.

We come to this Chamber as Republicans and Democrats, R's and D's, but I think once we are here we become known not as R's and D's necessarily but C's or D's, constructives or destructives.

There are some who for whatever short-term political gain may be inclined to be destructive to the political or legislative process. Unfortunately, there are all too many cases that come to mind as we think about destructive efforts that have gone on sometimes with no good reason.

But then there are those constructive leaders who come to this Chamber with a true belief that they can do good for others, with an understanding of the importance of Government, and with the belief that we can really look forward to making the next generation and the generation after that one better than the one that is currently occupying this great land. I think that was what HOWELL HEFLIN came to do 18 years ago.

As I look over all of our colleagues in the Senate, I must say I cannot think of anyone who has been more constructive in his approach. The tributes that have already been made here on the Senate floor to the character of Senator HEFLIN, I believe, are illustrative of that fact.

Democrats and Republicans understand the contribution that HOWELL HEFLIN has made. They understand his constructive approach. They understand why it is he came here in the first place. They understand the tremendous reputation that he has established as a result of that approach. And they are fond of calling him their friend.

We look forward to at least 18 more months of that kind of constructive participation, that kind of leadership, the kind of dedication to his job that he brings to work each and every day. And we have that realization that we have the good fortune to work with him for at least 18 more months in this capacity and perhaps in other capacities in public life, as well.

But I want to share my best wishes and hope that he and his family, as wonderful as they are, have many, many years to enjoy the wonderful life that HOWELL has dedicated not only to this Senate but to them as they go forth with their new future.

Someone once said that life has no blessing like that of a good friend. HOWELL HEFLIN has been a good friend to the people of Alabama, to the people of this Chamber, to the people who have had the good fortune to know him now for some time. I wish him well.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I was in my office when my press secretary called and said, ''HOWELL HEFLIN is announcing he is not going to run again.'' I turned on that TV set to hear at least part of what he had to say.

HOWELL HEFLIN has made a real contribution to this body and to the Nation. One of the ways he has made a contribution is that he has taken his job as Senator seriously, but he has not taken himself too seriously. And I think that is very important.

He has a great sense of humor. Well, there may be some disagreement on that here, whether he has a great sense of humor or not. But, you know, you get talking with him about an issue and all of a sudden he will say, ''Well,

that reminds me of the Methodist minister,'' and you are on a story. And all of a sudden, the tension in the situation has been deflated. That sense of humor and ability to laugh at yourself and still take your job seriously, I think, is important.

Both Senator GRASSLEY and Senator HOLLINGS mentioned something else that I think is important, and that is he is partisan but not excessively partisan. We have too much partisanship today in this body. We have to be looking at issues and making judgments on issues. I am not suggesting either party is more guilty of this than the other. We both have our problems here.

I can remember very distinctly when I first met HOWELL HEFLIN. I was asked to go down to speak in the State of Alabama. Hubert Humphrey, some of you will remember, got cancer. For speaking engagements, they would reach around to others. When they really got desperate, I was over there in the House, and I went down to Alabama.

They said, ''We have this really fine chief justice down here who is thinking about running for the Senate.'' I met HOWELL HEFLIN at that dinner. He has probably forgotten that day, but I remember it very, very well.

I learned, in just a brief conversation with him that evening, one other factor about HOWELL HEFLIN, and that is he a genuine humanitarian. He wants to help people. That is what this business is all about.

ROBERT BYRD gets criticized periodically for helping the people of West Virginia. He has never had a critic in PAUL SIMON for helping the people of West Virginia. I applaud him for doing it.

HOWELL HEFLIN has helped the people of Alabama, but he has helped the people of our whole Nation.

Then, finally, he is both a scholar and a good judge of humanity. I remember when we had a well-publicized nominee before the Judiciary Committee. I sit next to HOWELL HEFLIN on the Judiciary Committee. I remember he was asking this nominee a question. As the nominee answered the question, HOWELL HEFLIN leaned over to me and said, ''He's lying.'' I knew right then how HOWELL HEFLIN was going to vote on that nominee. HOWELL HEFLIN knows the human character.

But he also looks at the details of legislation. He gets that pencil—he usually works with a pencil, not a pen—he gets a pencil out, and on his finger, he has a little knob on it. It is a little red on the end of that finger. It looks like he took a Band-Aid off of it. He gets that pencil out and he starts scribbling things down. Then, all of sudden he will say, ''Mr. Chairman, what about section 3 on page 18? What does this mean?'' And all of a sudden he has shifted the whole discourse.

He has made a tremendous contribution. I am proud to be his friend. It is an honor to serve in the U.S. Senate with HOWELL HEFLIN. The people of Alabama ought to be very, very proud of their decision to send HOWELL HEFLIN to the U.S. Senate.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will speak later in greater detail about Senator HEFLIN, but I would like to say a couple of words about my good friend HOWELL HEFLIN.

When I became chairman of the Senate Agriculture Committee, I went to HOWELL HEFLIN and said, ''I'm going to need your help and advice regarding commodities from your area. As we write farm bills, I'm going to need to know how they will affect Alabama.'' I knew, even after a short while, I could always call on him for such help.

I sit next to him on the other side from PAUL SIMON in the Senate Judiciary Committee. I have had the advantage sometimes of a running commentary from Judge HEFLIN. I have often thought that some of the things he is whispering in my ears in the Judiciary Committee would make far better reading than what was in the official transcript, and it sometimes influenced me a heck of lot more than what was in the official transcript.

I also had an advantage on the Senate Agriculture Committee where I looked at him and Senator PRYOR as the voices of Southern agriculture on our side of the aisle.

Senator HEFLIN invited me down to Alabama. He vouched for me. He even offered to do a simultaneous translation for me while I was speaking. He told me I could give a 10-minute speech while he translated it into Southern. He said it would take 30 minutes to repeat it, so I should not talk too long.

Mr. President, it was amazing. We went out into small towns. We did a hearing in someone's barn, as I recall. Now, this was a Senate hearing. I brought Republicans and Democrats with me.

We knew where the barn was, because all the signs were not ''Welcome, Senate Agriculture Committee,'' not ''Welcome, Chairman,'' or anything else. It was, ''Welcome, HOWELL,'' or ''Welcome, Senator HEFLIN,'' or ''The farmers of'' whatever county it was—I still remember that barn; I cannot remember the name of the county—''welcome Senator HEFLIN.''

We went there, and then went on to what understood would be a small dinner. Well, we went into this school and the place was a mob scene.

They were asking the tall bald guy to get out of the way because they wanted to see the real—the real—Senate agriculture expert, HOWELL HEFLIN. We went in there, and, Mr. President, I heard Senator HEFLIN speak about going back to his hometown, and he said, ''It's a wonderful little town to be from; it is the best little town in America to go home to.''

Having seen him in Alabama, and having seen the way he feels the roots of his State, I truly believe that.

In fact, I listened to that with some understanding, because as he knows from traveling with me, I feel the same roots in my own State of Vermont. We are blessed because we both know we have a hometown to go home to. He will get there a little bit ahead of me, but I think how fortunate he is to have that. How fortunate his own State of Alabama has been to have him, a voice of sanity, of reason, of moderation, in the best sense of the word, on the Senate Judiciary Committee; a voice where he is a strong advocate for his State but still looking to be an advocate in a way that can help reach consensus with other Senators. His goal was not to win for the sake of winning, but to win because it was the right thing.

I admire that as I admire both he and Mike have been good friends of Marcelle and myself.

We have had great times, from him asking me how I justified smoking a Cuban cigar—I told him I was burning Castro's crops and treating that Communist the way we should—to him coming to me and saying on a couple of occasions, ''You know, you may not be able to get exactly this bill that you want, but I wouldn't be surprised if you modified it a little bit here, if you spoke to this Senator, this Republican and this Democrat, we can work it out,'' and we always did.

Mr. President, I feel, as others who have spoken, that we have been blessed and benefited by serving with Senator HEFLIN. I have enjoyed that service. I have looked forward to the times we have been in committee meetings sitting beside each other. I admire him as a Senator. I respect him as an intellectual giant in this body, and especially I have so much affection for him as a good friend.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I was in the office of Senator DASCHLE a few moments ago visiting with Senator DASCHLE and some of our colleagues about issues coming before the Senate this week and down the line, and one of our trusted staff members came in and made the announcement that Senator HOWELL HEFLIN, of Alabama, was on the floor of the U.S. Senate announcing that he would not run for reelection.

There was, I must say, shock and sadness and dismay in that room at that time. As we came to the floor of the Chamber to hear the last part of the remarks of our friend from Alabama, I could not help but be reminded of a part of the creed of the U.S. Junior Chamber of Commerce that we used to recite at our noonday luncheons, and I quote:

> We believe that service to humanity is the best work of life.

I think that service to humanity is something that will be the hallmark of this great son of Alabama. It was my pleasure and my privilege to come to

the Senate with Senator HOWELL HEFLIN and his wonderful wife, Mike, in 1979. I will never forget that we had a class structure; that our Senators in that particular class from time to time would have meetings, we would go to each other's homes for perhaps a potluck supper. We would have speakers, and they would come and give us what they thought were the great issues of the day. It seems almost like the blink of an eye, when I had the privilege of beginning to get to know this fine man, this fine gentleman from Alabama.

I remember, too, Mr. President, that when Judge HEFLIN, as we have affectionately called him over these some 16 or 17 years, I remember the day that he was stricken ill. I will never forget the stillness that overcame this building, the Senate office buildings as Senators and staff members and elevator operators and policemen stopped to pause and to reflect and perhaps even to pray about their friend, HOWELL HEFLIN.

I have had the privilege of serving on the Agriculture Committee with Senator HEFLIN for these 16 years, and I can tell you that the farmers in Alabama, the farmers in Arkansas, the farmers in Michigan or West Virginia, Hawaii, or wherever it might be, have never had a better friend nor a stronger advocate than HOWELL HEFLIN, of Alabama.

Mr. President, finally, I had the high honor of serving as a member of the Senate Ethics Committee—not an easy responsibility—with the very great chairman of many years of that committee, Senator HOWELL HEFLIN. And many, many times during the deliberations, most of the times behind closed doors, in trying to deal with some of the extremely sensitive issues that faced individuals in this body or that faced this body as a whole, it was always Judge HEFLIN who brought us back to the center of the argument and the center of the issue as he said time and time and time again, ''Ladies and gentleman, we must do what is good for this institution.''

This institution—this institution—Mr. President, I think, has been so much better because he has graced this institution with his presence. He has made us laugh, he has made us cry but, above all, he has made us think. He is truly, I think, one of the greatest Members this body has ever had. And it has been a high privilege and honor for me to have had the privilege of serving with him.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Hawaii.

Mr. INOUYE. Mr. President, my distinguished colleagues of the Senate have spent much time this afternoon sharing their words of gratitude, their words of affection, their words of admiration for that gentleman from Alabama, HOWELL HEFLIN. Everything that has been said is fully justified.

He is a man of distinction, one of the great jurists of our Nation. He is a great legislator, successful and effective.

But whenever I see my dear friend, HOWELL, I think of another occasion when another great American gave his farewell address.

This happened about 30 years ago and his name was Douglas MacArthur. General MacArthur in his farewell address to the cadet corps of West Point uttered three words that have become part of America's bright pages: Duty, honor, country.

Whenever I think of HOWELL HEFLIN, I think of that moment 50 years and 9 months ago when, as a captain of the Marine Corps, he lead the first wave of marines on the island of Guam. He will never be forgotten for that. On that first attack, he was wounded. And at that point, most men would have said, ''I have done my part.'' But, no, Captain HEFLIN, though seriously wounded, continued to lead his men up the steep hill until he was once again wounded. This time he had to be evacuated. For Captain HEFLIN, duty was an important word. Honor was part of his character. And country was his first love. For that, he received two Purple Hearts and the Silver Star for bravery. And so on this day, I would like to remember him as one old soldier of World War II to another old soldier. Godspeed, sir.

Mr. STEVENS. Mr. President, I join the ranks of those who are saddened to hear the announcement of our good friend from Alabama, and most of the things that any one of us would have wanted to say have already been said. But HOWELL and Mike Heflin have been close personal friends and will be close personal friends to me and Catherine for a long time to come.

I think most of us now today are thinking of the times that we have sat with HOWELL in the Ethics Committee, and I, too, served with him there, or traveled with him, along with my good friend from West Virginia, to deal with foreign parliamentarians or to NATO.

Senator HEFLIN has a special spot in Alaska, too, because he has, from time to time, played hooky with me and dropped a line in a few rivers of Alaska. That is how I am going to cherish the memory of my friend. As a matter of fact, Mike caught most of the fish, but Howell and I did most of the fishing. We have had a wonderful time together in terms of just learning to know one another.

This is a strange body to many people. We are 100 different individuals. As the Senator from West Virginia says, ''our friends go one by one.'' But the friendships that we are able to form here, despite the tensions and the conflicts, and despite the politics, and despite the fighting that goes on from one side of this aisle to the other, those friendships are really what the Senate is all about, in my opinion. From a personal point of view, it has really been a great privilege to all of us to have served with Judge HEFLIN. We are going to be here for another 18 months or so, so we are not saying goodbye, HOWELL.

Mr. President, it is one of the rare privileges that some of us have in this democracy to be able to come together with distinguished citizens of other States and get to know them, get to know their State and their ways—the ways of the people of their State through them. I know of no State that has sent a better representative to the Senate in the time I have been here than Alabama when they sent HOWELL HEFLIN here. And, as I said, we are going to be saddened to see him leave.

Mr. COCHRAN. Mr. President, let me join those who have expressed their good wishes to Senator HEFLIN on this occasion. One of the coincidences of my service with him here in the Senate is that when we were first elected in 1978 and came to the Senate that following January, we were assigned to the same committees—he on the Democratic side, of course, and I on the Republican side. We were assigned to the Ethics Committee, the Judiciary Committee and the Agriculture Committee. So on all three assignments we served together. It did not take long to come to know him as a person of much intelligence and great commitment, with a conscientious sense of duty to the people who sent him here to represent their interests as effectively as he possibly could. And effective he was during debates on agriculture legislation, where I can remember his taking on one of the more experienced, able and articulate Members on our side, Senator DICK LUGAR of Indiana, in a tough debate on the peanut program. It was one of the finest discussions of a legislative issue that I have ever heard, before or since. Each argued very persuasively from different points of view about this issue that was before the committee. HOWELL HEFLIN did an exceptionally good job, and he won. It was a close vote. He may get to do that again this year. So he ought to dust off his yellow legal pad. He had written out the remarks he was going to make, in his own handwriting, page after page after page, on a yellow legal pad. I hope you can find it if you need it.

Mr. President, in the Ethics Committee, some very difficult decisions came before that committee, and he was our chairman. He was a freshman member but was selected to be the chairman. As a brandnew Member of the Senate, that is quite an interesting honor and an indication of the esteem in which he was quickly held by those who had the responsibility for making those decisions.

On the Judiciary Committee, his wisdom and his experience were brought to bear very quickly on all of the matters that came before that committee. But above all, I came to respect him and appreciate him as a friend, someone who is congenial, courteous, very much a gentleman, and someone who appreciated the Senate and its role.

As you know, he had an uncle, Thomas Heflin, who served in the U.S. Senate. I heard him one day on the floor—or maybe it was in committee—say that his uncle had been called ''Cotton Tom Heflin'' because he was such a strong proponent of the cotton interests in agriculture legislation. He started calling me ''Cotton THAD'' because I was taking up for cotton farmers, too.

We are going to miss HOWELL HEFLIN very much. The Senate is going to miss HOWELL HEFLIN very much. We are going to, I think, appreciate more as time goes on, the mark he has made here. I join others in wishing him well and expressing my affection for him on this occasion.

We truly regret his decision not to seek reelection next year.

Mr. HATFIELD. Mr. President, I have to join in terms of expressing my sorrow at the announcement of the Senator from Alabama, HOWELL HEFLIN, on his intended retirement. It seems like this is a virus that is catchy here on the floor of the Senate. I have to face that question myself in the same timeframe. I have not quite reached that conclusion. But Senator HEFLIN has been referred to as an effective member of the Judiciary Committee, Ethics Committee, and any committee he serves on. I have seen him in action here on the floor of the Senate.

As a nonlawyer, I have been able to understand some of these legal questions that are debated with greater clarity when HOWELL HEFLIN has explained them. So I am grateful for his role as a mentor for us laymen on high and sometimes elusive legal points.

I want to talk a few moments about HOWELL HEFLIN in another role. We have, on Wednesday morning, a Senate prayer breakfast.

It is usually presided over by someone selected by acclamation and/or by the person who is absent that day, that he is selected as the year-ahead chair of this group.

Senator HEFLIN and Senator STEVENS started a tradition of cochairing the Senate prayer breakfast. Now, there is one place in the Senate where we leave our masks, our labels—moderate, liberal, conservative, our party identification—at the door. Probably there is no other part of the Senate institution in which people feel so comfortable in being themselves. It is never published. It is not open to the public. It is a very private session of spiritual reflection.

Senator HEFLIN comes from the South. I have come to the conclusion that the people who are the best storytellers, their geographic origins are Southerners and New Englanders—the dry humor of Vermont and the marvelous storytelling capability of Southerners.

I remember Howard Baker, who was our majority leader and minority leader at one time. He could make a point so effectively by telling a story. That is true with Senator HEFLIN as it relates to some biblical truths that we like to discuss. We get into some—not heated discussions—but we get into some repartee in terms of Scripture and of biblical truths.

HOWELL HEFLIN has that great capability of going to the heart of a matter and making a point with a marvelous sense of humor, at the same time with a very profound conclusion or analysis.

Let me illustrate: One day we were talking about a subject I do not even remember. Senator HEFLIN says, ''Well, that reminds me,'' and he starts out slowly, as we know, in his speech. ''That reminds me of the Sunday school teacher'' down in his southern part of the country who was teaching the children one day at Sunday school about the evils of alcohol and the evils of drink. Whereupon one little student raised his hand and said, ''But, Teacher, Christ turned the water into wine.'' And the teacher said, ''Yes, and I would have thought a lot more of him if he hadn't done it.''

It made a very major impact upon the discussion of that moment. I remember the illustration without remembering the subject.

I want to say this is a side of HOWELL HEFLIN that I wanted to, at least, thank him and pay tribute to him for having contributed to the spiritual life of this body in the informal sessions that meet.

If anyone thinks Senator HEFLIN and Senator Ted STEVENS make an odd couple in leading a spiritual group, that gave it more authenticity. It was not just bipartisan, but we had certainly an interesting combination of personalities and dedication.

I want to say to Senator HEFLIN not only will we miss you, sir, but most especially, too, we will miss Mike.

Mr. CONRAD. I was just downstairs, Mr. President, doing a satellite feed to a group back home. The group was a group of REA members. I heard that Judge HEFLIN had decided not to run for reelection. My first thought was, ''What an incredible loss for this Senate. What an incredible loss for the country, and what an incredible loss for the rural electrics.''

I thought this is really appropriate that I am talking to a rural electric group when I find out that Judge HEFLIN has decided not to run again, because HOWELL HEFLIN has been a champion for rural electric. He has been a champion for the little guy. He has been a champion for the farmers. He has been a champion for rural people.

All of that has flowed from a real commitment to the people that he represents. I was thinking of the remarkable career of HOWELL HEFLIN, chief justice of the Alabama Supreme Court for 6 years; somebody who was selected in 1975 as the finest appellate judge in the entire United States; somebody who came to the U.S. Senate and became known as the spokesman for southern agriculture.

Let me just say that was deserved because I serve on the Agriculture Committee with HOWELL HEFLIN. Nobody is a more determined spokesman, a more effective spokesman, or someone for whom his colleagues have more respect than the man I always call Judge HEFLIN.

When he spoke about a matter that was important to his constituency, we all listened. And we listened because he presented his case in terms of substance but also with a sense of humor. I think of so many times he brought a smile to my face on that committee. I can remember the time we were talking about drought aid. Different commodities were being considered. After we had pretty well completed the package, HOWELL HEFLIN raised his hand and said, ''Mr. Chairman, what about peaches?''

Well, no one had thought about peaches. We were not going to include peaches in that package, but after HOWELL finished, we included peaches, and we did it because HOWELL HEFLIN convinced members it was the right thing to do. How many times he convinced members that what he was advocating was the right thing to do.

Mr. President, to me it is a real sense of loss that brings me to the floor, because HOWELL HEFLIN has not only been somebody I teamed up with on things that I thought were important to the people I represent, but I also believe that HOWELL HEFLIN is really the best kind of elected representative. He cares deeply about doing a good job of representing the people that sent him here. He always has that great air of integrity and fairness.

I remember when he was chairman of the Ethics Committee and handled some of the most difficult cases that have ever come before this body. I do not think there was a Member in this Chamber who did not know that HOWELL HEFLIN was going to treat people fairly. Whether they were on the other side of the aisle or on this side of the aisle, HOWELL HEFLIN would treat them fairly. He would treat them equally.

We are going to miss HOWELL HEFLIN, a real champion for the people of Alabama and a real champion for the people of America. Howell, I do not know anybody in this body who deserves a good retirement more than you and Mike do. But I must say you will be missed in the U.S. Senate. I thank the Chair. I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I was in a committee when I learned that my colleague from Alabama, Senator HEFLIN, had made a statement that he was not going to seek reelection for a fourth term in the U.S. Senate.

As his junior Senator—which he used to remind me he wanted me to remain the junior Senator for a long time, and I acquiesced. I said, ''I want you to remain the senior Senator for a long time.''

I want to remind Members that he is not leaving today. He has nearly 2 years that he will be with the Senate,

and his presence will be known, his presence will be felt.

I will, as his colleague from Alabama, appreciate every day his counsel, his maturity, and his, at times, recommendations of what to do and not to do and how to do it.

In 1970—it seems just a few years ago—HOWELL HEFLIN was elected to the office of Chief Justice of the Supreme Court of Alabama. On that same day, I was elected to my first term in the State senate. I had the opportunity to get to know Judge HEFLIN better, to work with him, to work with him on modernization of the courts of Alabama, for which he won a national award for his leadership and was greatly recognized for that.

In 1976 he chose not to run for reelection as chief justice of the Supreme Court of Alabama. Somebody said, ''Well, he is retired.'' We knew, Judge, you had not retired. You were just going into some other things—maybe the practice of law, maybe teaching, which he did for awhile. But, in 1978, he ran and was elected to the U.S. Senate from Alabama, the first time. Again, our paths crossed. I was elected to the U.S. House of Representatives on the same day that he was elected to the Senate. He was sworn in to the U.S. Senate. I was sworn in across the road here, to the U.S. House of Representatives. So we continued to work together. With his leadership here, he was the senior Senator, I worked with him the 8 years I was in the House. Then, when I was able to join him in 1986, I continued to work with him.

He has served not only Alabama, our State, but the Nation with distinction. We are not going to miss him for awhile because he is going to be with us. But I will miss him after the 2 years. And I want to say to his family—his wife Mike, his son, Tom, and his grandchildren in Tuscumbia, he is not going to retire. He is just going to do something else.

Thank you, Judge.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to add my comments to those of my colleagues we have heard today on both sides of the aisle. I think it is very clear from the things we have been hearing for the last hour on the floor that Judge HEFLIN, Senator HEFLIN, has the deep respect of people from both sides of the aisle.

I was not sure what Senator HEFLIN would do because I knew he had health problems. But I had hoped he would continue to serve because he is such a good person and because I have enjoyed getting to know him. I have gotten to know him through the Senate prayer breakfasts that have been mentioned here earlier, which are a very important time for us to come together on a bipartisan basis and talk about the things that are bringing us together and the things that we ought to remember about doing what is right rather than what is expedient, or rather than something that is of a partisan nature.

I have really enjoyed the Wednesday morning prayer breakfasts because it is a time when we can come together in that spirit. Sometimes it seems that is the only time during the week that we have that sense of closeness and bonding here in the Senate.

But, as I have heard my colleagues talk who have known Senator HEFLIN and served with him for years, he and his wife, Mike, who is very much a part of his team, are so well loved. I just want to say to him: Godspeed. I hope he will not be gone after he does retire, but will come back and visit with us on Wednesday mornings, or any other time he is able to do it.

I think all of us should respect someone who leaves on their own time, who follows their own compass, and who does what is right for them in their lives rather than staying too long or in any way having someone else decide for them what is right for their lives.

So I wish him well. I would like to add for the record my deep respect for this man who has served his country in so many different areas—two branches out of the three of Government. That is very unusual.

Mr. PELL. Mr. President, I rise to add my voice to those paying tribute to our colleague, Senator HOWELL HEFLIN of Alabama who earlier today announced his intention to retire from the Senate at the end of this Congress. I must say that his announcement today has taken me somewhat by surprise as I had not thought that he had resolved in his mind whether or not to seek another term. Having done so, I wish him well and note that he will be sorely missed in the Senate. His wit, his wisdom, and his unshakable demeanor have endeared him to all of us.

Senator HEFLIN has served his home State of Alabama well and with distinction over the last 18 years. I have often relied on his experience and reason in the areas of his work on the Judiciary and Ethics Committee. He always brings to the topic at hand the level head he acquired through years of sitting on the bench. His integrity has never been challenged and my respect for him has only grown since he joined the Senate. When I think of his tenure in the Senate I affectionately remember the finer traditions of the Senate marked by comity and discourse rather then rancor and partisanship. The Senate needs more people like HOWELL HEFLIN and I regret, but understand, the decision he has made. I wish him and his wonderful wife well as they anticipate their return to Alabama and commend him for a particularly honorable and distinguished career in the Senate.

Mr. HATCH. Mr. President, I want to join my colleagues in expressing sincere regret that the Senator from Alabama has decided not to stand for reelection next year.

It has been my privilege to serve with him on the Judiciary Committee. The majority has shifted four times since we have served together. But, I have to say that regardless of whether HOWELL was in the majority or the minority, he was always fair, always astute in his analysis, and always courteous.

Like the judge he was before coming to the Senate, Senator HEFLIN has been a keen student of the law. I will surely miss his legal ability on the Judiciary Committee, not to mention his sense of humor and comraderie.

But, as the junior Senator from Alabama noted, Senator HEFLIN is not leaving today. I have appreciated working with him on several key initiatives over the last few months including the balanced budget amendment, an amendment to the Constitution to protect our flag from desecration, and regulatory reform, to name just a few. I will appreciate working with him still during the next year and a half on the many pressing issues we face during the 104th Congress.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask my colleague from West Virginia whether I am in fact interrupting? I was going to take about 5 minutes, but if I am in the Senator's way—would it be all right, if I had 5 minutes?

Mr. BYRD. It certainly will be.

Mr. President, if I may be recognized?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I share the expressions, the words of adulation, encomiums of praise, and the warm felicitations of friendship that have been made by so many of our colleagues this afternoon.

I shall speak at another time. So, for now I just want to say to my friend, Senator HEFLIN, who was one of my strongest supporters when I was the leader, both in the majority and in the minority here, he always had my great confidence with respect to his integrity, his fairness, and his judicious demeanor. I appointed him to the Ethics Committee, an assignment for which he has never paused to thank me profusely. But I want him to know I share these expressions of sentiment, and on another day I will try to do my own feelings greater justice than I would at this moment.

I do have an amendment and I ask unanimous consent I may yield to the distinguished Senator from Minnesota without losing my right to the floor so that I may then call up my amendment.

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

The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair and I thank the Senator from West Virginia.

Mr. President, I actually do not know what I am going to say. I just heard about Judge HEFLIN's announcement. I do not have any prepared text. Maybe later on I can come out on the floor of

the Senate with a more polished speech that the Judge deserves. But I would like to just say a couple of things from the heart and from the head.

First of all, I knew about Judge HEFLIN before I came to the U.S. Senate, but I did not know him personally. That is the second part I want to get into in a moment, the personal part. But as to what I knew about Judge HEFLIN, I am Jewish but I would identify my baptism to politics being the civil rights movement. There were certain heroes and heroines in the South who had the courage to take on what was a system of apartheid. It was apartheid. There were some great, great, great men and women who had the courage to speak up for civil rights for all people.

By the way, I think that what happened in the civil rights movement enriched our country. It made the United States of America a better country for all people; not just black people, but white people, people of all colors.

Mr. President, Judge HEFLIN, Senator HOWELL HEFLIN, was one of those great heroes. He used his skills and has always used his skills as a lawyer to serve people and he served justice in the South and in our country. He lit a candle and he had the courage to speak out.

The prophetic tradition of my faith is that to love God is to love justice. If that is the case, Judge HOWELL HEFLIN is truly a Senator, a judge, and an American who loves God.

Mr. President, at a personal level, I just want to stand on the floor of the Senate and try to say: ''No. No. No. You cannot do this. I am opposed.''

I wish it was in my power, or I was able to have the persuasion to say to Judge HEFLIN: ''You cannot do this.'' I am going to miss him. He is somebody I look up to—not just because I am 5 foot 5½. He is somebody I look up to; somebody I believe in. He is the alternative to cynicism. He is hope. And he is honor.

Judge, I am going to really miss you. Thank you for everything you have done for this country.

I might cry, so I am leaving.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

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

Mr. President, I have an amendment which I will eventually send to the desk. I believe Mr. HATFIELD was going to propose a time limit on the amendment. When he returns shortly, I am sure that, if it is still his disposition to do that, I would be agreeable to doing it.

I offer this amendment on behalf of myself, Mr. HATFIELD, Mr. EXON, and Mr. DOMENICI and Mr. KOHL.

Mr. President, I yield to the distinguished chairman for the purpose of getting that time agreement.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the ranking member of the committee.

I ask unanimous consent that the Senate now turn to the consideration of the Byrd amendment, on which there will be 90 minutes of debate with time equally divided in the usual form; further, I ask unanimous consent that there be no second-degree amendments in order.

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

Mr. HATFIELD. I thank the Chair.

Mr. BYRD. Mr. President, I thank my distinguished chairman.

Mr. President, I ask unanimous consent that any other Senators who may wish to become cosponsors of the amendment do so. I have already indicated that I offer the amendment on behalf of myself, and following chief cosponsors: Senators HATFIELD, EXON, DOMENICI, and KOHL.

AMENDMENT NO. 423 TO AMENDMENT NO. 420

(Purpose: To reduce the discretionary spending caps to ensure that savings achieved in the bill are applied to deficit reduction)

Mr. BYRD. Mr. President, 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 West Virginia [Mr. BYRD], for himself, Mr. HATFIELD, Mr. EXON, Mr. DOMENICI, and Mr. KOHL, proposes an amendment numbered 423 to amendment No. 420.

The amendment is as follows:

At the end of the pending amendment add the following:

TITLE —DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 01. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 02. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BYRD. Mr. President, I thank the clerk for reading the amendment.

Mr. President, my amendment is unambiguous and straightforward in its intent and in its effect. It will require the Director of the Office of Management of Budget to lower the discretionary spending limits, for both new budget authority and outlays, for each of fiscal years 1995 through 1998, by the amount of budgetary savings that will result from the enactment of this act. This will mean that the savings, which will result from enactment of the pending legislation, will go to deficit reduction only.

The savings cannot be spent on other programs. They cannot go for tax cuts. If my amendment is adopted the savings enacted in this bill will really be savings, not fodder for tax goodies to the favored few or part of some shell game designed to save with one hand and spend with the other. We need to reduce the deficits and my amendment will make sure that the savings in this bill will do just that.

The exact amount of deficit reduction that will occur from this measure cannot be determined at this time. That will depend on the outcome of the conference with the House on this bill. We do know, however, that the House-passed bill, H.R. 1158, contains a total of $17.4 billion in rescissions and other reductions in spending. We also know that the committee substitute before the Senate contains $13.5 billion in rescissions and other reductions. If the bill which passes the Senate retains the $13.5 billion in spending cuts, and if the conference splits the difference—as it sometimes does—in rescissions between the two bills, the final conference agreement will result in deficit reduction of somewhere around $8.8 billion. That amount of deficit reduction will occur, even after paying for the FEMA supplemental. That is a substantial amount of deficit reduction, particularly, when one considers that these rescissions are being made half way through the fiscal year. This is not to say that I agree with every rescission contained in the committee substitute. There will undoubtedly be amendments offered to restore a number of the proposed rescissions. I may vote for those amendments. But, whenever these cuts are made, one thing is clear and that is that we must do everything we can to reduce the deficit at every opportunity if we are to reach the goal of budget balance early in the next century. Therefore, if I support amendments to restore cuts in the bill, I will only do so if those amendments have full offsets.

Senators should be aware that, without my amendment, the spending cuts made in the bill will not go to deficit reduction. If the discretionary spending caps are not lowered, as my amendment will require, the savings in this bill can simply be respent somewhere else. Or, as we have heard so much about, the savings could be used to help pay for tax cuts or even for increases in direct spending. It is true that to use the savings in this act for tax cuts, would require a change in the Budget Act. But, that, Mr. President, is precisely what has been proposed by

the House leadership. In fact, I am advised that today, Wednesday, March 29, the House Budget Committee will report a measure which would waive the pay-go requirements of the Budget Act in order to allow reductions in the discretionary spending caps to be used to help pay for the folly of all follies—tax cuts at this time.

To my mind that is an outrage. Here we are ready to cut Head Start Programs, child care programs, money for computers in the classroom, money for scholarships, and funds for safe and drug-free schools, all cuts that will impact on programs designed to assist our young people with getting a better start in life like a good education, better nutrition, adequate learning tools, assistance in the fight against the scourge of drugs, and, yet, there are some who want to take these dollars from our young people and parcel them out in tax cuts to the favored few. Well what is wrong with that? There are several things wrong with that approach. First, we just went through a lot of agony and hand wringing, and heard a lot of passionate rhetoric about how critical it is for this Nation's overall well-being to get these deficits down. The balanced budget debate and the line-item veto debate were about getting these deficits down.

For weeks we have had the wringing of hands and the gnashing of teeth over the need to reduce deficits. There was virtually no disagreement about getting the deficits down. The disagreement was about what method should be employed to accomplish that goal. Now, to come right along behind that debate and blow all the savings in this bill like sailors on leave to pay for tax cuts makes a mockery of all the hot rhetoric on deficit reduction, and certainly further undercuts the American public's view of the sincerity of the Members of this body.

Second, any tax cut proposal at this time is just plain foolish. We must not squander our budget savings on tax favors. I like to vote for tax cuts. That is the easiest vote I have ever cast in 49 years in politics, and in serving in legislative bodies at the State level and at the national level. It is the easiest vote of all. Whoopee. We all like to vote for tax cuts. It is different to vote for tax increases. But any tax cut proposal at this time is just plain foolish. To do so is tantamount to simply running on a treadmill—working up a sweat, but going virtually nowhere.

The Bible says ''to everything there is a season,'' but this is not the season for a tax cut. It is common for politicians to try to be all things to all people, try to make everybody happy, claim deficit reduction to some, but hand out tax cuts to others. But, this is the season for coming to grips with the hard reality of our day. The time for feel-good politics is over, and instead of making everybody happy with phoney placebos, our duty is to make everybody perhaps a little unhappy in the short run for the good of all people—make the cuts and get the deficits down as we have promised.

The third thing wrong about tax cuts is that, in the case of this bill, unless we lock in these savings we will be paying for tax giveaways on the backs of our children and grandchildren. All the tears we have just shed on this floor over our children and grandchildren in the balanced budget debate will have amounted to nothing more than theatrics if we are willing to take from programs that assist our young people and, instead of using them to reduce the deficit, pass them out like party favors on tax cuts for the well-to-do.

Mr. President, I am aware that the President of the United States has proposed a middle-class tax cut. I am also aware that the so-called Contract With America calls for a much larger tax cut—of something like $630 billion over the next 10 years. That is the cost of the bill that has been reported out of the House Ways and Means Committee. Furthermore, after all of the provisions of the House tax cut bill are phased in, the revenue losses every year will total more than $110 billion—for each year thereafter.

And who will get the lion's share of the benefits from these tax cuts? Will it be the average American family, where often both parents have to work in order to make ends meet? Or, will these tax breaks go instead to upper-income households and large corporations?

According to a Treasury Department analysis, less than 16 percent of the benefits of the fully phased-in tax provisions as passed by the House Ways and Means Committee would go to 60 percent of all families with incomes below $50,000. The top 1 percent of families with incomes of $350,000 or more a year would receive 20 percent of the tax benefits, while more than half of the tax goodies would go to the top 12 percent of families—those with incomes over $100,000 per year.

Also, according to an analysis by the Treasury Department, over half the benefits from the House Ways and Means Committee's capital gains provisions would go to the wealthiest 3 percent of families who have incomes over $200,000, while three-fourths of the benefits would go to the top 12 percent of families who have incomes over $100,000 a year.

Mr. President, I cannot imagine a more perverse policy than one that calls for paying for tax cuts for the wealthy through cuts in programs, such as the ones contained in the bill now before the Senate, which provide education and other forms of assistance to the Nation's neediest children and families. I urge my colleagues to reject such an approach by supporting my amendment. In so doing, we will at least have ensured that the savings from the painful and difficult cuts that are being made in this bill will go only toward deficit reduction. Such an approach will benefit all Americans, not just the wealthiest among us.

Mr. President, to me this is a moral issue. It has to do with truthfulness; it has to do with fairness; it has to do with conscience.

And unless this amendment is adopted, I cannot support this legislation.

I cannot be a party to making these difficult cuts, without the assurance that these reductions will only be used to reduce the deficit.

I will not indirectly cast my vote for tax breaks for the wealthy by voting for painful cuts that, without my amendment, may be used to finance subsidies for the rich.

I urge us not to make a parody of the recent serious debate just held on this Senate floor on the line-item veto and the balanced budget amendment. We have promised the American people we will reduce this deficit and do it we must. Today we make our first serious downpayment on our pledge with the adoption of this amendment. I urge that it be adopted by a strong vote so that the Senate, at least, will put its money where its mouth is and keep its commitment to the American people.

I am against a tax cut at this time. I do not care who advocates it, whether it be President Clinton or whether it be in the so-called Contract With America. It is the wrong time. It is the wrong thing to do.

Mr. President, as an additional cosponsor, I ask unanimous consent that Mr. HARKIN's name may be added.

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

Mr. BYRD. Mr. President, I shall ask for the yeas and nays. I reserve the remainder of my time.

How much time do I have remaining?

The PRESIDING OFFICER. Approximately 32 minutes.

Mr. BYRD. I thank the Chair.

I understood that Mr. EXON wanted to speak on this amendment. If there are other speakers, I would like to know. Otherwise, I shall not use any more of my time.

The PRESIDING OFFICER. Is the Senator yielding the floor?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged to all sides.

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

The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. 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. BYRD. Mr. President, I yield 7 minutes to the distinguished Senator from Nebraska [Mr. EXON].

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend and colleague from West Virginia and I thank the Chair.

Mr. President, I rise today in support of the amendment offered by the distinguished Senator from West Virginia.

I commend the Senator for his thoughtful and timely amendment. Some of our colleagues talk a good game of deficit reduction. Yet, when it comes to taking action, they sometimes get cold feet.

I would like to point out that, even though the distinguished Senator and I were on opposite sides of the fence when it came to the balanced budget amendment and the line-item veto, we are, nevertheless, united when it comes to deficit reduction. We proved that in 1993 when we worked hand-in-hand to pass the largest deficit-reduction plan ever, and we prove it again today. I am proud to stand with my friend, Senator BYRD, the distinguished Senator from West Virginia.

Herein lies a lesson for all of our colleagues. No party has a monopoly when it comes to deficit reduction. No individual has all of the answers. We can hold different views, but when it comes to specific spending cuts and real savings, we should be one body dedicated to a common cause—getting our fiscal house in order.

Mr. President, in spite of the relentless drumbeat from the other side of Capitol Hill to cut taxes, the American people have their priorities in order. And I hope the House and the Senate will listen. Of course, they want lower taxes, but they want a balanced budget first.

The American people are not selfish and certainly they are not foolish. They want to get Government spending under control. They know you cannot run with the rabbit and hunt with the hounds. They want to protect their children's and grandchildren's future.

They certainly question the Contract With America when that contract goes so far as to deviate from common sense.

The American people are willing to accept the sacrifice that comes with creditable deficit reduction. They are willing to accept the pain of deep spending cuts, but only if those cuts go toward balancing the budget, and not spending elsewhere in the form of tax decreases. The American people know you cannot have it both ways. There is the rub and there is the root to this frustration.

I believe that the Byrd amendment takes head-on that proposition by saying that the savings that we made in this legislation will go for deficit reduction—deficit reduction—and nothing else.

What confounds the American people are the complex rules that go along with our budget process. In the never-never world of the budget, a spending cut is not always a spending cut. It is like a lizard's tail that comes off in your hands. We cut program after program, but cuts often become new spending and the deficit continues to grow. The lizard grows another tail, and on and on and on we go.

Mr. President, we could slash the space station. We could eliminate another 100,000 Federal jobs. We could cut every discretionary program by 10 percent. However, those savings mean nothing unless we make the cuts permanent and specifically apply them toward deficit reduction.

I am convinced that is what the vast majority of the American people want, and I know that the Byrd amendment now before us does exactly that.

Fortunately, the Senator from West Virginia is right on top of the issue. The emergency spending bill before the Senate today could be fertile ground for spending mischief. The appropriators propose to cut $13.5 billion and will spend $6.7 billion in relief for last year's earthquakes in California. But what about the difference? What about the difference, Mr. President, the $6.8 billion in supposed savings?

Without the Senator's amendment that we have just referenced, that money could be spent elsewhere, and might be. But the Byrd amendment puts a lockbox around these savings and prohibits the money from being spent. The savings are dedicated solely to reducing the deficit. It is that clear, it is that simple, and it is that necessary.

In fact, this is a safe within a safe. We need the extra safeguard because the bill before us deals with emergency spending which is not counted against the deficit. In the absence of a lockbox, the cuts made to pay for earthquake relief could be spent later this year on something entirely different. Adopt the Byrd amendment and eliminate that possibility.

So, once again, I commend the Senator from West Virginia for offering this important amendment. Anyone who is serious about credible deficit reduction should support it. Some cynics may say that $6.8 billion is merely a drop in the bucket when it comes to the deficit that will grow to $299 billion by the year 2000, if we believe projections.

However, the Byrd amendment demonstrates how we will reduce the deficit by making specific cuts in spending and locking away those savings for deficit reduction and for no other purpose.

I urge my colleagues to support the amendment offered by the Senator from West Virginia. It makes sense from every aspect, and I will be keenly disappointed unless the Senate recognizes the wisdom of this amendment and adopts it overwhelmingly.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will be very brief.

Mr. BYRD. Mr. President, I yield such time as the Senator may require.

Mr. DASCHLE. I did not realize we were under a time agreement. I ask for a couple minutes.

Mr. BYRD. I yield as much time as the Senator needs.

Mr. DASCHLE. Mr. President, I rise to ask unanimous consent to be added as a cosponsor of the amendment.

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

Mr. DASCHLE. Mr. President, I do so because I believe what the distinguished Senator from Nebraska has just said is absolutely correct. If, indeed, we are serious about doing what we have said over and over again over the course of the last several months with regard to deficit reduction, we need this amendment.

We need this amendment because, indeed, we say by adopting this amendment that we are serious, that we recognize that the first and really only purpose of a rescission is to ensure that we can cut spending and dedicate the savings to deficit reduction. We know that over the course of the next 7 years, we may have $1.8 trillion of deficit reduction work ahead of us. We must begin with this bill. We must continue in a budget process that will allow us a blueprint to ensure that between now and the year 2002 or the year 2003 that we have accomplished again what we have indicated we want to do.

So this is the first step. It is a step with regard to process, but it is a step with regard to demonstrating our true intention that, indeed, we are determined to reduce the deficit; indeed we are going to take the tough decisions we made with regard to this rescission and turn them into budget savings; indeed we are determined to do all that we can, collectively, to ensure that what we say we are going to do we are going to do in the long term. That is what this amendment does.

The distinguished Senator from West Virginia has offered it before on other pieces of legislation and, I must say, I hope that on this occasion, we can have broad bipartisan consensus in support of it because, indeed, it puts the rest of our efforts over the course of the next couple of days as we debate the real rescission package, its scope, its size, its practical application to the budget process in much more realistic terms.

This ought to have been the first amendment, because if it had been the first amendment, I think we could have all said unequivocally, regardless of what else we do, as we debate size and as we debate offsets and as we debate all the other issues pertaining directly to this bill, the one thing we will not debate is what we do with the savings once they have been promulgated.

This amendment says unequivocally that those savings will be used for deficit reduction, and I hope, again, with unanimity, this body can support it this afternoon.

Again, I commend the leadership offered to us by the distinguished Senator from West Virginia, and I hope we can support him in this effort when we have our vote later on.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not know from whom I must request time. I have been informed by the Parliamentarian that that is a mistake, that Senator DASCHLE technically controls the time that Senator HATFIELD controls. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Because it says ''in the usual form.''

Senator DASCHLE, I believe, unbeknownst to both of us, controls 45 minutes. Can the Senator yield me 5 minutes?

Mr. DASCHLE. I will be happy to yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say that I had the amendment that Senator BYRD offered all ready. In fact, I carried it over to him yesterday thinking that I would offer it. He said he already had it ready. I was shopping mine to show him what was in it. So I am a cosponsor. There is no use doing it twice, nor should there be necessarily any pride of authorship on my part since Senator BYRD had the amendment ready, and it is here.

The first big issue we could have is whether we waive the Budget Act in order to adopt this amendment. That means we need 60 votes. I hope that everybody in this Senate, Republican and Democrat, will vote to waive the Budget Act for this amendment. It is a technical waiver. It is not a waiver that has to do with incurring more debt. It is just that this proposal has to go before the Budget Committee to be reviewed, and technically, if it has not, it is subject to quite an appropriate point of order. We would not want all kinds of things coming straight to the floor that change the Congressional Budget and Impoundment Control Act. So we need that point of order. I hope everyone will vote for a waiver if it is necessary.

Essentially, it is not necessarily the case that if Congress approves rescissions and literally cuts money out of ongoing programs that those savings would go toward deficit reduction. That is not necessarily the case.

As a matter of fact, if you did a rescission and you saved some money but you did not provide for what happened to the savings, essentially you could fill the cap back up with later spending. You could go from whatever you cut all the way up to the cap that year, and you would still be within the procedures of the Budget Act. You would simply have cut spending in one program and spend the savings on another program.

Obviously, we are in the midst of this gigantic problem of getting the deficit under control, which I really believe the American people want more than anything else. There may be those who are not yet showing up in the polls saying they want deficit reduction, but I suspect it is because they do not believe it will ever happen. They do not believe we have the guts to do it, so some of them have already given up on us.

I want to make a commitment right here today. It may be very difficult, and it may be that some people cannot vote for it, but I have been encouraged, if not supported unanimously, by Republican Senators who come to meetings—and there was a large group today—that Republicans ought to produce a balanced Federal budget by the year 2002.

Now, that is not without risk, I guarantee you. We are looking for some people on the other side of the aisle to help us. It is going to be for real, and when it is finished, the Congressional Budget Office is going to tell the American people the budget is in balance.

Whatever vagaries of estimating may occur during the 7-year period leading to balance, we are going to produce a balanced budget, not in 5 years, but in 7 years.

It would be absurd for us to make that commitment and then come along here with a midyear reduction in expenditures for the very year we are in, $6 billion net, and not provide that we start that deficit reduction effort with these savings.

Would it not be folly to say, well, let us just wait around and see if we need this spending authority for something else, and then start anew in about 2 months with a budget resolution where we have to do 50 times this much over the next 7 years, or more?

Having said that, this is a very simple but very, very useful amendment. It says the savings achieved by this midyear rescission or carving out of already appropriated money will all go toward deficit reduction in the year we cut it. It will be traced in the budget because some of it flows into, or outlays in, other years. It will be counted as savings in those years, and those amounts will go to deficit reduction.

In a sense, it lowers the caps in a manner such that it would be very difficult to spend the money. But what we are saying is it cannot be used for anything else, and nobody should be worried about that.

For those who are wondering about tax cuts, there is no question that the law is already very clear that you cannot use discretionary savings to pay for tax cuts. How much in tax cuts we will seek, I do not know. Clearly under existing law, when you do that, you are going to have to have entitlement changes to offset the tax cuts.

So I believe this amendment sends an absolutely clear message, one that says we are not trying to fool anybody. If we are cutting a net $6 billion, let us put it toward deficit reduction, and not leave this spending authority around for somebody to dilly-dally, play with, and perhaps even spend.

Let me make another point on how important this is, Mr. President. Yesterday, the President of the United States, in a major, major press conference preceding his regional economic summit in Atlanta, told us about $13 billion in savings over the next 5 years from the second phase of the President's reinventing of Government—$13 billion. Nothing new about it. Incidentally, as it turns out, it is already in the President's budget, that $13 billion in assumed savings, so it is nothing new. However, look at the proportion of savings. We are here debating a bill that will cut a net of $6 billion out of existing appropriations for this year, and the President is touting a major deficit reduction effort over 5 years for $13 billion. Actually, we could take this little $6 billion savings and make it recur each year, and we would be over $30 billion, approaching three times the President's figure. Does anybody think we are not going to do at least that as we put together a 7-year balanced budget? We will have to do more than that.

So it is not that the President is not within his powers and quite appropriately talking about his kind of reform. But I think to make a big case out of it being major deficit reduction pales; it does not quite hit the mark.

So I do not have any other remarks to make. I might have exceeded my 5 minutes.

I hope we do not have to have this be even a close call. I welcome, on our side, putting my name up here as the Budget Committee chairman. I think we should waive the Budget Act on this amendment if that is necessary. I hope Republican Senators understand that we ought to do this. To not do it would be true folly, and we could be subject to enormous criticism, and properly so, if we did not devote these savings to deficit reduction.

I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Mexico. His word on this is very influential and meaningful. I am very grateful for what he has said in his support for waiving what might be otherwise a budget point of order.

Mr. President, I ask unanimous consent that Senators FEINGOLD, DORGAN, and BUMPERS be added as cosponsors.

I will yield whatever time the Senator from Arkansas may desire off the time that I control.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to compliment the Senator from West

Virginia for this very important proposal, which I see as a sign of things to come. I see this as absolutely essential for keeping faith with the American people, who are counting on us to do something about the deficit.

Everybody knows that we are going to be a severe disappointment to those people unless we give up the idea of this so-called middle-class tax cut and put this spending, which we are laboring mightily to cut, on deficit reduction.

Just on a personal note, Mr. President, I have not received one single letter from a constituent saying, ''Please give me my middle-class tax cut.'' And I have received literally thousands of letters from people saying, ''Please put it all on the deficit.'' You cannot do both. And if you chose to do both, you would run into an unmitigated disaster. You would have to cut Social Security; you would have to cut Medicare; you would have to cut unbelievable programs, such as veterans, to achieve a balanced budget by the year 2002, or any other year.

The proposal of the Senator from West Virginia is simple, straightforward, dynamic, and absolutely necessary if we are serious about deficit reduction.

We tried cutting taxes and increasing spending back in 1981. That was $3.5 trillion ago. We just finished, Mr. President, a very volatile debate on the balanced budget amendment. I was on the unpopular side of that issue, because I regard the Constitution of the United States with a reverence reserved only for the Holy Bible. There were a lot of politics involved in that debate. But you and I both know we cannot balance the budget with political rhetoric. We cannot balance the budget with anything less than common sense and spine.

I heard the Senator from West Virginia say a moment ago, when I was in my office listening to his remarks, that unless this amendment passes, which says this $6 billion in net spending cuts on this bill we are considering goes for deficit reduction, he will vote against the bill. And that makes a lot of sense.

There are a lot of cuts in this bill which, if I had a choice about it, I would prefer to keep. There are dramatic cuts in housing. There are dramatic cuts in jobs. There are dramatic cuts in a lot of programs which I cherish, which I think go to the very heart and strength of the Nation. I do not want to go through this agony only to see it go out for what is called a middle-class tax cut that includes people who make $200,000 a year.

I promise you that the workers of this country would get just about a 13-inch pizza—the equivalent of the tax cut would be about a 13-inch pizza on Friday night. If we balance the budget, as we say we are going to, I promise you, he would give up pizza for life in order to give his children some sense of a good destiny, so that they are living in a country that is worth living in and which has a great future. His house payment will not be as much. His car payment will not be as much. The dollar will again be king, and the people on Wall Street will be rhapsodic.

But that pales compared to the way the American people would change their attitude about this institution we call Congress.

Democracy always hangs by a mere thread. When we say to the American people, ''We cannot function anymore. We made you a promise, but we do not intend to keep it,'' we erode people's confidence in their Government. Every time you do that, you pay a little heavier price.

I may vote for this bill simply because I saw the remarks of the distinguished budget chairman in the paper this morning. Senator, I want to say I was heartened. I was heartened by your comments in that story this morning. I am heartened when I see the chairman of the Finance Committee singing out of the same hymn book, the same page.

Then my heart sinks when I look at what the leader in the House and the leader in the Senate are saying. Not singing from the same hymn book. They say we will have a tax cut.

So I am really troubled about how I will vote on this. I do not want to vote for a tax cut. I wanted to vote for deficit reduction and keep faith with the American people.

Mr. President, this vote is going to separate the people who want a political issue to talk about and those who really believe in deficit reduction. There has never been a more golden moment here where the U.S. Senate can stand up and say ''As much as I would like to give people a tax cut, we are not going to do it, because we have a higher responsibility.''

I am like the Senator from West Virginia. I have never made an enemy voting for a tax cut. There is a Senator in this body came up to me about 10 years ago and said, ''Senator, I just saw a poll that 92 percent of the people in this country do not want their taxes increased.'' Well, no kidding. I would assume that figure would be 99 percent.

So, the choices cannot be easy, if we are serious. The choices must be tough. Here is a vote that will separate those who want the issue from those who want to keep faith with the American people.

This amendment, carefully drafted, says ''You may not use this deficit reduction for taxes, or increased spending.'' Bear in mind, it is not just taxes here. It says two things: Do not increase spending on something else planning to use this $6 billion as an offset; and do not plan to use it for a tax cut. It is just that simple.

I thank the Senator from West Virginia for yielding me this time. I yield the floor.

Mr. BYRD. Mr. President, I have no other requests from Senators who wish to speak. I assume that the distinguished minority leader would be willing to have time under his control yielded back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, would the Senator yield 1 minute?

Mr. BYRD. Absolutely.

Mr. DOMENICI. Mr. President, I notice my friend from Arkansas said he was ''heartened.'' Let me say I will be heartened almost to death if about 10 or 15 people on that side of the aisle vote for that balanced budget we were talking about.

That will be the test, not this little $6 billion baby. I think with the great enthusiasm that I am hearing from that side of the aisle that there might be great fever and fervor and enthusiasm for the balanced budget that we have been trying to put together.

I thank the distinguished Senator from West Virginia for yielding. I yield the floor.

Mr. BYRD. Mr. President, if I may retrieve 1 minute, I yield it to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator for yielding 1 minute.

I do not want to open up the debate on the balanced budget amendment, but let me say to my good friend from New Mexico: Here is the opportunity to have the best of two worlds. Do not tinker with the Constitution, and balance the budget—both. I yield the floor.

VOTE ON AMENDMENT NO. 423

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. DORGAN] would vote ''aye.''

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

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

[Rollcall Vote No. 119 Leg.]

YEAS—99

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

Moynihan	Reid	Smith
Murkowski	Robb	Snowe
Murray	Rockefeller	Specter
Nickles	Roth	Stevens
Nunn	Santorum	Thomas
Packwood	Sarbanes	Thompson
Pell	Shelby	Thurmond
Pressler	Simon	Warner
Pryor	Simpson	Wellstone

NOT VOTING—1

Dorgan

So the amendment (No. 423) was agreed to.

Mr. BYRD. Mr. President, in order that we might not delay Senate rollcall votes, I shall ask unanimous consent——

The PRESIDING OFFICER. If the Senator will withhold, the Senate is not in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, rather than moving to waive, in view of the fact that no Senator voted against the amendment, I shall ask unanimous consent, to thus save a rollcall vote. I ask unanimous consent to waive the provisions of the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985 for the language of amendment No. 423 as included in any conference report on H.R. 1158.

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

Mr. BYRD. Mr. President, I thank all Senators.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Order in the Chamber.

Mr. HATFIELD. Mr. President, I would like to suggest what the immediate agenda may be for the rest of this day.

We have amendments pending, and are ready to be offered by Members. We urge them to be here. I think Senator MCCAIN will be offering the next amendment. We have on our list Senator KYL, and Senator PRESSLER, and then we would like to finish today's activity between 7 and 7:30.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order. We cannot hear the distinguished chairman.

Mr. HATFIELD. I would estimate that we would probably wind up today between 7 and 7:30, and earlier, if possible, depending on rollcall possibilities for the amendments that are ready to be offered.

I yield the floor.

I yield 2 minutes to the Senator from Wisconsin.

SENATOR HOWELL HEFLIN OF ALABAMA

Mr. KOHL. Thank you very much.

Mr. President, I would like to take just a minute or two to say a few words about our friend, HOWELL HEFLIN.

I was not able to get here earlier when Senator HEFLIN was on the floor. Along with all the many kind things that were said about him, I would like to add my own strong feelings of affection for one of the finest Members of the U.S. Senate that we have ever had in our country. And that is, of course, HOWELL HEFLIN who is retiring.

I have gotten to know HOWELL very well over the last 6 years. He is a man of unquestioned integrity and intelligence. HOWELL HEFLIN is a person who has the capacity for great friendship and compassion for people. He is a person who always has dealt straightforwardly and honestly with his colleagues and with his constituents. He is the kind of a man that—if we had 100 people like him, this would be an even finer institution by far than it is today, and it would be a much better country even than we are today.

He sets an example of all the best things in public service, for his constituents in Alabama, and for people all across this country. You have been a role model to me, a mentor and a friend. I, along with our colleagues, am going to miss you and the qualities that you represent as a legislator, as a Senator, and as a human being.

So along with the rest of us, I send you my respect and my affection and, indeed, my love.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to join my many colleagues in paying our profound respect to the judge.

When I first came to the Senate, I was told to look out for those Senators who were colorful, Senators who would always be there to kind of give a helping hand when you needed it.

HOWELL HEFLIN and I came to the Senate together, and from the first day the chief judge became one of those colorful Senators for most of us. He stood out tall in our freshmen Senate class, and now he stands even taller as he announces today his intention not to seek another term in the Senate.

That was a sad message for me. For all Members of our Senate class who came in with him, his friendship, indeed his wisdom, is something we have sought and relied on through these many years.

I should like to also add that the Heflin family as a whole, his lovely wife, who has been an active member, are beloved members of the Senate family. When the judge did not have a smile, she would have a smile. And I say to my good friend, how fortunate you have been in this life of yours of many accomplishments to have had that very strong and faithful partner by your side these many years.

(Mrs. SNOWE assumed the chair.)

Mr. WARNER. Madam President, as one who was privileged—and I say this with a great deal of humility—to have worn the green of the Marine Corps, HOWELL HEFLIN is indeed one of those unheralded, true heroes of the U.S. Marines. He fought in the Pacific. He distinguished himself. He was recognized for his heroism, his leadership, his courage by the United States of America, and I have always valued those days when in the course of the Senate life we had to address issues relating to the Marine Corps. Many times have we gone to the Marine Corps to attend meetings, to attend breakfasts, the two of us, to always express our gratitude to the corps. So I say to my good friend, ''Semper fi.''

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Madam President.

As Judge HEFLIN, as we call him, is walking over to Senator WARNER to shake his hand, I just wanted to add a couple of words.

If any American did just one or two of the things that HOWELL HEFLIN has done in his life, that individual would be so blessed—to be a war hero, to be a great and respected judge, to be a great U.S. Senator, one who has respect from both sides of the aisle and, indeed, affection.

I just want to say to you, Judge HEFLIN, that you have been my pal and my friend, that I have gone to you with the issues that perhaps were not in your best interest to support but you always listened to me and you always made a judgment that you thought was right for the people you represent but also what was the right thing for you to do as a human being.

I just wanted you to know one more thing. I have served in the Congress for a long time, in the Senate just a few years, and I remember an incident that occurred on the floor when there was an amendment brought before this body that on the surface maybe one did not understand its true meaning and how much it would impact certain people in this country.

Judge, you voted for that amendment, and then when our friend from Illinois came to the floor, Senator MOSELEY-BRAUN—I am so happy that she is here—and she made the case to the Senate that that amendment would really tear apart many of our people and bring back memories that haunt them, you stepped back and you led this Senate in its reversal of that amendment. You did not think about whether it would make you popular or whether you would win that vote, which you did. You led us onto the right path.

Judge, you are a leader, and we will miss you. There are not enough people in politics who are willing to take the risks that you have taken. God bless you. And myself, I find already that there is a void in the Senate just knowing you will not be here in a year and a half. But let me tell you, I am going to look forward to working with you in the remaining time that we have together in the Senate.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

Madam President, I rise to associate myself with the remarks of my colleagues and to join in saluting Judge HEFLIN as he is known to all of us who have had a chance to work with him. He is truly a beloved figure.

A moment ago, I walked over and gave Judge HEFLIN a big kiss. Now, I do not know if that is the way things have occurred in the Senate over time, but the fact is that just as the Senator from California and I and the Presiding Officer represent the new Senate, Judge HEFLIN represents the new South, and he has given rise to the kind of leadership, the kind of moral force that has lifted up this body certainly and, indeed, this entire country. His integrity, his intelligence, his commitment and faith in the Constitution of these United States, faith in what the American dream has always stood for and can be in the future, has led Judge HEFLIN in a direction that I think is without peer and without parallel in this body.

He has provided constant leadership and always had the time to be nice. He has always had the time to listen. He has always had the time to take a junior Member under his wing and talk with them about the issues, no matter how arcane.

I remember working with Judge HEFLIN on the Judiciary Committee and going over issues having to do with ALJ's and bankruptcy reform and things that really do not rise to the level of the press releases and the things that make the news but that are vitally important in the way we execute and administer the laws of the United States. He paid attention to the details with a sense of the law and history, with a sense of the philosophy and the right way to go in such a way as to give leadership and guidance to those of us who had just joined this august body.

I can tell you that the Senate is going to miss Judge HEFLIN. I personally am going to miss Judge HEFLIN. I know the people of Alabama are going to miss having Judge HEFLIN's service in the Senate because, if nothing else, he has been an advocate for Alabama like I have never known. My mother would have been very proud to know Judge HEFLIN.

My mother, by the way, Madam President, was originally from Alabama, and I consider myself to be—in fact, it is interesting. Judge HEFLIN is sitting on the floor with the Senator from Louisiana. Together they represent my parental ancestral homes, both Louisiana and Alabama.

But my mother came from Alabama. I used to spend summers there as a girl. I grew up on a farm there in the summertime. I have a great love for his State.

But certainly no one has loved Alabama more than Judge HEFLIN has. He has worked for that State. He has worked for the people of that State. He has worked to give the people of that State the kind of leadership, the kind of guidance, the kind of strong advocacy in this body over time.

I know his service in behalf of the people of Alabama will be greatly missed. We will certainly miss him, precisely because he provided the moral leadership and really the voice of what the South can be and what the South is today. He has provided the leadership in regard to issues having to do with race, Madam President, in a way that was always consistent, always fair, always straightforward. And he did so with courage.

And I want to end by saying that I think if one thing distinguishes Judge HEFLIN, it is his courage. He stood on this floor about a year ago and made probably one of the most eloquent speeches I have every heard in my life. He made it from the heart and he made it with great courage. It was that courage, I am sure, that the people of Alabama recognized when they elected him to serve in this body. He certainly has done his best to fulfill the sacred trust that the people of Alabama put in him and in so doing he has provided a great service to all of the people of the United States.

He has been a force for good, he has been a force for the light. We will all miss him. Even as we all make promises now, Judge, to come visit you and see you, the fact of the matter is we are going to miss not having you here every day in the next few years. So, farewell in that regard, and my salute to you.

We love you. We cherish you. We cherish what you have done for all of us. And we will never, ever forget the tremendous role that you have played in leading this country in the right direction.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I join in the tributes to Senator HEFLIN. It has been my great privilege to have participated on a couple of trips with him and his wife, Mike. He is a wonderful traveling companion and a wonderful friend.

The eloquent remarks that were made by the Senator from Illinois in connection with Judge HEFLIN are certainly true. She mentioned his courage. He has not only courage in debate, but he has physical courage that was demonstrated by his receiving the Silver Star in World War II in the Marine Corps.

So, Judge, you have not packed your bags yet. You are going to be around for a year and a half, so we do not want to say farewell yet. But we just want to say what a great treat it has been to have been associated with you and with your wife on various occasions. We look forward to more of those instances arising in the future. We will certainly miss you when you leave.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I hate to see HOWELL HEFLIN leave the U.S. Senate. We came here together. We were classmates. He and his wife, Mike, and my wife, Barbara, and I have had an awful lot of good times together.

I do not know of any better mind or any greater heart in the U.S. Senate. HOWELL HEFLIN's mind is a tremendous instrument of good, of balance, of thoughtfulness, and compassion, but of logic.

His background as a judge brought great wealth to this Senate. We have watched him over and over again tackle some of the most difficult issues that faced this country and bring to it a judicial temperament, a willingness to look at all sides of an issue, and many issues have more than just two sides. But we have stood in admiration as we watched him analyze an issue.

And that great mind has been matched by a great heart. HOWELL HEFLIN has brought dignity and decency to this institution. We all, I think, would like to believe that we add a measure of that, but I do not know of anybody that has lived up to that requirement of public service that we not only bring talent of intellect but that we also bring a human decency to the job.

And so, I am glad for you, Senator HEFLIN—I have to be formal speaking on the floor. HOWELL, I am glad for you. I am glad for Mike. But, I must tell you, I am sad for Barbara and sad for myself. The Senate will be poorer. Your life, I know, will go on and you will have more time to do things which you so long delayed. But we shall miss you terribly. And we will take full advantage of the year and a half left that we have of your talent here in the U.S. Senate.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, there are four of us here on the floor—Senator PRESSLER, Senator LEVIN, Senator HEFLIN, and myself. We all came here together in the class of 1978.

HOWELL HEFLIN and I were immediately placed on the Judiciary Committee. Senator LEVIN, being more adroit, and Senator PRESSLER, too, managed to escape service there.

But HOWELL HEFLIN and I went to the Judiciary Committee side by side, freshmen Senators. And we went immediately to work on the issues that always confronted a Judiciary Committee, things like—tough ones—issues of judges, issues of immigration, issues of civil rights, the balanced budget amendment.

One of the greatest privileges I had was watching this man work on the balanced budget amendment, day after day, year after year. The first bill out

of the chute every year was the balanced budget amendment. And we were very close and I feel we will get there this year. It will largely be a tribute to you, sir, when it occurs, to HOWELL HEFLIN.

And always you were supportive and helpful to me. When I would seek your counsel, you would give it in a most honest and refreshing way, with that extraordinary honesty and integrity that is, sadly enough, sometimes lacking, but not always.

But to me, you were a steady, thoughtful friend and very, very wise. I do not know many people who are wise. I know brilliant people. I know thoughtful people. I know intelligent people. You are a combination of all those things, but you have a wisdom and common sense which is enviable.

And in our travels together, you and I have a great common bond, and that is humor; good humor.

I will miss your no-tie Hawkins stories, but not much. And I will share with you the toast to water again, and the great story on whiskey, of course, which is memorable in itself.

But, you and Mike have traveled side by side, as Ann and I have, through many years of life. And that remarkable woman at your side is one of the most special ones to me and to my wife, Ann.

So as you go on to new things, knowing that the actual essence of your life is your good humor, it reminds me of what my mother said—that humor is the universal solvent against the abrasive elements of life.

You have lived that way and you have helped us all by just saying, ''Relax. Settle down. We have a job to do. Don't get swept up in the emotion of it.''

The counsel, the friendship, the trust you gave to me are deeply appreciated. We have shared much together. You are a very dear friend and we wish you well. Good luck and Godspeed. We will enjoy these many months more of working with you on things that will come to pass simply because of your presence, and the fact that you have decided to leave us will impel us to do things that are left undone that we will get done as a tribute to you.

I thank the Chair.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I join in the tribute to my good friend and colleague.

I recall visiting his home in Tuscumbia, AL, and his lovely wife, Mike, receiving us there. I recall serving on the Commerce Committee and the Judiciary Committee with him over the years, and I believe we have been on a trip or two with some of these delegations.

So I congratulate him on great service to the United States. It has been a pleasure to serve with you. I think you are an example to all of us of what a good U.S. Senator is. I wish you all my best.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I rise in support of the pending legislation, which would provide for disaster relief and for accompanying rescissions.

This is not by any measure a partisan bill—indeed, it was put together by the Appropriations Committee in the same fine bipartisan spirit that has always characterized that committee, and the relationship between two very fine and capable men—Chairman HATFIELD and the ranking member, Senator BYRD.

I do believe, however, that there is good cause for many of us who are now in the majority, to be particularly pleased with this legislation.

If there was one glaring, disturbing symptom of ''business as usual'' in Washington as practiced for too many recent years, it would be the practice of always saying ''yes'' to new spending, even when most always failing to make the hard decisions to pay for it.

One category of spending in which this has been most obvious has been the area of disaster relief. It is, of course, entirely fitting and proper that we provide assistance to those who are in need solely because of an ''act of God.'' But we have too often simply appropriated this money, added it to the Federal deficit, and failed to prioritize our spending priorities within existing spending levels.

I joined our distinguished leader, Senator DOLE, during the last session, in attempting to provide for a full spending cut offset during the last time the Senate considered emergency disaster appropriations. We failed in that effort, I am quite sorry to say.

But today we see here a bill that not only provides for needed disaster assistance, but more than makes up for that new spending with an even larger amount of spending cuts. This, to me, means that we have truly arrived at a brand new day in Washington.

Let me assure my colleagues that we do no extra, special service to the victims of disaster, nor to our future generations, by simply adding the tab for such spending to the future national debt. We do not need to be reminded that we will soon be asked to vote the debt limit up to $5 trillion—an astonishing, incomprehensible, inconceivable figure.

The accumulation of such massive debts does not assist us in our efforts to cope with disasters or to forestall their worst effects. It only undercuts our ability to adequately provide for such work. There has never been a good policy reason to add such spending to accumulating debts.

Rather, the existence of a natural emergency, of a climate of urgency, has simply been used extensively by this Congress as an excuse—a ''good'' reason to deficit-spend.

I am so very pleased to stand here today and be considering a bill that will provide for those in need but will not add to the Nation's debt. I think it is notable that the first amendment to this legislation—offered by our fine colleague Senator MIKULSKI—sought not to strike the proposed rescissions from the bill—but rather to replace the targeted, considered rescissions with ''across-the-board'' cuts.

I opposed that amendment, as I believe the targeted approach to be the better way to prioritize our spending.

I agree with my friend Senator BOND that we appear to assume that existing priorities are perfectly set whenever we attempt across-the-board cuts—though surely they are not. But I take heart in the offered amendment as well—the consideration of such an amendment first shows us that we are in a new atmosphere these days, in which fiscal prudence is considered to be desirable. It shows that the voters indeed drove their message home hard last November.

I feel very pleased that my colleagues will approve the pending rescissions legislation.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I propose an amendment, I would like to make a few remarks on the legislation pending before the Senate.

First, I congratulate the managers of the bill, the chairman and ranking member of the Appropriations Committee. I think the $13 billion that is going to be taken out of the deficit is an important step forward. I think that some very difficult decisions have been made, and I know that the Appropriations Committee has very difficult choices to make.

I do note also that the House has cut $17 billion, a $4 billion differential. Many of those, of course, were carefully examined by the Senate Appropriations Committee and were found wanting.

Madam President, earlier, I wrote a letter to the chairman of the committee recommending $6.3 billion in low-priority defense and nondefense items funded in the defense budget, as well as several domestic programs.

I do not want to go through all the details, but clearly there was some funding that could have been the subject of a rescission. I regret that they were not included in this package. Things like $5.8 million—this is out of the defense appropriations budget—$5.8 million for the National Center for Toxicological Research; National Guard outreach program in the Los Angeles school district; directed allocation of child development funds to the Pacific region; a wild horse roundup at White Sands missile range, New Mexico; electrical service upgrades; natural gas study and infrastructure planning.

Again, these are out of the defense appropriations bill, I emphasize. $2.5 million—I am sorry, I did not give the amounts—$2.5 million to establish a land management training center; $2.2 million for a natural gas study and infrastructure planning; $1.5 million for a wild horse roundup; $1 million for improvement of navigational charts for the lower Mississippi River; $10 million for a Los Angeles school district youth program.

Again, Madam President, many of these funds may be very important and vital, but what happens around here is if you cannot get it into the specific appropriations for which they would normally be attached, then, of course, they are in the defense appropriations because it has such a large amount of money available.

What is $1 million to improve the navigational charts for the lower Mississippi? What is $10 million for the Los Angeles school district; $2.5 million for natural gas utilization; $10 million for natural gas vehicles; $10 million for electrical vehicles? The list goes on and on, Madam President.

What I am saying is that they had nothing to do with defense. They should have been rescinded and, unfortunately, they were not.

Mr. President, $11 million for seismic research, that incorporated research institutions; $20 million for National Center for Manufacturing Sciences; $5.4 million for Hawaii, small business development center; $1 million for Saltsburg Remediation Center, whatever that might be; an additional $15 million for electrical computers; $4 million, Institute for Advanced Flexible Manufacturing Systems; $5 million for nursing research; $1 million for the Police Research Institute.

I might add, that was put in in conference, never scrutinized in any authorization procedure or appropriations procedure on the floor.

Another $1 million for the southwestern Oregon narcotics task force. Again, not in either bill; $18.5 million for a mental health care demonstration project at Fort Bragg, NC, with an open-ended pricing program growth clause.

The list goes on and on, Madam President. The fact is that we should stop it. We had an opportunity to do away with some of, at least, the $6.3 billion that I had sent and recommended to the Appropriations Committee, and I hope that in the years to come, we will try to exercise significantly more discipline.

Also, we proposed rescissions of $352 million which was appropriated for earmark for surface transportation projects which do not necessarily represent either Federal, State, or local priorities. We should have rescinded any unobligated moneys, in my view.

The VA-HUD appropriations bill for fiscal year 1995 included $290 million in special-purpose grants. According to estimates, only $7 million of this funding has been properly authorized.

Examples of projects funded in that bill which should have been rescinded is $450,000 for the construction of the Center for Political Participation; $750,000 for the Sci-Trek Science Center to create a mezzanine level in its building to increase exhibit space in downtown Atlanta; $1.45 million to the College of Notre Dame in Baltimore, MD, for capital costs, including equipping and outfitting activities in connection with renovation of the science center; and $2 million for the De Paul University library to provide direct services and partnerships with community organizations, schools and individuals.

Madam President, my point here is many of these programs are good programs. Many of them are even needed programs. The question is, are they needed to the degree where we should fund them out of taxpayers' dollars, unauthorized? And sometimes they even did not go through the appropriations process. They clearly did not undergo the scrutiny that was necessary.

I would like to thank the committee for adopting language to rescind wastewater treatment earmarks put in last year. I also appreciate the committee's restriction on the expenditure of $19 million which was earmarked to construct a footbridge to Ellis Island, a bridge that was opposed by the National Park Service. The committee has agreed to hold up that money until an environmental impact statement on the project is completed. I think this is a prudent and responsible action, and I commend them.

Mr. President, the committee should also be commended for making a number of spending cuts that exceed the House reduction. In fact, the Senate cuts more than the House in 61 programs.

I might point out that in several accounts, including highway demonstration projects and local library programs, the Senate rescission does not even equal cuts recommended by President Clinton. I think the Senate can and should do better, and I will offer an amendment later to restore rescissions requested by the President.

I have been examining the bill in detail since it came out on Monday, having been marked up in committee last Friday. I am curious about a number of items that remain funded in the bill. I wonder if I might ask the managers several questions.

Madam President, I ask unanimous consent to engage in questions and answers with the manager of the bill, the Senator from Washington.

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

Mr. MCCAIN. Madam President, I ask my friend from Washington, on page 6 of the House report, which I do not expect the Senator from Washington to have, I will quote it to him.

The House rescission bill on page 6 said:

> The committee recommends a rescission of $12,678,000 in the Agriculture Research Service buildings and facilities program. These funds were appropriated for the construction of a swine research center. Additional construction cost requirements for this facility are about $13 million. The Agriculture Research Service currently conducts swine research in at least 13 different Federal facilities at a cost of over $26 million. Many of these programs and facilities are ongoing projects. The agency has no plans to abolish or move existing research and researchers to the proposed swine center if it is constructed. The Department of Agriculture has estimated this facility would cost about $10 million annually to operate.
>
> Existing legislation directs the downsizing of the Federal work force. Therefore, providing additional researchers for this facility would cause adverse effects in research elsewhere.
>
> Critical swine research could be carried out at an existing ARS facility at considerably less cost than providing an additional facility at a time when USDA is closing facilities and reducing staff.

I ask my friend from Washington if he knew of that action that was taken by the House and perhaps tell me where the facility is located and what that facility would do, if he has information.

Mr. GORTON. I may say to my friend from Arizona that I have the House report here in front of me. My page 6 deals with the Department of State international organizations——

Mr. MCCAIN. The bottom of page 7, top of page 8.

Mr. GORTON. Again, I answer my friend from Arizona in the following fashion: I do not see the Senator from Iowa on the floor, though I suspect he will be back soon. I think he or the Senator from Mississippi can better answer the Senator from Arizona. This Senator is here in anticipation of an amendment by the Senator from Arizona on the subject of the Interior Department Bureau of Indian Affairs, and I intended, in connection with the offsets, to defer most of the debate to those who were familiar with the program.

I do notice the Senator from Mississippi here. The Senator from Mississippi is now on the floor. He is the manager of the portion of the bill dealing with the Department of Agriculture, and I think he can probably better deal with that question.

Madam President, the Senator from Arizona has asked a question about a rescission included on page 7 of the House committee report with respect to the construction of the swine research center and has asked for its justification.

I wonder if the Senator from Mississippi would prefer to answer that question.

Mr. COCHRAN. Madam President, if the Senator will yield, I am happy to point out that in this part of the bill, there were several changes in the funding that the House had included in its legislation. There are a number of buildings and facilities and accounts. If I remember, this is in the Agricultural Research Service part of the bill. I am operating on memory now. I was watching the television monitor when I

heard the Senator from Arizona pose the question about this facility in Iowa. My recollection is that the House rescinded funds for this project and we rejected this proposal and instead took funds not needed for another project. The House bill also recommended funding for a number of projects in the Cooperative State Research Service buildings and facilities account be rescinded, and we decided not to go along with any of them as a class.

The reason for it is, No. 1, I do not think the administration requested those rescissions. No. 2, to go back through all of the CSRS buildings and facilities projects halfway through the year and try to pick out a few to cancel, in effect, or rescind funds at this time in the year, would have imposed quite a task on the committee in terms of reevaluating all projects in that bill.

We looked at the overall approach as one where, first of all, the administration's request for rescissions totaling $142 million in the Public Law 480 accounts struck us as something that we should recommend for approval. The House recommended only a $20 million reduction in funding for title III. Our recommendation is for a $142 million reduction, which is what the administration requested.

We tried to make an independent judgment based on the facts as we understood them. Our committee had already looked at this proposal for the research facility in Iowa and decided it was meritorious. The committee had agreed, the Senate had agreed, the House had agreed, and the President had signed the bill appropriating the funds for it.

We decided not to go back and make a second guess at whether or not the House was justified in its decision. We decided to leave it for a discussion with the House in conference. We will review that in conference. I will be interested in hearing what the arguments are. I have consulted with Senator GRASSLEY of Iowa. He told me he strongly recommended the continuation of this funding, and I agreed with him.

So that is, in a nutshell, the process by which I reviewed that account and decided to recommend to the Appropriations Committee that we not agree with the House on that rescission.

Mr. GORTON. Will the Senator yield?

Mr. COCHRAN. Yes.

Mr. GORTON. Did not the Senator from Mississippi inform the entire Appropriations Committee that total rescissions falling within his jurisdiction were, by percentage, either the highest, or one of the highest, of any of the subcommittees of the Appropriations Committee?

Mr. COCHRAN. If the Senator will yield, I do recall that we are recommending more outlay savings than the House, by far. Almost three times as much in outlay savings will be realized from the recommendations under the agriculture and related agencies title of this bill than will be achieved if the Senate had gone along with all of the recommendations of the House.

So we have differences of opinion. They recommended a rescission of all of the funds appropriated for the Farmers' Home Section 515 rural rental housing program. We decided not to do that. We refused to go along with that. The administration did not request a rescission of those funds, and we thought that it would be unfair to stop in the middle of the year and eliminate all the money that was going to be available for that rural housing program. It is important in many parts of the country.

So I will say to my distinguished friend from Arizona, he can go through this bill and pick and choose and isolate and identify specific areas where we disagreed with the House. We did not rubberstamp what the House has suggested. We seriously and carefully considered every provision in the House bill, however. But we came to some different conclusions. We think we brought our best efforts to bear on that challenge and, in a responsible way, made recommendations to the full committee on appropriations.

Mr. MCCAIN. Madam President, I understand and appreciate the hard work of the Senator from Mississippi and the Members of the Appropriations Committee. But it is also the right and, in my view, the responsibility of those of us who also are Members of this body to look at these provisions. And as I discussed before the Senator from Mississippi came on the floor, when there are billions of dollars appropriated for defense that have no relation to defense, and when I see things like—for example, included is a recommendation for rescission which is only $93,000. But if the Appropriations Committee did not see fit to rescind it for the National Potato Trade and Tariff Association, then obviously there is a certain degree of cynicism about some of the things that I see in the appropriations bills.

Also, the House recommended that the funding for certain agricultural research centers be rescinded. Among them were a poultry science facility, alternative pest control center, a chemistry building, aquatic research facility, center for applied aquaculture, science facility, southeast research station, food science facility, and the list goes on and on—a plant bioscience facility, $3 million for a botanical garden.

I suggest very respectfully to my colleagues that if the State wants to build a botanical garden, I do not see why they should not build it themselves. A grain storage research extension center. A horse science and teaching center—that is one I do not understand at all. A horse science and teaching center. I do not know if we are teaching horses or if we are learning about the science of horses. Either way, I think we have probably explored that issue fairly extensively in the last couple hundred years. A biocontainment facility; a wheat research facility; an environmental simulation facility.

It all has to do, Madam President, with the role of Government. Do we spend money on these projects, such as a horse science and teaching center and a center for applied agriculture? Do we allow the State and local governments to do it, or does the Federal Government do it?

If the Federal Government does it and that is the judgment of this body, that is fine. But then I have an additional problem because what we have done is left programs like this in and taken other programs such as native Americans out.

That is the subject of my amendment.

AMENDMENT NO. 424 TO AMENDMENT NO. 420

(Purpose: To make adjustments to certain rescissions)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 424 to amendment No. 420.

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

Mr. COCHRAN. Madam President, I object.

The PRESIDING OFFICER. The clerk will continue reading the amendment.

On page 4, line 20, strike ''$1,500,000'' and insert ''$14,178,000''.

On page 5, between lines 8 and 9, insert the following:

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $20,994,000 are rescinded.

On page 19, line 12, strike ''$11,350,000'' and insert ''$8,250,000''.

On page 19, strike lines 20 through 23.

Mr. MCCAIN. Madam President, the amendment would rescind over $12.5 million for construction of a swine research facility and nearly $21 million which are construction feasibility study funds not yet obligated.

The House rescissions bill removed these funds. The Senate bill under consideration would restore these funds.

Madam President, this amendment would also restore funding for the $5 million to Indian programs. I would describe those Indian programs which have been cut which I seek to be restored.

I cannot improve upon the case made in the House committee report for cutting $12.678 million, and I described earlier the House report for the construction of a swine research center. Additional cost requirements stated in the report for this facility are about $13 million. They also mention the cost of about $10 million annually to operate.

It also points out that there is swine research being conducted in at least 13 different Federal facilities at a cost of over $26 million.

On a Cooperative State Research Services building facilities program, the House report notes that there is a current backlog of $400 million to complete facility construction projects already in the pipeline.

The bill provides for 15 new feasibility studies and this amendment, which would conform with the House bill, would rescind all funds not yet obligated and stop all feasibility studies.

I have two reasons for offering the amendment. First, I support the Senate rescission bill that meets the House-passed rescission bill. In light of the need for significant deficit reduction, I believe the Senate can and hopefully should be able to reach the goal.

Second, the cutting of $12.7 million and $20.1 million low-priority projects permits the Senate to restore $5 million in Indian programs rescinded by the Senate bill, which Indian programs I believe are not appropriate for rescission.

Over the years I have served on the Committee on Indian Affairs, I have come to the painful yet very certain conclusion that Indian programs have been the last to be funded and the first to be cut.

Last month, the Congressional Research Service provided the Committee on Indian Affairs with a study that showed in graphic form how the disparity in per capita Federal expenditures between Indians and non-Indians, which first became negative for Indians in 1985, has steadily worsened since then, and further deteriorates in the fiscal year 1995 enacted appropriations.

Consequently, in recent weeks, as the 1995 rescission efforts have quickened in Congress, I have told Indian tribes on every occasion that I believe many of the proposed rescissions on Indian programs are a bad idea and that I oppose them.

The Senate bill already adequately addresses some of the House proposed cuts of tribal court funds, the Indian business development grants, and an amount sufficient to permit construction of the Indian Museum Cultural Center to proceed.

I strongly support efforts to maintain funding for these accounts so long as they are offsetting reductions from lower priority programs. In addition, I believe there are other lower priority projects or programs that should be cut, rather than the $5 million in several BIA accounts.

The amendment would restore $5 million in Indian funds and rescind and offset $12.7 million from the swine research facility. The $5 million is comprised of four items in the BIA operation of Indian programs and Indian direct loan program accounts.

The Indian self-determination fund: These indirect cost fundings are currently needed by tribes under self-determination and self-governance contracts and compacts to administer formerly Federal activities.

Last year, Congress passed Public Law 103–413 to encourage expanded tribal assumption of BIA programs as the Federal bureaucracy is downsized. I am concerned the cuts will deter expanded contracting and compacting. In addition, for the past 2 years, tribes have borne unreimbursed shortfalls in indirect costs because tribes spent funds under cost plans approved by the Interior Department inspector general, but later could not collect reimbursement from the BIA because funding had not kept pace.

The second program is a community reservation economic development grant of $600,000. Federal economic development funds, properly administered and distributed, are absolutely vital to restoring the grossly underdeveloped physical, economic, and social infrastructure of American Indian and Alaska Native communities.

This important program was begun in 1992 as a 5-year pilot program when 34 tribal proposals were competitively selected from 148 tribal applications. Most grants are used as seed funds to leverage additional funding. The grants ranged from a low of $27,000. Fiscal year 1995 total enacted level for this program is $5.945 million.

Indian rights protection, $500,000. In the context of the Department's vast trust responsibility to protect, maintain, and manage Indian resources, these funds offer only minimal assistance to support reservation and native community level efforts to protect property rights.

Included in this account are funds for reserved water rights negotiation/litigation and settlement expenses, funds to uphold the directives protecting native allotments prescribed in the Alaskan National Interest Lands Conservation Act, and funds to fulfill the investigation and certification mandates of the Alaska Native Claims Settlement Act.

The last program would be the Indian Direct Loan Program of $1.9 million. This account provides loans to tribes, Indian organizations, and individual Indian for-profit enterprises under the Indian Financing Act.

Fiscal year 1995 total enacted level for this account is $2.479 million, which through a subsidy arrangement is expected to leverage up to $10 million in direct loans this year, unless rescinded.

Madam President, I absolutely believe we must place short constraints on appropriations in this and following fiscal years. The amendment would restore less than one-half of the Indian program rescissions proposed in the Senate bill, and it would make offsetting cuts in the construction of the swine research facility in the cooperative State Research Service buildings and facilities account.

These Indian programs are an extremely important expression of the solemn government-to-government relationship the United States and this Congress has with American Indian and Alaskan Native tribal governments.

I believe we can achieve significant cuts in fiscal year 1995 spending, and we can do so even as we carry out our obligation to ensure that the lowest priority projects are cut first before Indian projects.

I want to point out again, Madam President, I am seeking a restoration of approximately half of the Indian cuts that were made in Indian programs in this rescission bill.

If we look at the cuts that were made in Indian programs as a portion of the entire budget, we will find, as usual, that the cuts in Indian programs is a much higher percentage than any other cuts, rescissions, that have been made.

I am seeking to restore four vital programs that are important to the well-being of Native Americans and the fulfillment of our solemn treaty obligations.

I might add, Madam President, having been down here on numerous occasions and embarked on efforts like these, I probably will not win this amendment, this vote. I probably will lose it. But it is very difficult for me to go back to the native Americans and tell them that I did not at least try to restore the funds that I believe are necessary to try to help the one group of Americans whose conditions are worse than any other group of Americans.

I will not recite the statistics concerning diabetes, alcoholism, child abuse, and all the other horrible and graphic statistics that afflict Indian country, because I have done that before and I am sure I will probably do that in the future.

I feel that in keeping with my obligation to them as chairman of the Indian Affairs Committee, I cannot, in good conscience, not seek a restoration of the funding for at least those most vital programs.

Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. COCHRAN. Madam President, I question the ruling of the Chair on the request for the seconds.

The PRESIDING OFFICER. Is there a sufficient second?

There is now a sufficient second.

The yeas and nays were ordered.

The Senator from Washington.

Mr. GORTON. Madam President, as the distinguished Senator from Arizona has pointed out, this amendment has two quite separate and distinct parts. And of course, the arguments relating to those two separate and distinct parts are quite separate from one another as well.

The Senator from Arizona has fought a long and often lonely fight with respect to many items and many appropriations bills. He was quite eloquent, just a few moments ago, on the misuse of the defense appropriations bill for nondefense items, and went through quite a number of them. Yet this

amendment does not deal with an offset from the defense budget for nondefense items. But, for some reason or another, it takes on the agricultural appropriations bill which, as has already been pointed out by the distinguished chairman of that subcommittee, has in it an amount of rescissions far greater than those proposed by the House and I think proportionately as high as any portion of this rescissions bill. So let me speak very, very briefly to those agricultural projects because I know the Senators, both from Iowa and Mississippi, will do so themselves.

At least a significant number of the Cooperative State Research Service proposals here are for money for facilities which are in the process of being constructed, and where the removal of the money might well cause a cessation of those construction projects.

It is, I am certain, for exactly that reason the Senator from Mississippi did not wish to go along with the House of Representatives. Because there will be differences on each one of these issues, a conference committee may well determine that some of the studies for new projects, which might be very expensive, should be dismissed—should be eventually rescinded. But the Senator from Mississippi——

Mr. MCCAIN. Will the Senator yield?

Mr. GORTON. Did not wish to deal just with those items. He was faced with a set of rescissions at varying levels of study and of actual construction. He and the Senator from Iowa can deal with other matters, but the swine research facility is one that will be before a conference committee along with all the other cuts and reductions, where members of the Subcommittee on Agriculture can determine a priority order of rescissions, designed to meet the very real goal of this rescissions bill.

I think sometime during the course of this afternoon, not only Members, but the general public may have lost track of the extraordinary nature of this bill. I do not believe there is a Senator alive who has dealt in the middle of a fiscal year with the rescission of so many billions of dollars as this one does, in order to make at least a modest downpayment on balancing our Federal budget. It seems to me the chairman of the Subcommittee on Agriculture deserves a great deal of credit for being willing to rescind a wide range of appropriations which, just a few months ago, he felt were appropriate.

Let me also speak, of course, to the other side of the equation and that is the $5 million restoration for the Bureau of Indian Affairs concerns. Unlike the agricultural section of this bill, where the Senate rescissions are greater than the House rescissions in total for Indian purposes in general, the Senate rescissions are less and fewer than the House rescissions. When I, as the chairman of the Subcommittee on Interior, was faced with a table of what the House had done, it had, I must say, fewer rescissions than we ended up with for the Bureau of Indian Affairs.

But the No. 1 goal of those who were concerned with and sensitive to Indian affairs, Madam President, was not the particular line items for the BIA, which, of course, is bitterly criticized by many of its purported beneficiaries, but was directed at the total rescission of all money for the National Museum of the American Indian—two facilities which have been planned and promised, one storage facility in Suitland and a museum on The Mall here in Washington, DC.

Another part of this bill for the Smithsonian Institution restores almost $20 million for this year's progress in the creation of that National Museum for the American Indian. It seemed to me in making that restoration we needed some balance from other Indian appropriations, and for that reason, many of those which are the object of this amendment were included. But the total of all of the additional rescissions for the Bureau of Indian Affairs, Madam President, is nowhere near the amount restored for the museum.

Granted, the beneficiaries are different. There is no question about that. But we did not go dollar for dollar any more than the Senator from Mississippi did. He rescinded more dollars than he restored. In our case we rescinded fewer dollars than we restored, in the broad sense of the term—matters of great interest to the native American communities of this country. In fact, of the $5 million which the Senator from Arizona seeks to restore, $1.9 million, almost 40 percent, is for a program which the President in his budget for next year has recommended zero dollars. So all we are doing here is anticipating the recommendations of the President of the United States—these are Indian direct loans—because there is another guarantee, there is a guaranteed loan program for Indians. And in each of the other cases, we are dealing—which is not the case with all of these agricultural rescissions—with unobligated funds in smaller amounts than had originally been intended and in much smaller amounts than the otherwise total of rescissions for Indian matters.

So I suppose it is possible to say that in one or more of the four objects of restoration here, we might have done a better job. But I know I have been approached by many Senators from my part of the country, as has the Senator from Mississippi, protesting individual rescissions while in general terms, as is the case with the Senator from Arizona, feeling that, if anything, we have not cut out enough spending overall. But the spending that we have not cut off overall almost always seems to be spending in an area which is not of much interest to that particular Senator; and the areas which are of interest are matters of great sacrifice.

So I hope we have been reasonably sensitive in this case, to native American concerns. I know that we have been more generous to them than was the House of Representatives. And I know that the Senator from Mississippi was tougher on agriculture, overall, than was the House of Representatives. I do not think that we should, by this amendment, exacerbate or make worse differences which already exist.

So, Madam President, with regret I oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will be brief. First, I hope the Senator from Washington will note these funds do not go to the BIA; they are not BIA programs. They go direct to the tribes. I think that is an important distinction, particularly after he mentions the well-justified criticism of the Bureau of Indian Affairs.

Second, if the Senator is correct, that much of this money has already been spent and allocated, I do not quite understand the statement in the House bill that says there is a backlog of $400 million, necessary to complete facilities already in the pipeline; so that is of some interest. And fiscal year 1995 provides for 15 new feasibility studies. According again to the House report, the Agricultural Research Service currently conducts swine research in at least 13 different facilities at a cost of over $26 million, and this facility would cost $10 million annually to operate.

The Senator from Washington alluded to something about programs in individuals' areas or States. I would point out to him these Indian programs are national programs. They have no particular affiliation with my State.

I do not intend to drag out this amendment or the debate. I know that the Senator from Iowa will, with his usual passion and articulate presentation, defend this program, and I will, before he even speaks, say I respect and admire his continued commitment to his State and agriculture and how important it is to his State as well as that of swine research.

So I do not intend to extend this debate, and I appreciate the time of the Senate.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, careful consideration was given to the formation of the National Swine Research Center.

A national peer panel recommended the establishment of the Swine Research Center because the needed research was not being conducted in any other State or Federal laboratory nationwide.

The program of research is not duplicative.

The mission of the research center is to develop technology to ensure that the U.S. pork industry operates as an environmentally sound and efficient animal production system.

It will help maintain and increase the competitiveness and efficiency of U.S. pork production and marketing.

This is the answer which the Agricultural Research Service of the USDA gave in response to a question from the House Agriculture Appropriations Committee.

Concerns expressed by Members of the House of Representatives have not been about the facility itself or the research that it will conduct.

Their concerns have been with the outyear funding of research.

The ARS and the pork producers are currently working on this and are making a good faith attempt to consolidate swine research programs in the future to reduce program funding requirements.

Pork production is on the increase in many States.

The research at this center will help pork producers nationwide.

ARS has no swine research projects in the areas of waste management, marketing, economics, housing, management, human health, or swine health, welfare, and behavior in production systems.

Permit me to try to answer the key questions about the National Swine Research Center.

NATIONAL SWINE RESEARCH CENTER FACILITY JUSTIFICATION

What national strategic issues are associated with pork production?

Conservative projections indicate that the United States, in an environment of trade liberalization and increased demand, will have an opportunity to triple its pork exports, currently 262,000 tons), in the next 10 to 15 years. At that level, the impact would be the creation of 36,000 U.S. jobs and $1.1 billion in income, U.S. input-output model. Other parts of the world, including areas in Europe and South America, are poised to take advantage of this opportunity.

What are the barriers to growth in U.S. pork production and pork exports?

Major barriers to growth in U.S. pork production are related to manure management/nutrient utilization, odor control, water quality, employee health, animal well-being, and housing and food safety questions associated with increased pork production. Current USDA facilities are not designed to research these questions; nor are they staffed by scientists with the expertise to study them; nor is it feasible to convert them for the type of research the industry urgently needs.

What are the social concerns associated with increased pork production?

Our society places a high value on environmental quality, water quality, protection from odors associated with swine production, worker health, and animal well-being. At a 1994 international meeting of experts on odor perception and odor production, scientists agreed that the difficulty of obtaining objective measures of odors was a serious problem for the swine industry.

We must develop systems that allow U.S. producers to be competitive while meeting our Nation's social and environmental expectations.

How can these problems be solved?

A national group, including representatives from major pork-producing States and the public and private sectors, examined the opportunities and threats facing U.S. pork production. These group recommended the establishment of the National Swine Research Center, concluding that a unique new swine research center was required to provide the conditions for addressing complex, systems-based issues of critical importance to the survival and growth of the Nation's pork production sector.

Why should a public institution conduct this research?

The center will focus on the type of research that is best suited to public institutions. Private sector incentives to conduct such research are inadequate; advances are likely to be widely useful within the United States; and results will provide a national strategic advantage in pork production with positive impacts on rural development, the national economy, and the Nation's balance of trade.

RESEARCH PROGRAM SUMMARY

Research at the National Swine Research Center will focus on environmental quality, including water and air quality, utilization of manure, and housing designs to improve conditions for rearing swine and preventing human health problems.

In addition to areas of research already described in this document, proposed projects include:

Development of manure-based soil amendments for urban use,

Separation/concentration/drying/fermentation technologies for manure,

Methods to store and handle manure,

Production of biomass energy crops with organic fertilizer, and

Production of methane from manure.

The center will be the source of creative new research on a wide range of production, health, environmental, and socioeconomic issues that must be resolved to support U.S. producers' bid to claim a substantial share of growth in the world market for pork.

Finally, this is a list of current major ARS swine research projects:

USDA–ARS PROGRAM ON SWINE RESEARCH

In FY 1995, $26.1 million was appropriated for ARS to conduct swine research at 13 ARS locations. The areas of swine research currently pursued are: foreign animal diseases; domestic animal diseases; reproduction; food safety; nutrition; systems; parasites; stress; pork quality; genetics; and growth. ARS has no swine projects in the areas of waste management, marketing, economics, housing, management, human health, or swine health, welfare, and behavior in production systems.

CURRENT MAJOR AREAS OF RESEARCH ON SWINE IN ARS

Genetics (Beltsville, MD, Clay Center, NE) Development of genomic map; identify genes associated with disease resistance; identify animals with superior reproductive capacity.

Reproduction (Athens, GA, Beltsville, MD) Sorting of male and female sperm cells, cryopreservation of gametes and embryos; neuroendocrine regulation of reproduction; genetic and physiological factors that influence litter size.

Nutrition and Growth (Athens, GA, Beltsville, MD, Clay Center, NE, Columbia, MO, Fayetteville, AR) Neuroendocrine and bioregulation of physiological and genetic factors that influence fat and protein metabolism; endocrine control studies to increase the lean and reduce the fat in pork.

Domestic Diseases (Ames, IA, Peoria, IL) Viral-induced reproductive diseases; enteric diseases; bacterial and microbiological factors that influence the level of disease and production efficiency

Foreign Animal Disease (Greenport, NY) Foot-and-mouth disease; African swine fever.

Parasites (Beltsville, MD) Identification of swine resistant to parasites; epidemiology and vaccines; diagnostic methods for trichinosis and toxoplasmosis.

Pork Quality and Stress (Beltsville, MD, Clay Center, NE, Columbia, MO, New Orleans, LA, W. Lafayette, IN) Improve baby pig survival by reducing stress and environmental factors; breed and diet effect on quantity, quality, and composition of pork; metabolic regulation of fat synthesis.

Food Safety (Albany, CA, College Station, TX, Clay Center, NE, Wyndmoor, PA) Rapid test to identify drug and antibiotic residues; microbiological safety of port carcasses and pork products; control of pathogenic and spoilage bacteria on meat.

I do feel the managers of this bill want to get to a vote soon. I believe with the forceful response that the Senator from Washington just gave as to the wrongness of the amendment by the Senator from Arizona, plus the defense of this decision of the subcommittee on this specific swine research center, I do not need to add a great deal to how unjustified the amendment is that is offered at this point.

I will simply make a couple points, one in regard to the Federal Government's involvement in agriculture research. It has been a policy of the Federal Government since 1862, with the establishment of the land grant universities, to have the Federal Government very deeply involved in agricultural research and education to enhance the productivity of our farms and to enhance the quality of the product of our farms. That research is much more sophisticated today than it was 132 years ago. That research must still continue to go on to keep our agricultural industry competitive.

It happens that there is a research facility proposed at Iowa State University. There are swine research facilities located at other universities, or research centers. The one established at Iowa State University is not duplicative. I have an official response from ARS on that that I am going to read in closing.

It should not be surprising to anybody that the Iowa State University would be very deeply involved in agriculture research in the first place and even specializing to a considerable extent in swine research because my State is first in the production of corn,

my State is either first or second to Illinois in the production of soybeans, and we are No. 1, way beyond any other State, in the production of pork. One out of every four pigs in America reside in my State. We are a massive pork producing State. And Iowa State University is right in the middle of it. So nobody should be surprised whatsoever if there is a determination made by a national organization, the Congress, following up on proposals by outstanding research groups in America that we need to do specific research in a specific aspect of the swine industry that might be located at Iowa State University.

That is the history of agricultural research. I wish to speak to a specific point, and I am just going to read a short statement on this point, about the suggestion by the Senator from Arizona that there is so much swine research already, why do you need another swine research facility?

Well, the simple answer to that is the different specializations of the different facilities around the United States. I could give a long list, but I will not bother to do so, of what research has been done. But a Congressman from my State, Mr. LATHAM, had an opportunity to ask the Agricultural Research Service this question:

> The National Swine Research Center—

And that is the one that the Senator from Arizona proposes to delete. I wish to start over again. Mr. LATHAM asked the question:

> The National Swine Research Center has been criticized on the basis that it will conduct duplicative research. What is your opinion on the research mission of the center and do you think it is duplicative?

This is the response from the Agricultural Research Service of the USDA to the House Agriculture Appropriations Subcommittee:

> A national peer panel recommended—

I wish to stop just a minute. The reason I wish to emphasize, ''A national peer panel recommended,'' this is not some Congressman or Senator getting something for their particular State. This was a studied approach.

> A national peer panel recommended the establishment of the National Swine Research Center because the needed research was not being conducted at any other State or Federal laboratory nationwide. The program of research will not be duplicative. The mission of the National Swine Research Center is to develop technology to ensure that the U.S. pork industry operates as an environmentally sound and efficient animal production system. It will help maintain and increase the competitiveness and efficiency of the U.S. pork production and market.

I hope those are adequate responses to the supposed justification of the Senator from Arizona for this deletion so that my colleagues will not rescind this project and that we will move forward.

If we make a decision to move forward, I wish to emphasize what the distinguished Senator from Mississippi said. We are only going back to conference with the House and take a second look at this. My judgment is a second look based upon the recommendation of a national peer panel will show that this is not duplicative and it is needed, particularly in the area of cleaning up the environment and having an environmentally sound pork producing system; that this will move forward.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise very briefly to support the position of the appropriators here and oppose the amendment. I do it on the basis the Senator from Washington pointed out, and that is some of these projects have been under way or are in the midst of getting under way. The one I have particular interest in is the environmental simulator that is designed to study the aspects of hazardous materials moving through soil. And it does it in a very abbreviated way. It is something that pertains to what we are seeking in this country. And so, Mr. President, I rise briefly to oppose the amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to associate myself strongly with the comments made by my colleague from Iowa, Senator GRASSLEY, regarding this pending amendment. I think he hit the nail right on the head when he read the letter from the Agricultural Research Service regarding the importance of this swine research center and the fact it is not duplicative of other research and facilities. The kind of research that is going to be done there is not being done anywhere else in the country.

There has been a lot of comment made on that this kind of research is done elsewhere. Quite frankly, it is not.

Mr. President, I understand the desire of the Senator from Arizona to put more money into two accounts funding American Indian programs. I am not fully familiar with them. I am sure he has some legitimate arguments why that funding is necessary.

I would suggest, however, that the Senator from Arizona has gone after wrong accounts to get the money. Because he has gone after some research projects that are important to us nationally; research projects that are important not only for the producers in this country but for our consumers also.

We have a long, proud history of Federal support for research in this country, especially agricultural research, going clear back to Abraham Lincoln's time.

That support for agricultural research is a key factor providing us an abundance of the most wholesome, most varied food at the lowest price of any nation. About 8 cents of every dollar of disposable income an American family has goes to buy the food they consume at home. You cannot match that figure anywhere in the world. We have not only the most variety and the largest quantity of foods, but they are the healthiest and the cheapest.

These benefits have been brought about, in substantial part, by the agricultural research that has been done in this country. A lot of this research is not the easiest to understand. There is a lot of sophisticated work being done to improve agricultural productivity, to expand markets and uses for agricultural commodities, to improve the competitiveness of U.S. agriculture in world markets, and also to reduce the impact of agriculture on the environment while at the same time maintaining productivity.

This is no time to be cutting this vital agricultural research. Speaking only for myself, I believe we are not putting enough into agricultural research as it is. For example, USDA formula funds for land grant universities have been essentially flat in dollar amounts since 1983, meaning universities have lost 20 to 25 percent of their research purchasing power since 1983.

Agricultural research is a good investment. Studies have shown that the return on investment in agriculture research has been in the area of about 20 to 25 percent.

And let us keep in mind that a relatively small share of Federal research and development funding actually goes to agricultural research and development. According to the National Science Foundation, for 1994, only 2 percent of the total Federal research and development dollars went to agriculture. Of the total Federal dollars for basic research, only 4 percent went to agriculture.

So again, while these proposed cuts may seem small in the magnitude of the billions of dollars we are talking about, they are large when you compare them to the relatively small amount of actual research dollars that go to agriculture.

As I said, this research is sophisticated work; it is highly specialized. And that can sometimes make it easy to attack or to poke fun at.

Well, there was even a television show one night that referred to funding for the Swine Research Center, very jokingly saying, ''Well, this is the ultimate pork, isn't it, Federal dollars going to pork research?''

Well, I suppose it got a lot of laughs and people who did not know what it was about can laugh about it.

But the fact is, the pork industry in America is no laughing matter. There are over 200,000 pork producers in this country. The pork industry generates over $66 billion in economic activity and supports about 764,000 jobs directly and indirectly and adds nearly $26 billion of value to production inputs. Annual farm sales of hogs are usually more than $11 billion, and retail sales of pork are more than $30 billion each year.

In fact, farm receipts from sales of hogs place the industry in fourth or fifth place among all agricultural commodities that we produce in this country. So it is a very important industry. It is very important for our producers. It is important for our consumers. It is important for our Nation.

Some of the important issues that will be researched at the Swine Research Center include how pork production can be made more efficient and how we can solve some of the environmental problems of pork production.

The research will include studies by soil, plant, and animal scientists into enhancing both the competitiveness and the environmental soundness of the pork industry.

There is currently, as my colleague from Iowa pointed out, no other State or Federal facility capable of addressing the unique research planned for this center.

The Agricultural Research Service has identified this project as a high priority. It is the result of joint planning and continuing efforts by the USDA's Agricultural Research Service, the National Pork Producers Council, Iowa State University, and the Iowa Pork Producers Association.

As Senator GRASSLEY pointed out, there was peer review, a national peer review, not just regional or State.

So for these reasons, it is important that we continue our commitment to agricultural research in general and to the Cooperative State Research Service and to the Agricultural Research Service.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a fact sheet from the National Pork Producers Council, entitled ''A Profile of Today's Pork Industry.''

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

A PROFILE OF TODAY'S PORK INDUSTRY

The U.S. pork industry is experiencing unprecedented growth. More pork was produced in the U.S. in 1992 than ever before, and 1993 was nearly as large. Over 17 billion pounds will again be processed from just under 93 million hogs in 1994.

The economic impact of the industry on rural America is immense. Farm receipts from hogs place the industry in 4th or 5th position [depending on the year] among all farm commodities. Annual farm sales usually exceed $11 billion, while the retail value of pork sold to consumers exceeds $30 billion.

And the pork industry benefits more than just farmers! Pork production means jobs and economic opportunity for thousands of rural communities. The ''value added'' nature of pork provides employment well beyond the farm. Based on a 1993 study by researchers at Iowa State University, the U.S. pork industry is responsible for over $66 billion dollars in total domestic economic activity. Through direct, indirect and induced effects, the pork industry supports 764,080 jobs and adds nearly $26 billion dollars of value to production inputs. Given these figures, the pork industry's major contribution to local, state and national economies and governments (through tax revenues) is obvious.

Approximately 200,000 pork producers are in business today compared to nearly three million in 1950. Farms have grown in size—nearly 80 percent of the hogs are grown on farms producing 1000 or more hogs per year. These operations, which are often more technically sophisticated, are still predominantly individual family farms.

The geographic location of pork production is shifting as well. While the traditional Corn Belt represents the overwhelming share of production, growth is also occurring in ''nontraditional'' hog states such as Texas, Colorado, and Oklahoma. North Carolina, which ranked 14th in pork production 30 years ago, now ranks 2nd among states.

The global market offers tremendous growth potential for U.S. pork producers. With many of the world's most cost-efficient producers, the U.S. pork industry still only sells about 2 percent of total production overseas. Yet pork is the world's ''meat of choice'' by far, with over 40 percent share of the world's meat protein market.

The National Pork Producers Council is the only national membership organization representing pork producers exclusively. The ''Pork. The Other White Meat'' promotion is well known. Funded by the national pork checkoff and paid for by producers, it is credited with having a major impact in improving pork's consumer image and helping improve pork demand. The checkoff also funds important research projects to improve pork's nutritional profile, overall quality and price.

Mr. HARKIN. Again, Mr. President, while I understand the desire of the Senator from Arizona to put more money into programs he feels very strongly about, this is not the time to turn our backs on the important agricultural research being done all over this country.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GORTON. 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. GORTON. Mr. President, I move to table the McCain amendment.

The distinguished Senator from Arizona has agreed it can be done by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain amendment.

So the motion to table the amendment (No. 424) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

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

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

Mr. DOLE. Mr. President, I am going to use a portion of my leader's time.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. DOLE. Mr. President, in announcing his plans to not seek reelection, our distinguished colleague from Alabama, Senator HEFLIN, said today that he hopes he ''will be looked upon as a public servant who has served with dignity, integrity, and diligence.'' In my view, those qualities speak volumes about Senator HOWELL HEFLIN.

From his highly decorated service in the U.S. Marine Corps in World War II, to his 6 years as chief justice of Alabama's Supreme Court, to his three terms in the U.S. Senate during which he held the thankless post of Ethics Committee chairman, this man affectionately known as the country judge from Tuscumbia, AL, has made a difference for America and the people of his State.

While we have not agreed on every issue, I have been proud to stand with my friend from Alabama time after time, whether it's been on the Desert Storm resolution, the flag protection amendment, the balanced budget amendment, regulatory reform, or one of countless other issues.

Mr. President, as Senator HEFLIN looks ahead to returning home to Alabama and more time with his wife, children, and grandchildren, I know all my colleagues join in wishing him all the best for the future. And I know that during that final 2 years of his term, he will continue to serve with the dignity, integrity, and diligence that have characterized his life in public service.

Mr. DOLE. Let me first announce there will be no more votes this evening. It is my understanding that the manager of the appropriations bill now pending indicates we will complete action on the bill maybe late tomorrow evening. That is the hope of the chairman, Senator HATFIELD.

EXECUTIVE SESSION

Mr. DOLE. I now ask unanimous consent that the Senate go into executive session to consider the nomination of Daniel Glickman to be Secretary of Agriculture, and that it be considered under the following agreement: 40 minutes to be equally divided in the usual form. I ask further that, when the Senate concludes its debate tonight, there be 10 minutes for debate, equally divided in the usual form, on Thursday, prior to vote on the confirmation of Mr. Glickman.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The legislative clerk read the nomination of Daniel Glickman, of Kansas, to be Secretary of Agriculture.

ORDER FOR VOTE ON GLICKMAN NOMINATION

Mr. DOLE. I ask unanimous consent that the vote occur on the confirmation of Mr. Glickman at 10:25 a.m. on Thursday, March 30, 1995.

Mr. President, I further ask unanimous consent that following the vote on the confirmation of Mr. Glickman, the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

Mr. DOLE. Mr. President, Senator HATFIELD is here, and if Members on either side have amendments that could be disposed of this evening following the discussion of the Glickman nomination, which I do not think will take very long, he would be prepared to do that.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I rise today in support of the nomination of Dan Glickman to be Secretary of Agriculture. Dan and I have worked together on four farm bills.

No matter how active or informed the members of the Committee on Agriculture, Nutrition, and Forestry are, we cannot put together a good farm bill without an active administration. I know personally from speaking to the President that Dan Glickman has his confidence. Mr. Glickman has the President's mandate to develop a farm bill that makes sense for both rural Americans and the taxpayers of this country as a whole.

I know that Dan Glickman will be an ideal person to represent this administration as we try to develop farm policies that make sense for farmers, for consumers, for the environment, and for this country.

Dan Glickman was born in Wichita on November 24, 1944. He was first elected to Congress in 1976—just 2 years after I began my service in the Senate.

As a veteran of the House Agriculture Committee, he has mastered the arcane details of U.S. farm programs.

Again and again in his career he has fought to focus farm subsidies on low- and middle-income farmers and tried to increase Federal oversight of the commodity futures markets.

These are battles in which I am proud I was allied with him.

One of the things that I like best about Dan Glickman is his self-deprecating sense of humor. This was highlighted in a recent story in the New York Times. Mr. Glickman was joking about the Capitol's notorious reputation for abandoning those out of power. Mr. Glickman said, ''The only one working in the family now is our son and he won't take our calls.''

On the night of his election loss Congressman Glickman commented: ''I liken it to a bear market; sometimes the good stocks got hit every bit as much as the bad stocks. In this case, I think I was a good stock.''

Fortunately, for all of us, the stock market has shifted direction again. How high Dan Glickman's stock has risen again will be clear tonight when he is overwhelmingly approved by the Senate.

Mr. DOLE. Mr. President, as the longest sitting member of the Senate Agriculture Committee, I welcome the administrations choice to appoint Dan Glickman as Secretary of Agriculture. I have worked with Dan Glickman as a Congressman from the State of Kansas for a number of years. I can attest to his commitment to agricultural issues and I know the qualifications that he brings to the job.

Throughout his 18 years in Congress, he earned a reputation as a Congressman who understands the issues, who listens, and who works with his colleagues to find common ground.

Congressman PAT ROBERTS, Senator NANCY KASSEBAUM, and I introduced Dan to the Senate Agriculture Committee. I think that it is very significant that we three Republicans support this nomination. We may all share a Kansas background, but more importantly we know from working with Dan that he is more interested in solving problems than scoring partisan points.

His experience speaks for itself. He has helped write the last four farm bills—the last one as the chairman of the Subcommittee on Wheat, Soybeans and Feed Grains. We all know that the 1995 farm bill will be difficult to write. The Agriculture Committee's recent hearings have hinted at the tough choices that lie ahead. We will need an experienced, committed advocate at the Department of Agriculture. Dan Glickman recognizes the weaknesses and strengths in our current policies, and the fiscal constraints that will play an important role in shaping our future policies. Above all, he realizes that the foundation of our Nation is American Agriculture.

Mr. President, the people of Kansas are proud of Dan Glickman. I am pleased to recommend him to be Secretary of Agriculture. I, too, hope there will be an overwhelming vote.

Mrs. KASSEBAUM. Mr. President, I rise today in support of the nomination of Dan Glickman to become the next Secretary of Agriculture. Dan and I are long-time friends, and share a mutual appreciation and admiration for an agriculture system that provides the wholesome, abundant, and inexpensive food supply that all Americans now enjoy.

For the past 18 years, Dan has ably and effectively served agriculture as a Member of the House of Representatives, representing Kansas' Fourth District. During his tenure, Dan provided outstanding leadership as a member of the House Committee on Agriculture. Many of us recognize the important role Dan has played in the effort to help U.S. agriculture compete in an increasingly global marketplace by expanding and strengthening our country's export programs. Dan also has been instrumental in congressional efforts to improve U.S. grain quality standards, making our commodity exports more attractive to potential foreign buyers.

I know Dan to be a competent, thoughtful, and articulate spokesman for agriculture. He has forged strong relationships with producers, agribusinesses, and legislators. These relationships will prove invaluable as he begins his work as Secretary of Agriculture.

Mr. President, rural communities depend on a vibrant and prosperous agriculture industry to support schools, churches, hospitals, community organizations, and main street businesses. I firmly believe that a key to our economic prosperity is the continued emphasis on American exports. During this year's farm bill debate, we must commit ourselves to crafting agriculture policy that allows our producers to compete in the 21st century, global marketplace, strengthening our rural communities in the process. It is also imperative that we continue to look for ways to improve effective programs, while eliminating costly, obsolete programs. Dan Glickman will play a vital role in achieving this ambitious, yet attainable goal.

Mr. BAUCUS. Mr. President, I rise today in support of the confirmation of Dan Glickman as the Secretary of Agriculture.

The post of Secretary of Agriculture is important to this Senator and vital to American agriculture. His confirmation will bring an outstanding advocate for farmers to the Clinton administration.

Agriculture in this Nation is very diverse. While on the surface Kansas and Montana agriculture are similar—we produce wheat and beef—there are some significant differences as well. And there are myriad variations in the agricultural industry which is found across this Nation.

As we focus our attention on the 1995 farm bill, he will bring an expertise to this debate which will be critical and beneficial to all—but especially to our farmers. His experience, knowledge, and skill will help us guide farm policy into the 21st century. I look forward to working with him on that important task.

With the confirmation of Dan Glickman, I am confident that help is on the way in dealing with several crises facing Montana. While I am concerned about the closure of the region I Forest

Service office in Missoula, MT, I hope that Secretary Glickman will review the Forest Service reorganization plan and that he will stop any actions which make no sense—like the proposed Missoula closure.

Although I remain concerned about the need for expanded agricultural research and stability within the Agricultural Research Service, I know that before stations are closed, Secretary Glickman will help identify critical research and make certain such research is not unnecessarily eliminated just to show that locations are being cut.

Finally, today I am heartened that we will soon see a heightened sense of cooperation between the Department of Agriculture and the Department of the Interior. Whether it is animal damage control on our Forest Service and Bureau of Land Management properties or prevention of the spread of brucellosis between bison and cattle, I know we can expect greater teamwork.

I am confident that Mr. Glickman is well prepared for the challenges ahead of him. I congratulate him and I look forward to rolling up our sleeves and getting to work.

Thank you Mr. President. I yield the floor.

LEGISLATIVE SESSION

Mr. DOLE. I now ask that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

COMMENDING CHICK REYNOLDS ON THE OCCASION OF HIS RETIREMENT

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

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 96) commending Chick Reynolds on the occasion of his retirement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

RETIREMENT OF CHICK REYNOLDS

Mr. DOLE. Mr. President, our friend Chick Reynolds, chief reporter of the Official Reporters of Debates, has notified the Secretary of the Senate that he intends to retire effective July 7, 1995.

Mr. Reynolds' remarkable Senate career began in 1974 when he was appointed an official reporter of debates. He later became the chief reporter in 1988. Mr. Reynolds' service has been honorable as well as memorable—his reporting has often landed him in the center of the day's headlines.

In his two decades of service, Mr. Reynolds reported Federal agency hearings and various committee testimonies in both the House and the Senate, including such notable events as the Joseph McCarthy and Jimmy Hoffa hearings. He covered the White House during the Kennedy, Johnson, and Nixon administrations.

And Mr. Reynolds is truly a part of our country's great history. During his assignment in the Kennedy administration, he reported President Kennedy's famous Berlin speech and was in the Presidential motorcade on that tragic day in Dallas, when President Kennedy was assassinated.

Mr. Reynolds has served the Senate and the Nation with distinction and loyalty for over 20 years. I know all Senators will join me in wishing Chick and his wife, Lucille, our sincere gratitude and our prayers in his retirement.

The PRESIDING OFFICER. Without objection, the resolution is agreed to and the preamble is agreed to.

So the resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas Chick Reynolds will retire from service to the United States Senate after twenty years as a member of the staff of the Official Reporters of Debates;

Whereas he has served the United States Senate with honor and distinction since joining the staff of the Official Reporters of Debates on July 1, 1974;

Whereas his hard work and outstanding excellence as an official reporter resulted in his appointment to the position of Chief Reporter on May 1, 1988;

Whereas, Chick Reynolds, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with great efficiency and diligence;

Whereas Chick Reynolds has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Chick Reynolds for his years of faithful and exemplary service to his country and to the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Chick Reynolds.

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

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

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The Senate continued with the consideration of the nomination.

Mr. DASCHLE. Mr. President, let me join with the others who have risen in support of this important nomination. I want to thank the majority leader for bringing this matter to the floor at this time. This is a very important and timely issue for a lot of reasons.

Obviously, there are many extraordinary decisions that the Senate and Congress must make over the course of the next several months, and we need the leadership that Congressman Glickman can provide in this regard.

There are many who would like to begin working with him very earnestly, at the earliest possible date, to begin the process of developing another 5-year farm bill. We need to get on with that. We need to recognize how important it is that this farm bill be passed expeditiously.

Certainly, the sooner we can get this nomination confirmed, the better. I am excited about this nomination for a lot of reasons. I believe that Dan Glickman is perhaps one of the most qualified people to be nominated for this position, at least in recent memory.

He understands the importance of agriculture, of rural America, of all of the challenges that we face as we consider the transition that rural America is now experiencing.

He is extraordinary at creative bipartisan consensus on policy issues, as well as on the strategy regarding a number of the legislative matters that will come before the Senate. I believe that his bipartisan consensus building skills will serve everyone well.

Dan Glickman has served in the Congress for a long time. As a member of the House Agriculture Committee, he has been the leader on countless legislative issues relating to farm bills and agriculture. He deserves our support. We all recognize the leadership he has provided. He deserves the kind of consideration that he is being given this evening.

Mr. President, I think it is also important to note that Dan Glickman is one of the most accessible people I know. He is willing to go the extra mile, to talk with people, to be available as questions arise, both on and off the hill. He is willing to travel. He is willing to go out into the far reaches of this country to address in the most meaningful and considered way the broad range of issues that the Secretary of Agriculture must consider.

He is an outstanding legislator who is ready to lead on a whole range of issues that I know will be on his desk in the not-too-distant future. He has been an advocate of increasing trade with other countries. While he had specific reservations about the most recent trade agreement, Dan Glickman understands how important trade is, how important it is that we reach out to other countries and create new markets.

He recognizes, as well, the value of the new market development that we need to improve farm prices. He recognizes that value-added markets are really the key to long-term agricultural development. We cannot look to the farm bill to create artificial price mechanisms. We have to go out and build the markets both internationally and domestically.

I have had many conversations over the course of the last several months with Dan on this point. I am pleased at his enthusiastic response to the desire that many share with regard to building value-added markets in the future.

Dan Glickman also understands the importance of the next generation of agriculture. He knows that the farm community is getting older, that the farm community is getting to the point where, indeed, we must look to the next generation for the long-term future and viability of agriculture. He knows we have to help young farmers. He knows that the only way to do that is to provide a better price.

Dan Glickman also understands the importance of conservation. Conservation has been an issue that he has worked on for many years. He realizes the importance of the CRP program and the efforts that we made to address soil erosion. He understands the importance of research in providing for the efforts to conserve our soil and to do more in the realm of providing for long-term environmentally sound responses to the agricultural practices of the past.

So, Dan Glickman is a very futuristic individual. He understands that we made an investment that ought to be protected, but he understands, as well, the need to refocus that investment as warranted.

Mr. President, it is with great enthusiasm that I come to the floor this evening to support his nomination, to again reiterate my view that there are few people that have come to the Senate in support or in recognition of the need for agricultural policy that have been as qualified as this person is.

Dan Glickman deserves strong bipartisan support. Given the remarks made by the majority leader and others in the Senate Agriculture Committee, I am confident that there will be overwhelming support demonstrated in our vote for him tomorrow.

Once he becomes Secretary, I look forward to working with him. I know for the next couple of years his plate will be full and his agenda will be long, but, I think there also will be a good deal of willingness on both sides of the aisle to work with him to ensure that he is successful.

Our country depends upon the talents of a Dan Glickman. Our future in agriculture depends upon his leadership. It is critical that we cooperate with Dan as he continues to provide that leadership.

Mr. President, I hope that we can demonstrate with enthusiasm tomorrow how strongly we feel about this nomination, how hopeful we are about his success and how determined we can be about our willingness to cooperate as he begins his task. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to add my voice to the strong support that has been evident for a long time with the President's new nominee for the Secretary of Agriculture, former Congressman Dan Glickman, from my neighboring State of Kansas.

Mr. President, much has been said about this dedicated, talented individual. I have heard statements made by Senator LEAHY, the ranking Democrat on this side of the Agriculture Committee; by the majority leader, Senator DOLE, who has, as he has indicated in his remarks on the floor a few moments ago, the record as the longest sitting member of the Agriculture Committee; and just a few moments ago by the minority leader, from my neighboring State to the north, South Dakota, the minority leader, Senator DASCHLE.

They all summed up very, very well, the regard that the nominee had by those who know him the best. I have known him for a long, long time. I have worked with him on foreign policy ever since I have been in the U.S. Senate.

He is one who thoroughly understands the farm programs, but more importantly, what an important part agriculture is to the overall economy of the United States of America.

I remind all once again that, if it were not for the offsetting factor of exports of farm products, the balance of trade deficit that the United States has would skyrocket dramatically. Dan Glickman understands agriculture. He knows the serious situation that agriculture is facing today. I am delighted that the majority leader has called for the vote on tomorrow morning.

I am anxious to begin working with the new Secretary of Agriculture because, as the lead Democrat on the Budget Committee, the new agricultural leader knows, the Agricultural Committee knows, the Appropriations Committee knows, that the actions that will take place in the Budget Committee in the near future are going to have a great deal to do with how successful the new Secretary of Agriculture will be in writing a workable farm program and policy.

I have not been in a position, nor has he, during this waiting period which held up his assuming this new role in even a more timely fashion—it was not possible for me to sit down with him and talk specifics about what his recommendations will be with regard to the recommendations out of the Budget Committee for the total agricultural programs.

Dan Glickman will do a great job. I will listen to his recommendations very carefully with regard to the farm program. Given the fact we are going to have to make some very, very hard choices on a whole series of issues if we are going to get ourselves on the road to a balanced budget by the year 2002—which I think obviously is the overwhelming goal of Members of the Congress on both sides of the aisle and in both Houses—it is, therefore, critically important we get Dan Glickman on board as soon as we make the confirmation tomorrow and as soon as the President goes through the formality, which I hope will follow almost instantaneously. Then Dan Glickman can take over fully the important function of Secretary of Agriculture of the United States of America and, for that matter, the Secretary of Agriculture for the whole free world.

I urge as near a unanimous vote as possible. I would not be surprised if the vote of the Senate was unanimous tomorrow morning. I am looking forward to working with my great friend, Dan Glickman, who will be the new Secretary of Agriculture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

LEGISLATIVE SESSION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate return to legislative session, to the bill, for purposes of my offering an amendment that has been agreed to on both sides regarding grazing permits for cattle in certain parts of the United States.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 425 TO AMENDMENT NO. 420

(Purpose: To extend the terms of permits for grazing on National Forest System lands to allow time for compliance with the National Environmental Policy Act of 1969 in connection with permit renewals)

Mr. PRESSLER. Mr. President, on behalf of myself, Mr. THOMAS, Mr. SIMPSON, and others, I send an amendment to the desk that has been approved on both sides and that the chairman of the Interior appropriations subcommittee has approved, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. THOMAS, and Mr. SIMPSON proposes an amendment numbered 425 to amendment No. 420.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Mr. PRESSLER. Mr. President, I rise today to propose an amendment to allow the renewal of grazing permits on Forest Service lands until the completion of the required analyses under the National Environmental Protection Act [NEPA].

The management of Federal lands is the hub of multiple-use strategies. Sound stewardship and range management practices represent the foundation needed to protect Federal lands and ensure that they are maintained for future generations. Multiple-use practices by the ranchers themselves greatly enhance the condition of Federal lands. Keep in mind that many generations of ranch families have made a living, raised their families, and maintained these lands for future generations. The sustainability of their livelihoods is linked to the substainability of the land. They are the true environmentalists.

Despite their previous good stewardship, ranch families now risk being punished for the Forest Service's inability to complete the studies required by NEPA in time for the beginning of the 1996 grazing season. Over 120 Black Hills' grazing permits must be reissued by the Forest Service before the 1996 grazing season, which begins in March 1996. In accordance with NEPA, before the permits can be reissued the Forest Service must analyze each allotment for effects on endangered species, and environmental, cultural, historical, and water resources.

In this time of downsizing, already 4,000 jobs at the Forest Service have been eliminated. Yet despite this reduction in human resources, the Forest Service must now take on sweeping studies of every single ranking allotment—not just in South Dakota—but throughout the Western States.

I met with Chief Jack Ward Thomas of the Forest Service last week. He said that in order to complete these analyses as close on time as possible, he will have to concentrate both his financial and human resources on completing the NEPA studies. Chief Thomas said it himself: ''This means that every other function of the Forest Service in the West will suffer as a result.''

The timber industry will suffer, as well as the ongoing Black Hills forest management plan activity. In addition, because Forest Service personnel and resources will be spread so thinly, the risk of appeals—of both timber sales and grazing permits—is even greater.

I recognize that due to recent court action, the Forest Service is between a rock and a hard place. My amendment will solve the Forest Service's dilemma. It allows the permits to be renewed until the completion of the NEPA analyses.

I would like to note that my amendment is very similar to an amendment offered yesterday by my colleague from South Dakota. However, my colleague's amendment was included as a part of the Regulatory Transition Act which could be delayed in conference for some time. The very fact that I am introducing a similar amendment again today attests to the gravity of the situation, and my commitment to passing a resolution to this problem into law.

Unfortunately, Mr. President, we do not have much time. It is imperative that we resolve this issue quickly, for the sake of the ranchers and loggers in South Dakota—and across the West.

I urge my colleagues to support my amendment.

I will now yield to my colleague who has taken a great deal of leadership on this issue, the Senator from Wyoming.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from South Dakota. He has joined with many of us to deal with this issue. It is one of these issues that has a timeliness problem.

What we really have, as the Senator has pointed out, is during the past several months there has been some kind of court ruling that requires an individual NEPA investigation for every grazing permit. There are about 4,500 grazing permits from the Forest Service. About 700 of them will expire this year, the end of 1995. And, under the new regulation, driven by the court procedure, these NEPA requirements would have to be completed before these grazing permits can be extended.

The Forest Service has said there is no way they can do that within that length of time. The result would be that ranches that depend upon grazing permits for their summer grass for cattle and sheep would simply be out of business.

This does not change the requirement, it simply provides for some time. It says basically that permits cannot be refused because of the lack of the NEPA regulation. In other words, it says until the NEPA regulation is finished the permits can be renewed. That is really what it is all about.

By the way, there is plenty of protection. It is not a matter of protection. There are now NEPA requirements on the forest plain, at the forest level. It is already there. In fact you can make an argument it is not needed. We are not making that argument. We are simply making the argument that the process of NEPA can continue but that there is not enough time to do it without injuring people who have a business of grazing on public lands.

This would simply extend the time for that to happen. It is timely and needs to be done so people can plan for next year, can plan to turn their cattle out, can have loans and continue their business as they always have.

Mr. President, I urge the amendment. Let us put it in the bill so we can take away this threat to the economy of the West.

I thank the Senator from South Dakota.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to congratulate my friend and colleague from South Dakota, and my colleague and friend from Wyoming. I just made some pronouncements about the new Secretary of Agriculture about adjoining States. Here we are, adjoining States again. I am here with my senior colleague from South Dakota, Senator PRESSLER, and my new colleague from the western neighbor of the State of Nebraska.

I congratulate both of them for the amendment that has been offered. The matter has been cleared on this side and we are prepared to go ahead and agree to the amendment, if that is the will of the chairman of the Commerce Committee?

Mr. PRESSLER. I thank my friend from Nebraska. I regret he is leaving this Chamber. I have previously said a few kind words about him, both here and in the press. But I thank him very much for his great service here in this body.

Mr. President, I urge the adoption of this amendment.

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

The amendment (No. 425) to amendment No. 420 was agreed to.

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

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now return to executive session to the nomination of Secretary Glickman.

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

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The Senate continued with the consideration of the nomination.

Mr. PRESSLER. Mr. President, I would like to say a few words about Dan Glickman. I have known him since 1974, when we came to the U.S. House of Representatives together. I have known him and his wife. We have traveled to different events together over the years. We have voted together in the House of Representatives. We have served together on a number of caucuses. I had observed his work over the years.

I certainly shall be voting with a great deal of pride for Dan Glickman for Secretary of Agriculture.

I am especially interested in the international aspects of agriculture. I believe in the next few years what we do in international agricultural trade will be just as important to farm prices as some of our domestic programs.

The business of the Secretary of Agriculture is the business of food for

peace. It is the business of international trade. It is the business of selling our products abroad, but also using food in foreign policy situations. The Secretary of Agriculture can be a driving force for what happens in farm prices and for the entire agricultural industry in our country in the next few years.

The Secretary of Agriculture also is a very important force domestically because it is his Department that sets the standards for food—what people are supposed to eat. The Food Stamp Program also is administered by the Department of Agriculture to provide food assistance for the poor. These are just some of a whole array of domestic issues handled by the Secretary of Agriculture.

The Department of Agriculture is a vast, huge agency. I first became acquainted with it when I was a young 4H member growing up on a farm near Humboldt, SD. There is a great deal of controversy about what the Department should do about reorganizing, and making it more efficient. I hope Dan Glickman will heed the call of the American people for less Government and more action, so to speak, in terms of the bureaucracy. It seems every time we cut spending around here we are told it is going to cut children's programs or food stamps or it is going to close a local office in one of our States. We never hear anything about shutting down any of the bureaucracy here in Washington, DC.

We need to have a more efficient Department of Agriculture. I am hoping Dan Glickman will do just that. I am prepared to help him and I wish him well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. 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. PRESSLER. Mr. President, I would like to yield back all the time on both sides regarding the nomination of Mr. Glickman. And I am playing the role of both leader and Democratic leader at the same time, I am told.

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

LEGISLATIVE SESSION

The Senate resumed legislative session.

MEASURE READ FOR THE FIRST TIME

Mr. PRESSLER. I would inquire of the Chair if H.R. 849 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, it has.

Mr. PRESSLER. Therefore, I will ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 849) to amend the Age Discrimination in Employment Act to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local fire-fighters and law enforcement officers, and for other purposes.

Mr. PRESSLER. I now ask for its second reading.

I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk and have its next reading on the next legislative day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Select Committee on Intelligence.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT—PM 39

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 Commerce, Science, and Transportation.

To the Congress of the United States:

This Nation's future depends on strong public and private support for science and technology. My Administration's decision to make sound investments in science and technology even as the Federal Government cuts other spending is premised on three basic assumptions:

—Technology is the engine of economic growth.

—Scientific knowledge is the key to the future.

—Responsible government advances science and technology.

The Congress and the American people can find evidence of the Administration's dedication to responsible government support for science and technology in our defense and economic policies as well as our management of the science and technology enterprise. We have decreased the Federal deficit, helped to create millions of new jobs, and improved the tax treatment of small businesses and of investments in research and development. Hemispheric and global trade agreements as well as relaxation of outdated export controls have opened huge export markets to America's high-tech industries. My *National Security Strategy of Engagement and Enlargement* (February 1995) depends on farsighted and efficient science and technology investments. Our foreign policy and security interests are also supported by mutually beneficial international cooperation in science and technology.

We have consistently endorsed technology policies to increase prosperity and enhance environmental quality. In *Technology for America's Economic Growth* (February 1993) and *Technology for a Sustainable Future* (July 1994) this Administration conveyed to the American people our plans for public/private partnerships to improve the business environment, enhance access to quality education and training, support development of information infrastructure, ensure continued excellence in health care, and strengthen America's global competitiveness.

Streamlined government based on strong partnerships—within the government, with the private sector, and among nations—is a hallmark of the Clinton/Gore Administration. The ''virtual department'' I created by establishing the National Science and Technology Council (NSTC) has cut bureaucratic red tape and produced a historic first: an integrated research and development budget that focuses on national goals. The NSTC has also produced large savings by enabling agencies to coordinate their efforts, divide tasks, and share resources.

My Committee of Advisors on Science and Technology (PCAST) provides critical links to industry and academia. Their oversight of NSTC activities, such as development of strategies for the management and disposition of fissile materials, promises to improve the Federal effort. So, too, do the forums and workshops that have drawn in thousands of experts and stakeholders to help develop priorities in areas as diverse as fundamental science; environmental technology; and health; safety; and food research.

I am also very proud of the steps we have taken to improve international cooperation in science and technology. Through the Gore-Chernomyrdin Commission we have used science and technology cooperation to ease the Russians' transition to democracy and a market economy. We have received valuable new technology and cultivated a crucial partner in global affairs through Russian participation in the international space station. We have used the Megasciences Forum of the Organization for Economic Cooperation and Development and other international forums to explore ways to share the increasing costs of cutting-edge research while maintaining our position of world leadership. Bilateral science and technology cooperation with other nations, including advanced industrial economies such as

Japan, and big, emerging markets such as the People's Republic of China, serve us well in the global economy—giving us access to new ideas and new technologies while creating new opportunities for business.

Economists have estimated that the social rate of return on investments in research and development averages about 50 percent, or about double the average private rate of return. Clearly a solid Federal investment program is justified even in the leanest times. It is especially important for the Federal Government to maintain its investments in science and technology when the pressures of international competition are leading businesses to focus on shorter term payoffs at the expense of more basic, longer term, and riskier research and development.

In *Science in the National Interest* (August 1994), the Vice President and I reaffirmed our longstanding commitment to world leadership in science, mathematics, and engineering. Scientific discoveries inspire and enrich us. Equally important, science and mathematics education provides all Americans with the knowledge and skills they need to prepare for and adapt to the high-technology jobs of the future and to exercise the responsibilities of citizenship.

This Administration has articulated clear goals and established priorities for Federal spending, and our economic policies have improved the climate for private investment as well. We intend to work closely with the Congress to ensure the well-being of our children and grandchildren. These investments will prepare us for the challenges of the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 29, 1995.*

MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Mr. Schaefer, one of its legislative clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the Houses: Mr. ARCHER, Mr. CRANE, Mr. THOMAS of California, Mr. GIBBONS, and Mr. RANGEL.

At 4:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

H.R. 256. An act to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

H.R. 529. An act to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming.

H.R. 606. An act to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.

H.R. 622. An act to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence; to the Committee on Finance;

H.R. 256. An act to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 529. An act to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; to the Committee on Energy and Natural Resources; and

H.R. 606. An act to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 622. An act to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–54. A resolution adopted by the Central Washington Farm Crops Association relative to USDA; to the Committee on Agriculture, Nutrition, and Forestry.

POM–55. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Armed Services.

''SENATE JOINT RESOLUTION NO. 328

''Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy; and

''Whereas, military personnel endure hardships, privation, the threat of death and disability, and long separation from their families in service to their country; and

''Whereas, career military personnel earn retirement benefits based on the number of years of service and their rank at retirement; and

''Whereas, service-connected disability compensation serves a different purpose from longevity retirement pay and is intended to compensate for pain, suffering, disfigurement and impaired earning ability because of the disability; and

''Whereas, retired disabled servicemen and women endure a reduction in longevity retirement pay for any service-connected disability compensation they receive; and

''Whereas, the offset of retirement benefits by service-connected disability compensation presents an economic hardship to disabled military retirees, often reducing them to a poverty-level existence; and

''Whereas, similarly situated federal civil service retirees do not face a reduction in civil service retirement benefits if they receive compensation for a service-connected disability; and

''Whereas, it is fundamentally unfair to require disabled military retirees essentially to fund their own disability compensation; now, therefore, be it

''*Resolved*'' by the Senate, the House of Delegates concurring, That Congress be urged to enact legislation to eliminate this inequity and to allow disabled military retirees concurrent receipt of full longevity retirement benefits and service-connected disability compensation; and be it

''*Resolved further,*'' That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Virginia Congressional Delegation, so that they may be apprised of the sense of the General Assembly of Virginia.''

REPORTS OF COMMITTEE

The following report of a committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations'' (Rept. No. 104–21).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of January 6, February 3, 8, 16, 22, 27, March 6, 8, and 14, 1995 and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 6, February 3,

8, 16, 22, 27, March 6, 8, and 14, 1995 at the end of the Senate proceedings.)

*Col. Stephen M. Englehardt, USMCR to be brigadier general (Reference No. 95).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Sergey M. Scollan) (Reference No. 119).

*In the Marine Corps there are 14 promotions to the grade of brigadier general (list begins with Charles F. Bolden, Jr.) (Reference No. 146).

**In the Air Force Reserve there are 9 appointments to the grade of colonel and below (list begins with Harold L. Kennedy) (Reference No. 188).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Orin R. Hilmo, Jr.) (Reference No. 189).

**In the Marine Corps there is 1 promotion to the grade of lieutenant colonel (Lawrence J. Kovalchik) (Reference No. 190).

*Gen. Ronald W. Yates, USAF to be placed on the retired list in the grade of general (Reference No. 197).

*Gen. Henry Viccellio, Jr., USAF for reappointment to the grade of general (Reference No. 198).

*Lt. Gen. Billy J. Boles, USAF for reappointment to the grade of lieutenant general (Reference No. 199).

*Lt. Gen. Eugene E. Habiger, USAF for reappointment to the grade of lieutenant general (Reference No. 201).

*Maj. Gen. Lawrence P. Farrell, Jr. USAF to be lieutenant general (Reference No. 202).

**In the Air Force Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Thomas A. Work) (Reference No. 205).

**In the Air Force Reserve there are 11 promotions to the grade of lieutenant colonel (list begins with Lawrence R. Dowling) (Reference No. 206).

**In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with Michael M. Adkinson) (Reference No. 207).

**In the Air Force there are 38 appointments to the grade of second lieutenant (list begins with Norman W. Anderson) (Reference No. 208).

**In the Air Force there are 71 promotions to the grade of colonel and below (list begins with James M. Corrigan) (Reference No. 209).

**In the Army Reserve there are 24 promotions to the grade of colonel (list begins with Richard G. Austin) (Reference No. 210).

**In the Army Reserve there are 32 promotions to the grade of lieutenant colonel (list begins with Gary D. Bray) (Reference No. 211).

**In the Navy there are 7 promotions to the grade of commander and below (list begins with Kerby E. Rich) (Reference No. 212).

**In the Navy and Naval Reserve there are 33 appointments to the grade of commander and below (list begins with Eric R. Victory) (Reference No. 213).

**In the Marine Corps there are 5 appointments to the grade of second lieutenant (list begins with Brandon D. Brown) (Reference No. 214).

**In the Air Force there are 44 appointments to the grade of captain (list begins with Saket K. Ambasht) (Reference No. 220).

**In the Army Reserve there are 11 promotions to the grade of colonel and below (list begins with Ben W. Adams, Jr.) (Reference No. 221).

**In the Marine Corps there are 2 promotions to the grade of major (list begins with Donovan E. V. Bryan) (Reference No. 222).

**In the Marine Corps there are 258 appointments to the grade of second lieutenant (list begins with Jonathan M. Aadland) (Reference No. 223).

**Vice Adm. Joseph W. Prueher, USN to be Vice Chief of Naval Operations and to be admiral (Reference No. 228).

**Rear Adm. Donald L. Pilling, USN to be vice admiral (Reference No. 229).

**In the Army there is 1 promotion to the grade of lieutenant colonel (Milton D. Hughes) (Reference No. 231).

**In the Army Reserve there are 33 promotions to the grade of colonel and below (list begins with Peter P. Baljet) (Reference No. 237).

**In the Army there are 15 promotions to the grade of colonel (list begins with Jack N. Anderson) (Reference No. 238) a)

**In the Army Reserve there are 6 promotions to the grade of colonel (list begins with Duane B. Anderson) (Reference No. 239).

**In the Army Reserve there are 33 promotions to the grade of lieutenant colonel (list begins with Arthur D. Bacon) (Reference No. 240).

**In the Army there are 401 promotions to the grade of colonel (list begins with Andrew E. Adams) (Reference No. 241).

**In the Army there is 1 promotion to the grade of lieutenant colonel (David C. Chuber) (Reference No. 250).

**In the Air Force there are 52 promotions to the grade of lieutenant colonel (list begins with Carl M. Alley). (Reference No. 251).

*Lt. Gen. Glynn C. Mallory, Jr., USA to be placed on the retired list in the grade of lieutenant general (Reference No. 252).

*In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Louis A. Crigler) (Reference No. 254).

*In the Air Force and Air Force Reserve there are 45 appointments to the grade of lieutenant colonel and below (list begins with Roberta L. Fierro) (Reference No. 255).

**In the Navy and Naval Reserve there are 42 appointments to the grade of commander and below (list begins with Amy L. Digiovanni) (Reference No. 256).

*Lt. Gen. James A. Fain, Jr., USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 261).

*Lt. Gen. John M. Nowak, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 262).

*Maj. Gen. George T. Babbitt, Jr., USAF to be lieutenant general (Reference No. 263).

*Lt. Gen. Daniel R. Schroeder, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 265).

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Joseph L. Walden) (Reference No. 268).

**In the Army there are 105 promotions to the grade or colonel (list begins with Douglas M. Anderson) (Reference No. 269).

Total: 1,361.

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

John L. Bryant, Jr., of the District of Columbia, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Robert G. Breunig, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Ela Yazzie-King, of Arizona, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Townsend Wolfe, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 1995.

Steven L. Zinter, of South Dakota, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Rae E. Unzicker, of North Dakota, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

John A. White, Jr., of Georgia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Lt. Gen. William W. Quinn, U.S. Army, retired, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Nancy Marsiglia, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Kenneth Byron Hipp, of Hawaii, to be a Member of the National Mediation Board for a term expiring July 1, 1997.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2000.

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 1998.

Charles Hummel, of Delaware, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

E. Gordon Gee, of Ohio, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1999.

Phillip Frost, of Florida, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Kinshasha Holman Conwill, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Sanford D. Greenberg, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

John A. Gannon, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 1995.

John Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999.

Niranjan Shamalbhai Shah, of Illinois, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 1998.

Virgil M. Speakman, of Ohio, to be a Member of the Railroad Retirement Board, for a term expiring August 28, 1999.

Robert M. Solow, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Debra Robinson, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Lynda Hare Scribante, of Nebraska, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Arthur Rosenblatt, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Lilliam Rangel Pollo, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Audrey L. McCrimon, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Claudia Mitchell-Kernan, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board for the remainder of the term expiring October 12, 1995.

Ayse Manyas Kenmore, of Florida, to be a Member of the National Museum Services Board for the remainder of the term expiring December 6, 1995.

Eve L. Menger, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred to as indicated:

By Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. AKAKA):

S. 644. A bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

By Mr. FEINGOLD:

S. 645. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. COHEN):

S. 646. A bill to amend title 10, United States Code, to modernize Department of Defense acquisition procedures, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 96. A resolution commending Chick Reynolds on the occasion of his retirement; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. AKAKA):

S. 644, A bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

NONPROFIT RESEARCH CORPORATIONS LEGISLATION

Mr. CAMPBELL. Mr. President, today I am introducing a bill to reauthorize Department of Veterans Affairs Medical Centers [VAMC's] to establish nonprofit research corporations [NPRC's].

In 1988, Congress passed a law, Public Law 100–322, allowing VAMC's to establish NPRC's as a means to provide a flexible funding mechanism for VA-approved research. The purpose of these foundations is to enhance ongoing federally-funded VA research by allowing them to accept private funds, contributions and grants. Between June 1993 and June 1994, the 65 active corporations provided nearly $40 million in VA research support.

These NPRC's have five overlapping functions which help VAMC's serve veteran patients and their families. First, these foundations help recruit and maintain qualified staff inside the VA health care system by insuring a strong research program. Not only do NPRC's fund research projects directly, they also help send VA researchers, nurses, pharmacists, and other staff to conferences and other research events. This both encourages physicians and other health professionals to work for VA and keeps the knowledge inside the VA system.

Second, these foundations manage research donations and grants with Government oversight. NPRC researchers must abide by sunshine laws and conduct every project in the open. Unlike universities and private foundations, NPRC's must follow strict conflict of interest guidelines which protect integrity of the research and the interests of veteran patients.

Third, these foundations insure that substantial overhead funds are retained by VAMC's. Most universities charge overhead costs from 30 to 50 percent, while NPRC's charge only about 5 to 30 percent for overhead. Simply stated, foundations allow more money to be spent on research-related activities and insure that the money stays inside the VA system. Furthermore, some NPRC's provide funds for overheard costs. For example, the San Diego foundation contributes over $100,000 for overhead expenses, including paying one-quarter of the hospital's bill for hazardous waste disposal at the research facility. Before NPRC's were established, the medical centers were forced to carry all the administrative costs of research.

Fourth, these foundations help provide resources for research-related personnel, equipment, supplies, and conferences. For example, in Seattle, WA, the foundation purchases approximately 75,000 dollars worth of new equipment for the medical center each year. In some instances, the staff supplied provide direct patient care. In Washington, DC, the foundation has 25 employees who work directly in patient care as doctors, nurses, or clinicians.

Finally, NPRC's allow interested veterans to participate in the development of new drugs and treatments benefiting veterans. In Knoxville, TN, the foundation participated in a study which made a new blood pressure medication available to patients in a safe, controlled manner. In Indianapolis, IN the foundation conducted a drug study that gave veteran patients access to a new medication that benefits chronically ill heart patients.

By helping to provide equipment, treatment, staff, and other resources, while defraying the costs of overhead, these foundations are serving veterans without requiring more money from the VA budget.

This legislation would correct two problems in current law. First, it would extend the window of opportunity for the establishment of new NPRC's until December 31, 2000. To my knowledge, there are several VAMC's that would like to establish these important research corporations, including one in Colorado. If these VAMC's were allowed to establish NPRC's, it would pump much-needed supplemental funds into the VA research program.

The second provision of this bill would delete the requirement that NPRC's be established as 501(c)(3) corporations. Realizing that the IRS has recognized several foundations under different classifications, this technical correction is needed to insure the legality of several NPRC's.

I am happy to include Senators BROWN and AKAKA as original cosponsors of this bill. Mr. President, I hope the Committee on Veterans' Affairs will consider this legislation favorably so that interested VA Medical Center can once again establish new nonprofit research corporations.

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. 644

Be is enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. AUTHORITY FOR RESEARCH CORPORATIONS.

(a) AUTHORITY.—Subsection (a) of section 7361 of title 38, United States Code, is amended by inserting after the first sentence the following new sentence: ''Subject to the provisions of section 7368 of this title, the Secretary may exercise the authority set forth in the preceding sentence on or after the date of the enactment of the Act entitled 'An Act to amend title 38, United States Code, to reauthorize the establishment of research

corporations in the Veterans Health Administration, and for other purposes.'''.

(b) CLARIFICATION OF TAX-EXEMPT STATUS.—(1) Subsection (b) of such section is amended by striking out ''section 501(c)(3) of''.

(2) Section 7363(c) of such title is amended by striking out ''section 501(c)(3) of''.

(c) TERMINATION OF AUTHORITY.—Section 7368 of such title is amended by striking out ''December 31, 1992'' and inserting in lieu thereof ''December 31, 2000''.

By Mr. FEINGOLD:

S. 645. A bill to amend the Agriculture Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL ADJUSTMENT ACT AMENDMENT ACT OF 1995

• Mr. FEINGOLD. Mr. President, today I rise to introduce a bill which will be a first step toward rectifying the inequities in the Federal milk marketing order system. The Federal milk marketing order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the United States.

My legislation is very simple. It identifies the single most harmful flaw in the current system, and corrects it.

That flaw is USDA's practice of basing prices for fluid milk in all marketing ares east of the Rocky Mountains on the distance from Eau Claire, WI, when there is no longer any economic justification for doing so.

The price for fluid milk increases at a rate of 21 cents per hundred miles from Eau Claire, WI, even though most milk marketing orders do not receive any milk from Wisconsin. Fluid milk prices, as a result, are $2.98 cents higher in Florida than in Wisconsin and over $1.00 higher in Texas.

This method of pricing fluid milk is not only arbitrary, it is both out of date and out of sync with the market conditions of 1995. It is time for this method of pricing—known as single-based-point pricing—to come to an end.

The bill I am introducing today will prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, he will have to certify to Congress that in no way do the criteria used by the Department attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is so crucial to Upper Midwest producers, because the current system has penalized them for many years. By providing disparate profits for producers in other parts of the country and creating artificial economic incentives for milk production, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk in some parts of the country, the prices have led to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

In the past 4 years, markets far from Eau Claire, WI, sold most of the surplus manufactured dairy products to the Federal Government under the dairy price support program. The Minnesota-Wisconsin area—the supposed surplus area of the country—in reality accounts for only a small percentage of actual surplus sales.

The perverse nature of this system is further illustrated by the fact that in 1995 some regions of the United States, notably the Central States and the Southwest, are now producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now taking not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

Emphasizing the market distorting effects of the fluid price differentials in Federal orders is the Congressional Budget Office estimate that eliminating the orders would save $669 million over 5 years. Government outlays would fall, CBO concludes, because production would fall in response to lower milk prices and there would be fewer Government purchases of surplus milk. The regions which would gain and lose in this scenario illustrate the discrimination inherent to the current system. Recent economic analyses show that farm revenues in the absence of Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

I am not advocating total elimination of the current system at this point, however, the data clearly show that Upper Midwest producers are hurt by distortions built into a single-basing-point system that prevent them from competing effectively in a national market.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960's, when arguably the Upper Midwest was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

Mr. President, that is no longer the case. The Upper Midwest is neither the lowest cost production area nor a primary source of reserve supplies of milk. Milk is produced efficiently, and in some cases, at lower cost than the Upper Midwest, in many of the markets with higher fluid milk differentials. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and toward the Southwest.

Fluid milk prices should have been lowered to reflect that trend. Instead, in 1985, the prices were increased for markets distant from Eau Claire. USDA has refused to use the administrative authority provided by Congress to make the appropriate adjustments to reflect economic realities. They continue to stand behind single-basing-point pricing.

The result has been the decline in the Upper Midwest dairy industry, not because they can't compete in the marketplace, but because the system discriminates against them.

Since 1980, Wisconsin has lost over 15,000 dairy farmers. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region. Other regions with higher fluid milk prices are growing rapidly.

In an unregulated market with a level playing field these shifts in production might be fair. But in a market where the Government is setting the prices and providing that artificial advantage, the current system is unconscionable.

This bill is a first step in reforming Federal orders by prohibiting a practice that should have been dropped long ago. However, for Congress there is a long way to go. Through the process of the 1995 farm bill we will have to determine not only what Federal orders should not do, but also what they should do, and, indeed, if they are still necessary. My bill is a starting point. I look forward to working with my colleagues and with the dairy industry in the upcoming months to determine more specifically how we should establish orderly marketing conditions. However, this bill identifies the one change that is absolutely necessary in any outcome—the elimination of single basing point pricing.

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. 645

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

SECTION 1. LOCATION ADJUSTMENTS FOR MINIMUM PRICES FOR CLASS I MILK.

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (A)—

(A) in clause (3) of the second sentence, by inserting after ''the locations'' the following: ''within a marketing area subject to the order''; and

(B) by striking the last 2 sentences and inserting the following: ''Notwithstanding paragraph (18) or any other provision of law, when fixing minimum prices for milk of the highest use classification in a marketing area subject to an order under this subsection, the Secretary may not, directly or indirectly, base the prices on the distance from, or all or part of the costs incurred to transport milk to or from, any location that is not within the marketing area subject to the order, unless milk from the location constitutes at least 50 percent of the total supply of milk of the highest use classification in the marketing area. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the criteria that are used as the basis for the minimum prices referred to in the preceding sentence, including a certification that the minimum prices are made in accordance with the preceding sentence''; and

(2) in paragraph (B)(c), by inserting after ''the locations'' the following: ''within a marketing area subject to the order''.●

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. COHEN):

S. 646. A bill to amend title 10, United States Code, to modernize Department of Defense acquisition procedures, and for other purposes, to the Committee on Armed Services.

THE ACQUISITION MANAGEMENT REFORM ACT OF 1995

Mr. ROTH. Mr. President, last year, we joined with the administration in taking a step toward improving the Federal Government's massive buying system. This is an issue that I have been working on for over a decade and the payoff from a comprehensive reform is significant. Last year's bill, the Federal Acquisition Streamlining Act, attempted to improve the Government's access to commercial items. It also laid the groundwork for more comprehensive reforms. However, it did not remedy the core problems of the Federal buying system. Today, Congressman KASICH and I are introducing legislation to dramatically reshape the Defense Department buying system.

Recent reports from both the Defense Department and the General Accounting Office highlight the need for reform. In short, the Defense Department has become increasingly unable to produce the best technology in an affordable manner, when it is needed. The vast majority of weapon acquisition programs are experiencing serious cost and schedule problems. Last December, two of the Defense Department's own reports found that, on average, 33 percent of its programs are experiencing overruns. A Defense Systems Management College study, published last month in the College's journal, reported average cost overruns of 45 percent with schedule delays of 63 percent. For example, the C–17 transport's cost and schedule overruns have seriously delayed its availability. After spending $10.4 billion and over 20 years in developing the C–17, the Air Force is considering buying commercial aircraft in its place.

We can point to such horror stories in all the services. Acquisition costs for Navy major weapon systems are over budget by as much as 179 percent; Air Force systems by as much as 158 percent, and Army systems by as much as 220 percent, even after accounting for the effects of inflation and quantity. A July 1993 Defense Science Board study found that: ''without fundamental reform, DOD will be unable to afford the weapons, equipment, and services it needs to provide for our national security.''

The defense buying bureaucracy is plagued by multi-billion-dollar cost overruns, programs that are years or even a decade behind schedule, incentives that encourage spending rather than cost-cutting, and topheavy bureaucratic agencies that rely on detailed regulations rather than good judgment. Defense Department studies find that it takes 16 to 25 years and more than 840 steps to bring a technology to the battlefield. By then the technologies are out of date. Until the buying system is changed, the results would not improve.

Mr. President, I have long maintained that Congress must be bold if it is to make significant improvements in the Government's buying system—a system I have worked for more than a decade to reform. It was my legislation that led to the creation of the Packard Commission. I have sponsored and fought for many reforms, including the Federal Acquisition Streamlining Act, which I and my colleagues on the Governmental Affairs Committee successfully enacted into law.

While last year's legislation made a good step forward more significant changes are required to fix the core problems. Without major cultural and structural change, cost and schedule overruns will continue, the Pentagon will pay more than it should for goods and services; and the taxpayer will pick up the inflated tab. Moreover, our brave young men and women in uniform will continue to wait for decades to get weapons that may not meet their needs.

Mr. President, there are three root causes to this situation which must be addressed today:

One, the defense acquisition process is too cumbersome, takes too long, and does not produce desired results. The DOD 5000 and 8000 Series of documents and its consensus based management process must be abandoned in favor of a results oriented process.

Two, incentives are wrong. They reward program managers and contractors for increasing the size of their program and their budget. There are no incentives for a job well done.

Three, the organization is too large. It is a bureaucracy with layer upon layer of management and dozens of buying commands and subcommands spread across the four military services. Many of the bureaucratic layers exist solely for the purpose of satisfying the needs of the bureaucracy and add no value. The dozens of defense acquisition schools that were originally intended to ensure the excellence of the work force have now become a barrier to reform. And, dozens of military depots have become a hindrance to efficiently downsizing the defense industrial base.

Mr. President, my proposal contains eight parts and incorporates the principles of unity of command, lean management structure, fast processes, and pay for performance for both Government workers and contractors.

First, with respect to program performance, programs must be managed within 90 percent of their budget, schedule, and performance goals. If they overrun by 50 percent or more, programs must be terminated.

Second, my legislation would require the Secretary of Defense to streamline the acquisition management process so that program managers focus on achieving results. It also integrates the operational testing reforms that I have been working on with Senator PRYOR to prevent circumvention of operational tests and force early operational assessments to reduce the risk of major flaws being found after production has started.

Third, my proposal streamlines the defense acquisition organization and its interface with operational users. The bill reorganizes the Defense Department research, development, and acquisition bureaucracies into a single DOD-wide agency, using the three layer organization endorsed by the Packard commission.

Fourth, the bill re-emphasizes the commitment of Congress to a professional acquisition work force and establishes an incentive structure focused on program performance.

Fifth, the legislation emphasizes the necessity for an efficient contracting process by establishing a policy goal of cutting in-half the time it takes to get an item to someone with a need. It also allows the Defense Department to limit the final selection process to the top two or three bidders, as recommended by the GAO.

Sixth, the Defense Department will be able to manage its contractors on the basis of performance, rather than relying on continuous audit oversight and the threat of penalties. Under the

concept that I am proposing, contractor profit would be tried to achievement of quantifiable performance measures.

Seventh, the bill addresses major financial management problems that afflict the defense buying system. It reduces the major source of program instability by enabling full-funding of a program for each phase of the development process. Additionally, those who use weapons will regain authority for determining what is bought to support them. The bill also applies pay for performance to responsible officials, requiring them to bring financial management up to commercial standards.

Eighth, the bill consolidates duplicative military and industry maintenance and repair depots. The bill prohibits the Defense Department from performing depot and intermediate level maintenance and repair work, unless industry is unwilling to perform the work. Therefore existing repair depots must be either privatized or shut down.

Mr. President, large savings can be realized from the comprehensive reforms I am proposing. I anticipate that my approach will reduce acquisition management personnel by as much as 25 to 30 percent through reduction in duplicative headquarters staffs. The Defense Science Board Task Force on Defense Acquisition Reform reported in July 1993 that a comprehensive reform along the lines I am proposing would save $20 billion per year. The House Budget Committee has included $3.5 billion in its budget reduction proposal, and the Congressional Budget Office conservatively estimates the savings at about $1.7 billion per year.

In summary, there is both a need and an opportunity for reforming Defense acquisition. But, Mr. President, I must point out that bureaucracies are inherently unable to reform themselves. The time has come for us to make some very hard and difficult decisions which have far-reaching impact on the future of our country. Change must be brought about by those of us who are concerned about maintaining a strong defense within today's budget constraints.

Mr. President, I ask that the full text of the bill and a letter be printed in the RECORD.

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

S. 646

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 ''Department of Defense Acquisition Management Reform Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—PERFORMANCE BASED ACQUISITION PROCESS

Subtitle A—Performance Goals

Sec. 101. Strengthened reporting requirement.
Sec. 102. Termination of major defense acquisition programs not meeting goals.
Sec. 103. Enhanced performance incentives for acquisition workforce.

Subtitle B—Results-Oriented Acquisition Process

Sec. 111. Revision of regulations relating to acquisition of major systems and information technology systems.
Sec. 112. Results oriented acquisition program cycle.
Sec. 113. Operational test and evaluation requirements in relation to low-rate production.
Sec. 114. Acquisition of information technology.

Subtitle C—Rapid Contracting

Sec. 121. Goal.
Sec. 122. Authority to limit number of offerors.
Sec. 123. Preference for certified contractors.
Sec. 124. Consideration of past performance and eligibility certification.
Sec. 125. Encouragement of multiyear contracting.
Sec. 126. Encouragement of use of leasing authority.

Subtitle D—Performance Based Contract Management

Sec. 131. Unallowable costs.
Sec. 132. Alternatives approaches to contract management.
Sec. 133. Contractor share of gains and losses from cost, schedule, and performance experience.

Subtitle E—Financial Management

Sec. 141. Phase funding of defense acquisition programs.
Sec. 142. Maximized benefit funding.
Sec. 143. Improved Department of Defense contract payment procedures.

Subtitle F—Defense Acquisition Workforce

Sec. 151. Consideration of past performance in assignment to acquisition positions.
Sec. 152. Termination of defense acquisition schools.

Subtitle G—Revision of Procurement Integrity Requirements

Sec. 161. Amendments to Office of Federal Procurement Policy Act.
Sec. 162. Amendments to title 18, United States Code.
Sec. 163. Repeal of superseded and obsolete laws
Sec. 164. Implementation.

Subtitle H—Clerical Amendments

Sec. 171. Clerical amendments to title 10.
Sec. 172. Other laws.

TITLE II—REORGANIZATION AND REFORM OF THE DEFENSE ACQUISITION SYSTEM

Subtitle A—Streamlining and Improvement of Acquisition Management

Sec. 201. Reorganization of acquisition authority.
Sec. 202. Joint foreign products development.

Subtitle B—Transfer of Functions

Sec. 211. Transfers.
Sec. 212. Savings provisions.

Subtitle C—Conforming Amendments

Sec. 221. Modification of the responsibility of the Under Secretary of Defense (Comptroller) for defense acquisition budgets.
Sec. 222. The defense acquisition work force.
Sec. 223. Procurement procedures generally.
Sec. 224. Research and development.
Sec. 225. Miscellaneous procurement provisions.
Sec. 226. Major defense acquisition programs.
Sec. 227. Service specific acquisition authority.
Sec. 228. Other laws.

Subtitle D—Effective Date

Sec. 241. Effective date.

TITLE III—DEPOT-LEVEL MAINTENANCE

Sec. 301. Elimination of 60/40 rule for public/private division of depot-level maintenance workload.
Sec. 302. Preservation of core maintenance and repair capability.
Sec. 303. Performance of depot-level maintenance workload by private sector whenever possible.

TITLE I—PERFORMANCE BASED ACQUISITION PROCESS

Subtitle A—Performance Goals

SEC. 101. STRENGTHENED REPORTING REQUIREMENT.

Section 2220(b) of title 10, United States Code, is amended in the first sentence by striking out ''an assessment of whether major and nonmajor acquisition programs of the Department of Defense are achieving'' and inserting in lieu thereof ''an assessment, for each Department of Defense appropriation account, of whether the major and nonmajor acquisition programs funded from such account are achieving''.

SEC. 102. TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAMS NOT MEETING GOALS.

Section 2220 of title 10, United States Code, is amended by adding at the end the following:

''(d) TERMINATION OF PROGRAMS SIGNIFICANTLY UNDER GOALS.—The Secretary of Defense shall terminate any major defense acquisition program that—

''(1) is more than 50 percent over the cost goal established for a phase of the program;

''(2) fails to achieve at least 50 percent of the performance capability goals established for a phase of the program; or

''(3) is more than 50 percent behind schedule, as determined in accordance with the schedule goal established for a phase of the program.''.

SEC. 103. ENHANCED PERFORMANCE INCENTIVES FOR ACQUISITION WORKFORCE.

(a) CLARIFICATION OF REQUIREMENTS FOR SYSTEM OF INCENTIVES.—Subsection (b) of section 5001 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3350; 10 U.S.C. 2220 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the second sentence as paragraph (2); and

(3) by inserting ''(1)'' after ''(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—''; and

(4) by adding at the end the following:

''(3) The Secretary shall include in the enhanced system of incentives the following:

''(A) Pay bands.

''(B) Significant and material pay and promotion incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the acquisition program in relation to cost goals, performance goals, and schedule goals.

''(C) Provisions for pay incentives and promotion incentives to be awarded under the system only if—

''(i) the cost of the acquisition program is less than 90 percent of the baseline parameter established for the cost of the program under section 2435 of title 10, United States Code;

''(ii) the period for completion of the program is less than 90 percent of the period provided under the baseline parameter established for the program schedule under such section; and

''(iii) the results of the phase of the program being executed exceed the performance parameter established for the system under such section by more than 10 percent.

''(D) Provisions for unfavorable personnel actions to be taken under the system only if the acquisition program performance for the phase being executed exceeds by more than 10 percent the cost and schedule parameters established for the program phase under section 2435 of title 10, United States Code, and the performance of the system acquired or to be acquired under the program fails to achieve at lease 90 percent of the baseline parameters established for performance of the program under such section.''.

(b) RECOMMENDED LEGISLATION.—Subsection (c) of such section is amended by adding at the end the following: ''The Secretary shall include in the recommendations provisions necessary to implement the requirements of subsection (b)(3).''.

(c) IMPLEMENTATION OF INCENTIVES SYSTEM.—Section 5001 of the Federal Acquisition Streamlining Act of 1994 is further amended by adding at the end the following:

''(d) IMPLEMENTATION OF INCENTIVES SYSTEM.—(1) The Secretary shall complete the review required by subsection (b) and take such actions as are necessary to provide an enhanced system of incentives in accordance with such subsection not later than October 1, 1997.

''(2) Not later than October 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the actions taken to satisfy the requirements of paragraph (1).''.

Subtitle B—Results-Oriented Acquisition Process

SEC. 111. REVISION OF REGULATIONS RELATING TO ACQUISITION OF MAJOR SYSTEMS AND INFORMATION TECHNOLOGY SYSTEMS.

Not later than October 1, 1996, the Secretary of Defense shall revise the regulations of the Department of Defense relating to the acquisition of major systems and of information technology systems to ensure that, in the acquisition of those systems, program managers focus on achieving results rather than on preparing and transmitting reports and building consensus among interested persons.

SEC. 112. RESULTS ORIENTED ACQUISITION PROGRAM CYCLE.

(a) CYCLE DEFINED.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following:

''§ 2221. Results oriented acquisition program cycle

''(a) PROGRAM PHASES.—The Secretary of Defense shall define in regulations a simplified acquisition program cycle that is results-oriented and consists of the following phases:

''(1) The integrated decision team meeting which—

''(A) may be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

''(B) shall be conducted by the program executive officer;

''(C) shall include representatives of commanders of unified and specified combatant commands, all armed forces (other than the Coast Guard), laboratories, and industry; and

''(D) shall result in the team recommending to the potential user a range of solutions for meeting user requirements or for evaluating opportunities;

''(E) shall be completed within one to three months.

''(2) The prototype development and testing phase which—

''(A) shall include operational tests and concerns relating to manufacturing operations and life cycle support;

''(B) shall be completed within 6 to 36 months; and

''(C) shall produce sufficient numbers of prototypes to assess operational utility.

''(3) Product integration, development, and testing which—

''(A) shall include full-scale development, operational testing, and integration of components; and

''(B) shall be completed within one to five years.

''(4) Production, integration into existing systems, or production and integration into existing systems.

''(b) RELATIONSHIP BETWEEN EXTENT OF TECHNICAL RISK AND COMPLETION OF PHASES.—(1) The time constraints set forth in subsections (a)(1)(E), (a)(2)(B), and (a)(3)(B) establish maximum limits for completion of the acquisition program cycle and for each phase of the program cycle. The regulations prescribed for the acquisition program cycle shall provide for reducing the maximum time limits for an acquisition program in relation to the degree of the technical difficulty that is involved in the execution of the various recommendations developed for the program in the integrated decision team phase under subsection (a)(1)(D).

''(2) The regulations shall provide three alternatives for maximum time limits that are to apply to completion of the acquisition program cycle for a program and for each phase of the program cycle, as follows:

''(A) In the case of an acquisition that involves complex technical risks and integration issues, completion within the maximum time limits set forth in subsection (a).

''(B) In the case of an acquisition of a component primarily using existing technology or of a modification of a component or system primarily using existing technology, accelerated completion.

''(C) In the case of an acquisition of a commercial item or a nondevelopmental item, relatively rapid completion.

''(c) SINGLE MAJOR DECISION POINT.—(1) The acquisition program approval process within the Department of Defense shall have one major decision point which shall occur for an acquisition program before that program proceeds into product integration, development, and testing.

''(2) At the major decision point for an acquisition program, the Under Secretary of Defense for Acquisition, in consultation with the Vice Chairman of the Joint Chiefs of Staff, shall—

''(A) review the program;

''(B) determine whether the program should continue to be carried out beyond product integration and development; and

''(C) decide whether—

''(i) to direct the program manager to request an integrated decision team meeting;

''(ii) to proceed into product integration or development; or

''(iii) to terminate the program.

''(3) In the review of an acquisition program, the Under Secretary shall consider the potential benefits, independent cost estimates, affordability, needs, and risks of the program.

''(d) USER INVOLVEMENT IN INTEGRATION MATTERS.—The regulations under subsection (a) shall ensure that the potential users (within the military departments) of an item being acquired under the program cycle set forth in subsection (a) are afforded an opportunity to participate meaningfully in the acquisition decisions concerning such item during the phases described in paragraphs (3) and (4) of that subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.—Section 2364 of title 10, United States Code, is amended—

(A) in subsection (b)(5), by striking out ''making milestone 0, milestone I, and milestone II decision'' and inserting in lieu thereof ''the integrated decision team meeting, the making of the decision at the single major decision point under subsection (c) of section 2221 of this title, and, as appropriate, the making of other acquisition program decisions during the acquisition program cycle described in section 2221 of this title''; and

(B) by striking out subsection (c).

(2) SURVIVABILITY AND LETHALITY TESTING.—Section 2366(c) of such title is amended by striking out ''engineering and manufacturing development'' in paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof ''product integration, development, and testing''.

(3) LOW-RATE INITIAL PRODUCTION OF NEW SYSTEMS.—Section 2400(a)(2) of such title is amended by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''product integration, development, and testing''.

(4) SELECTED ACQUISITION REPORTS.—Section 2432 of such title is amended—

(A) in subsection (b)(3)(A)(i), by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''product integration, development, and testing'';

(B) in subsection (c)(3)(A), by striking out ''engineering and manufacturing development phase or has completed that stage'' and inserting in lieu thereof ''product integration, development, and testing phase or has completed that phase'';

(C) in subsection (h)(1)—

(i) in the first sentence, by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''prototype development and testing''; and

(ii) in the second sentence, by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''product integration, development, and testing''.

(5) MAJOR DEFENSE ACQUISITION PROGRAMS.—

(A) INDEPENDENT COST ESTIMATES.—Section 2434(a) of such title is amended by striking out ''engineering and manufacturing development, or the production and deployment,'' and inserting in lieu thereof ''product integration, development, and testing''.

(B) BASELINE DESCRIPTION.—Section 2435 of such title is amended—

(i) in subsection (b), by striking out ''engineering and manufacturing development'' and inserting in lieu thereof ''prototype development and testing''; and

(ii) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) SCHEDULE.—A baseline description for a major defense acquisition program shall be prepared under this section—

''(1) before the program enters prototype development and testing;

''(2) before the program enters product integration and development; and

''(3) before the program enters production, integration into existing systems, or production and integration into existing systems.''.

SEC. 113. OPERATIONAL TEST AND EVALUATION REQUIREMENTS IN RELATION TO LOW-RATE PRODUCTION.

(a) REQUIREMENTS.—Section 2399 of title 10, United States Code, is amended to read as follows:

''§ 2399. Operational test and evaluation of major systems

''(a) CONDITION FOR PROCEEDING INTO LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense may not issue a notice to proceed with production of a major system until—

''(A) at least one phase of initial operational test and evaluation has been completed, during the prototype development and testing phase and again during the product integration, development, and testing phase, in order to demonstrate that the system—

''(i) meets the minimum performance requirements established for the system;

''(ii) is suitable for the purposes for which the system is to be acquired; and

''(iii) does not require significant design changes or other significant modifications in order to demonstrate required operational capabilities; and

''(B) the Director of Operational Test and Evaluation has certified to the Secretary and to the congressional defense committees that—

''(i) the test and evaluation performed on the system were adequate; and

''(ii) the conditions set forth in clauses (i), (ii), and (iii) of subparagraph (A) were satisfied.

''(2) The Secretary may waive the requirements of paragraph (1)(B) in the case of a major system if the Secretary—

''(A) determines and certifies to the congressional defense committees that the waiver is vital to national security interests; or

''(B) certifies to the congressional defense committees that the Secretary has information that demonstrates that the conditions set forth in clauses (i), (ii), and (iii) of paragraph (1)(A) can be satisfied without increasing—

''(i) the production unit cost of the system by more than 10 percent over the production unit cost estimated at the time of the waiver; and

''(ii) the production period for the system by more than 10 percent over the production period estimated at the time of the waiver.

''(3) Paragraph (1) does not apply to acquisition of a naval vessel or a satellite.

''(b) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—The Secretary of Defense shall provide that a program for the acquisition of a major system may not proceed beyond low-rate initial production until initial operational test and evaluation of the program is completed.

''(c) OPERATIONAL TEST AND EVALUATION.—(1) Operational testing of a major system may not be conducted until the Director of Operational Test and Evaluation of the Department of Defense—

''(A) approves (in writing) the adequacy of the plans for operational test and evaluation of the system, including the adequacy of the plans with regard to—

''(i) the projected level of funding; and

''(ii) demonstration of the matters set forth in clauses (i), (ii), and (iii) of subsection (a)(1)(A); and

''(B) determines the quantity of articles of the system that are needed for operational testing.

''(2) The Director shall analyze the results of the operational test and evaluation of each major system. At the conclusion of such testing, the Director shall determine whether—

''(A) the test and evaluation performed were adequate; and

''(B) the results of such test and evaluation confirm that the items or components actually tested are effective and suitable for combat.

''(3) A final decision within the Department of Defense to proceed with a program for the acquisition of a major system beyond low-rate initial production may not be made until the Director submits to the Secretary of Defense and the congressional defense committees a written opinion on the matters.

''(d) NON-MAJOR SYSTEMS.—Operational testing of a new system other than a major system may not be conducted until the head of the operational test and evaluation agency of the military department concerned determines the quantity of articles of the system that are to be procured for operational testing.

''(e) IMPARTIALITY OF CONTRACTOR TESTING PERSONNEL.—No person employed by the contractor under a program for the acquisition of a major system may be involved in the conduct of the operational test and evaluation necessary for the program to proceed beyond low-rate production in accordance with subsection (b). The limitation in the preceding sentence does not apply to the extent that the Secretary of Defense plans for persons employed by that contractor to be involved in the operation, maintenance, and support of the system when the system is deployed in combat.

''(f) IMPARTIAL CONTRACTED ADVISORY AND ASSISTANCE SERVICES.—(1) The Director may not contract with any person for advisory and assistance services with regard to the test and evaluation of a major system if that person participated in (or is participating in) the development, production, or testing of such system for a military department or Defense Agency (or for another contractor of the Department of Defense).

''(2) The Director may waive the limitation under paragraph (1) in any case if the Director determines in writing that sufficient steps have been taken to ensure the impartiality of the contractor in providing the services. The Inspector General of the Department of Defense shall review each such waiver and shall include in the Inspector General's semi-annual report an assessment of those waivers made since the last such report.

''(3)(A) A contractor that has participated in (or is participating in) the development, production, or testing of a system for the Department of Defense or for another contractor of the Department of Defense may not be involved in any way in the establishment of criteria for data collection, performance assessment, or evaluation activities for the operational test and evaluation of that system.

''(B) The limitation in subparagraph (A) does not apply to a contractor that has participated solely in testing for the Federal Government.

''(g) SOURCE OF FUNDS FOR TESTING.—The costs for all tests required under subsection (b) shall be paid from funds available for the system being tested.

''(h) DIRECTOR'S ANNUAL REPORT.—As part of the annual report of the Director under section 139 of this title, the Director shall describe for each program covered in the report the status of test and evaluation activities in comparison with the test and evaluation master plan for that program, as approved by the Director. The Director shall include in such annual report a description of each waiver granted under subsection (f)(2) since the last such report.

''(i) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 2302(5) of this title.

''(2) The term 'operational test and evaluation' has the meaning given that term in section 139(a)(2)(A) of this title. For purposes of subsection (a), that term does not include an operational assessment based exclusively on—

''(A) computer modeling;

''(B) simulation; or

''(C) an analysis of system requirements, engineering proposals, design specifications, or any other information contained in program documents.

''(3) The term 'congressional defense committees' means—

''(A) the Committee on Armed Services and and the Committee on Appropriations of the Senate; and

''(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(b) QUANTITIES PROCURED FOR LOW-RATE INITIAL PRODUCTION.—(1) Subsection (a) of section 2400 of such title is amended—

(A) by striking out paragraph (3);

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

(C) by striking out the second sentence of paragraph (4), as so redesignated; and

(D) by adding at the end the following new paragraph:

''(5)(A) Except as provided in subparagraph (B), the quantity determined for a system under paragraph (1) may not exceed the quantity equal to 10 percent of the total quantity of articles of the system that is to be acquired under the program for the acquisition of such system, determined as of the date on which funds appropriated for procurement are first obligated for the program.

''(B) The quantity of articles determined for a system under paragraph (1) may exceed the maximum quantity provided under subparagraph (A)—

''(i) during a war declared by Congress or a national emergency declared by Congress or the President; or

''(ii) if the Secretary of Defense certifies to the congressional defense committees referred to in section 2399(i)(3) of this title that it is necessary to do so in order to provide for completion of initial operational test and evaluation of the system and that it is impracticable to limit the quantity of the articles procured to such maximum quantity.

''(6) The additional quantity of articles that may be determined for a system pursuant to the exception in paragraph (5)(B)(ii) may not exceed the quantity equal to 5 percent of the total quantity of articles of the system that are to be acquired under the program, determined as of the date referred to in paragraph (5)(A).''.

(2) Subsection (b) of such section is amended to read as follows:

''(b) LOW-RATE INITIAL PRODUCTION OF WEAPON SYSTEMS.—Except as provided in subsection (c), low-rate initial production with respect to a new system is production of the system in the minimum quantity necessary—

''(1) to establish an initial production base with the capacity to provide production-configured or representative articles for operational tests pursuant to section 2399 of this title; and

''(2) to maintain such production base until initial operational test and evaluation of the system is completed and a decision is made regarding whether to proceed into full-rate production.''.

(c) DUTIES AND AUTHORITY OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Section 139(c) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The Director reports directly, without intervening review or approval, to the Secretary of Defense personally.''.

(d) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (a), (b), and (c) shall apply with respect to programs for the acquisition of systems that, as of the date of the enactment of this Act, are scheduled to enter low-rate initial production on or after October 1, 1996.

(3) The provisions of sections 2399 and 2400 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply after that date to programs for the acquisition of major systems that enter or, as of the date of the enactment of this Act, are scheduled to enter low-rate initial production before October 1, 1996.

SEC. 114. ACQUISITION OF INFORMATION TECHNOLOGY.

The Secretary of Defense shall revise the existing Department of Defense directives regarding development and procurement of information systems (numbered in the 8000 series) and the Department of Defense directives numbered in the 5000 series in order to consolidate those directives into one series of directives that is consistent with the simplified acquisition program cycle provided for in section 2221 of title 10, United States Code, as added by section 112.

Subtitle C—Rapid Contracting

SEC. 121. GOAL.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a goal of reducing by 50 percent the time necessary for the Department of Defense to acquire an item for the user of that item.

(b) ACTION.—The Secretary shall take such action as is necessary to ensure that the Department of Defense achieves the goal established under subsection (a), including actions necessary to facilitate—

(1) the definition of the requirements for an acquisition; and

(2) the selection of sources from among the offerors.

SEC. 122. AUTHORITY TO LIMIT NUMBER OF OFFERORS.

Section 2305(b) of title 10, United States Code, is amended by adding at the end the following:

''(5) Under regulations prescribed by the head of an agency, a contracting officer of the agency receiving more than three competitive proposals for a proposed contract may solicit best and final offers from three of the offerors who submitted offers within the competitive range. Notwithstanding paragraph (4)(A)(i), the contracting officer need not first conduct discussions with all of the responsible parties that submit offers within the competitive range.''.

SEC. 123. PREFERENCE FOR CERTIFIED CONTRACTORS.

Chapter 137 of title 10, United States Code is amended by inserting after section 2319 the following new section:

''§ 2319a. Contractor performance certification system

''(a) CERTIFICATION AUTHORIZED.—The Secretary of Defense may establish a contractor certification system for the procurement of particular property or services that are procured by the Department of Defense on a repetitive basis. Under the system, the Secretary shall use competitive procedures to certify contractors as eligible for contracts to furnish such property or services. The Secretary shall award certifications on the basis of the relative efficiency and effectiveness of the business practices, level of quality, and demonstrated contract performance of the responding contractors with regard to the particular property or services.

''(b) PROCUREMENT FROM CERTIFIED CONTRACTORS.—The head of an agency within the Department of Defense may enter into a contract for a procurement of property or services referred to in subsection (a) on the basis of a competition among contractors certified with respect to such property or services pursuant to that subsection.

''(c) TERMINATION OF CERTIFICATION.—The Secretary—

''(1) may provide for the termination of a certification awarded a contractor under this section upon the expiration of a period specified by the Secretary; and

''(2) may revoke a certification awarded a contractor under this section upon a determination that the quality of performance of the contractor does not meet standards applied by the Secretary as of the time of the revocation decision.''.

SEC. 124. CONSIDERATION OF PAST PERFORMANCE AND ELIGIBILITY CERTIFICATION.

Section 2305 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A)(i)—

(A) by striking out ''(including price)'' and inserting in lieu thereof ''(including price, past contract performance of the offeror, and any certification of the offeror under section 2319a of this title)''; and

(B) by striking out ''and noncost-related'' and inserting in lieu thereof the following: ''past contract performance of the offeror, any certification of the offeror under section 2319a of this title, and other noncost-related'';

(2) in subsection (b)—

(A) in paragraph (3), by striking out ''and the other price-related factors included in the solicitation'' in the second sentence and inserting in lieu thereof '', the other price-related factors included in the solicitation, the past contract performance (if any) of the offerors, and any certification of offerors under section 2319a of this title''; and

(B) in paragraph (4)(B), by striking out ''and the other factors included in the solicitation'' in the first sentence and inserting in lieu thereof '', the past contract performance (if any) of the offerors, any certification of offerors under section 2319a of this title, and the other factors included in the solicitation'';

(3) in subsection (c)(1), by inserting ''past performance of the offerors, any certification of offerors under section 2319a of this title,'' after ''(considering quality, price, delivery,''; and

(4) by adding at the end the following new subsection:

''(g) The Secretary of Defense shall maintain a contractor performance data base. The Secretary shall include in the data base information on the history of the performance of each contractor under Department of Defense contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the acquisition program manager responsible for the contract. The Secretary shall make information in the data base available to acquisition program executive officers and acquisition program managers of the Department of Defense and to the contractor to which the information pertains.''.

SEC. 125. ENCOURAGEMENT OF MULTIYEAR CONTRACTING.

Section 2306b(a) of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking out ''may'' and inserting in lieu thereof ''shall, to the maximum extent possible,''.

SEC. 126. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2316 the following new section:

''§ 2317. Equipment leasing

''The Secretary of Defense shall authorize and encourage the use of leasing in the acquisition of equipment whenever such leasing is practicable and otherwise authorized by law.''.

(b) REPORT.—Not later than 90 days after the the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth changes in legislation that would be required in order to facilitate the use of leases by the Department of Defense in the acquisition of equipment, including the use of multiyear leases.

Subtitle D—Performance Based Contract Management

SEC. 131. UNALLOWABLE COSTS.

(a) SPECIFIC COSTS.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

''(P) Labor costs in excess of the labor costs provided for in the offer of the contractor.

''(Q) Bid protest costs.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to solicitations for offers issued under chapter 137 of title 10, United States Code, on or after that date.

SEC. 132. ALTERNATIVES APPROACHES TO CONTRACT MANAGEMENT.

The Secretary of Defense shall prescribe in regulations policies and procedures that encourage contract administrators of the Department of Defense to submit to program managers, and program managers to consider, alternative approaches to contract management. A contract administrator submitting an alternative approach to the program manager shall include an analysis of the costs and benefits of each alternative.

SEC. 133. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

Chapter 137 of title 10, United States Code, is amended by inserting after section 2306b the following new section:

''§ 2306c. Contractor share of gains and losses from cost, schedule, and performance experience

''The Secretary of Defense shall prescribe in regulations a clause, to be included in each cost-type contract and incentive-type contract, that provides a system for the contractor to be rewarded for contract performance exceeding the contract cost, schedule, or performance parameters to the benefit of the United States and to be penalized for failing to adhere to cost, schedule, or performance parameters to the detriment of the United States.''.

Subtitle E—Financial Management

SEC. 141. PHASE FUNDING OF DEFENSE ACQUISITION PROGRAMS.

Chapter 131 of title 10, United States Code, as amended by section 112, is further amended by adding at the end the following:

''§ 2222. Funding for results oriented acquisition program cycle

''(a) PROGRAM PHASE DETAILS TO BE SUBMITTED TO CONGRESS.—Before initial funding is made available for a phase of the acquisition program cycle of an acquisition program for which an authorization of appropriations is required by section 114 of this title, the Secretary of Defense shall submit to Congress information about the objectives and plans for the conduct of that phase and the funding requirements for the entire

phase. The information shall identify the intended user of the system to be acquired under the program and shall include objective, quantifiable criteria for assessing the extent to which the objectives and goals determined pursuant to section 2435 of this title are achieved.

''(b) FULL PHASE FUNDING.—(1) In authorizing appropriations for an acquisition program for which an authorization of appropriations is required by section 114 of this title, Congress shall provide in an Act authorizing appropriations for the Department of Defense an authorization of appropriations for a phase of the acquisition program in a single amount that is sufficient for carrying out that phase. Each such authorization of appropriations shall be stated in the Act as a specific item.

''(2) In each Act making appropriations for the Department of Defense Congress shall specify the phase of each such acquisition program of the department for which an appropriation is made and the amount of the appropriation for the phase of that program.''.

SEC. 142. MAXIMIZED BENEFIT FUNDING.

Chapter 131 of title 10, United States Code, as amended by section 141, is further amended by adding at the end the following:

''§ 2223. Maximized benefit funding

''(a) TRANSFERS AUTHORITY.—The Secretary of Defense may transfer funds from appropriations available for a particular phase of an acquisition program of the Department of Defense in order to pay out of the transferred funds the cost of incentives provided program managers who have been certified by the Secretary as having achieved at least 90 percent of the cost, schedule, and performance goals established for that phase.

''(b) LIMITATIONS.—The Secretary shall prescribe in regulations—

''(1) the percent of available funds that may be transferred under the authority of subsection (a) for payment of incentives; and

''(2) a limitation that the total amount transferred for a phase of a program may not exceed ⅓ of the total amount of the cost of such phase that is determined under the regulations to have been saved as a result of the achievement of the goals for which the incentives are to be paid.''.

SEC. 143. IMPROVED DEPARTMENT OF DEFENSE CONTRACT PAYMENT PROCEDURES.

(a) REVIEW AND IMPROVEMENT OF PROCEDURES.—The Comptroller General of the United States shall review commercial practices regarding accounts payable and, considering the results of the review, develop standards for the Secretary of Defense to use for improving the contract payment procedures and financial management systems of the Department of Defense.

(b) GAO REPORT.—Not later than September 30, 1996, the Comptroller General shall submit to Congress a report containing the following matters:

(1) The weaknesses in the financial management processes of the Department of Defense.

(2) Deviations of the Department of Defense payment procedures and financial management systems from the standards developed pursuant to subsection (a), expressed quantitatively.

(3) The officials of the Department of Defense who are responsible for resolving the deviations.

(c) RESPONSIBILITIES OF THE SECRETARY.—The Secretary of Defense shall take such corrective actions as are necessary to resolve the deviations reported pursuant to subsection (b) to within 90 percent of the applicable standards developed under subsection (a).

(d) ENFORCEMENT OF RESPONSIBILITY FOR RESOLVING SYSTEM WEAKNESSES.—The Secretary of Defense may not provide any bonus or incentive pay to an official identified pursuant to subsection (b) as responsible for resolving deviations until the Secretary certifies to Congress that the official has resolved more than 90 percent of those deviations to be within the applicable standards developed under subsection (a).

Subtitle F—Defense Acquisition Workforce

SEC. 151. CONSIDERATION OF PAST PERFORMANCE IN ASSIGNMENT TO ACQUISITION POSITIONS.

(a) REQUIREMENT.—Section 1701(a) of title 10, United States Code, is amended by adding at the end the following: ''The policies and procedures shall provide that education and training in acquisition matters, and past performance of acquisition responsibilities, are major factors in the selection of personnel for assignment to acquisition positions in the Department of Defense.''.

(b) PERFORMANCE REQUIREMENTS FOR ASSIGNMENT.—(1) Section 1723(a) of title 10, United States Code, is amended by inserting '', including requirements relating to demonstrated past performance of acquisition duties,'' in the first sentence after ''experience requirements''.

(2) Section 1724(a)(2) of such title is amended by inserting before the semicolon at the end the following: ''and have demonstrated proficiency in the performance of acquisition duties in the contracting position or positions previously held''.

(3) Section 1735 of such title is amended—

(A) in subsection (b)—

(i) by striking out ''and'' at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following:

''(4) must have demonstrated proficiency in the performance of acquisition duties.'';

(B) in subsection (c)—

(i) by striking out ''and'' at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(iii) by adding at the end the following:

''(4) must have demonstrated proficiency in the performance of acquisition duties.'';

(C) in subsection (d), by inserting before the period at the end the following: '', and have demonstrated proficiency in the performance of acquisition duties''; and

(D) in subsection (e), by inserting before the period at the end the following: '', and have demonstrated proficiency in the performance of acquisition duties''.

SEC. 152. TERMINATION OF DEFENSE ACQUISITION SCHOOLS.

(a) CONTRACTING FOR DEFENSE ACQUISITION EDUCATION AND TRAINING.—Chapter 87 of title 10, United States Code, is amended by adding at the end of subchapter IV the following:

''§ 1747 Professional educational development and training programs

''The Secretary of Defense shall provide for the acquisition of professional educational development and training services for the acquisition workforce from commercial sources and through programs provided by Federal Government sources for all acquisition personnel of all departments and agencies of the Federal Government.''.

(b) TERMINATION OF DEFENSE ACQUISITION UNIVERSITY STRUCTURE.—Section 1746 of title 10, United States Code, is repealed.

(c) EDUCATION AND TRAINING OF PROGRAM MANAGERS AND PROGRAM EXECUTIVE OFFICERS.—Section 1735 of such title is amended—

(1) by striking out paragraph (1) of subsection (b) and inserting in lieu thereof the following:

''(1) must have completed a course of program management provided for under section 1747 of this title or determined by the Secretary of Defense as appropriate training for program managers of the Department of Defense;''; and

(2) by striking out paragraph (1) of subsection (c) and inserting in lieu thereof the following:

''(1) must have completed a course of program management provided for under section 1747 of this title or determined by the Secretary of Defense as appropriate training for program executive officers of the Department of Defense;''.

(d) ALTERNATIVE PROPOSAL.—The Secretary may submit to Congress a proposed system of professional educational development and training for the Department of Defense acquisition workforce as an alternative to the system provided for in the amendments made by this section. Any such proposal shall be submitted not later than June 30, 1996.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

Subtitle G—Revision of Procurement Integrity Requirements

SEC. 161. AMENDMENTS TO OFFICE OF FEDERAL PROCUREMENT POLICY ACT.

(a) RECUSAL.—Subsection (c) of section 27 of the Office of Procurement Policy Act (41 U.S.C. 423) is amended—

(1) in paragraph (1)—

(A) in the matter above subparagraph (A), by inserting ''only'' after ''subsection (b)(1)''; and

(B) in subparagraph (A), by inserting ''(including the modification or extension of a contract)'' after ''any procurement'';

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof:

''(2) Whenever the head of a procuring activity approves a recusal under paragraph (1), a copy of the recusal request and the approval of the request shall be retained by such official for a period (not less than five years) specified in regulations prescribed in accordance with subsection (o).

''(3)(A) Except as provided in subparagraph (B), all recusal requests and approvals of recusal requests pursuant to this subsection shall be made available to the public on request.

''(B) Any part of a recusal request or an approval of a recusal request that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public otherwise required under subparagraph (A).''; and

(3) in paragraph (4), by striking out ''competing contractor'' and inserting in lieu thereof ''person''.

(b) APPLICABILITY OF CERTIFICATION REQUIREMENT.—Subsection (e)(7)(A) of such section is amended by adding at the end the following: ''However, paragraph (1)(B) does not apply with respect to a contract for less than $500,000.''.

(c) RESTRICTIONS RESULTING FROM PROCUREMENT ACTIVITIES OF PROCUREMENT OFFICIALS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) No individual who, in the year prior to separation from service as an officer or employee of the Government or an officer of the uniformed services in a covered position, participated personally and substantially in

acquisition functions related to a contract, subcontract, or claim of $500,000 or more and—

''(A) engaged in repeated direct contact with the contractor or subcontractor on matters relating to such contract, subcontract, or claim; or

''(B) exercised significant ongoing decisionmaking responsibility with respect to the contractor or subcontractor on matters relating to such contract, subcontract, or claim,

shall knowingly accept or continue employment with such contractor or subcontractor for a period of one year following the individual's separation from service, except that such individual may accept or continue employment with any division or affiliate of such contractor or subcontractor that does not produce the same or similar products as the entity involved in the negotiation or performance of the contract or subcontract or the adjustment of the claim.

''(2) No contractor or subcontractor, or any officer, employee, agent, or consultant of such contractor or subcontractor shall knowingly offer, provide, or continue any employment for another person, if such contractor, subcontractor, officer, employee, agent, or consultant knows or should know that the acceptance of such employment is or would be in violation of paragraph (1).

''(3) The head of each Federal agency shall designate in writing as a 'covered position' under this section each of the following positions in that agency:

''(A) The position of source selection authority, member of a source selection evaluation board, or chief of a financial or technical evaluation team, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the evaluation of proposals or the selection of a source for a contract in excess of $500,000.

''(B) The position of procuring contracting officer, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the negotiation of a contract in excess of $500,000 or the negotiation or settlement of a claim in excess of $500,000.

''(C) The position of program executive officer, program manager, or deputy program manager, or any other position, if the officer or employee in that position is likely personally to exercise similar substantial responsibility for ongoing discretionary functions in the management or administration of a contract in excess of $500,000.

''(D) The position of administrative contracting officer, the position of an officer or employee assigned on a permanent basis to a Government Plant Representative's Office, the position of auditor, a quality assurance position, or any other position, if the officer or employee in that position is likely personally to exercise substantial responsibility for ongoing discretionary functions in the onsite oversight of a contractor's operations with respect to a contract in excess of $500,000.

''(E) A position in which the incumbent is likely personally to exercise substantial responsibility for ongoing discretionary functions in operational or developmental testing activities involving repeated direct contact with a contractor regarding a contract in excess of $500,000.''.

(d) DISCLOSURE OF PROPRIETARY OR SOURCE SELECTION INFORMATION TO UNAUTHORIZED PERSONS.—Subsection (l) of such section is amended—

(1) by inserting ''who are likely to be involved in contracts, modifications, or extensions in excess of $25,000'' in the first sentence after ''its procurement officials''; and

(2) by striking out ''(e)'' each place it appears and inserting in each such place ''(f)''.

(e) RULES OF CONSTRUCTION.—Subsection (n) of such section is amended to read as follows:

''(n) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) authorize the withholding of any information from the Congress, any committee or subcommittee thereof, a Federal agency, any board of contract appeals of a Federal agency, the Comptroller General, or an inspector general of a Federal agency;

''(2) restrict the disclosure of information to, or receipt of information by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

''(3) restrict a contractor from disclosing its own proprietary information or the recipient of information so disclosed by a contractor from receiving such information; or

''(4) restrict the disclosure or receipt of information relating to a Federal agency procurement that has been canceled by the agency and that the contracting officer concerned determines in writing is not likely to be resumed.''.

(f) TERM TO BE DEFINED IN REGULATIONS.—Subsection (o)(2)(A) of such section is amended—

(1) by inserting ''money, gratuity, or other'' before ''thing of value''''; and

(2) by inserting before the semicolon ''and such other exceptions as may be adopted on a Governmentwide basis under section 7353 of title 5, United States Code''.

(g) TERMS DEFINED IN LAW.—Subsection (p) of such section is amended—

(1) in paragraph (1) by striking out ''clauses (i)–(viii)'' and inserting in lieu thereof ''clauses (i) through (vii)'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking out clause (i);

(ii) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), and (viii) as clauses (i), (ii), (iii), (iv), (v), (vi), and (vii), respectively; and

(iii) in clause (i) (as redesignated by subclause (II) of this clause), by striking out ''review and approval of a specification'' and inserting in lieu thereof ''approval or issuance of a specification, acquisition plan, procurement request, or requisition''; and

(B) in subparagraph (B), by striking out all after ''includes'' and inserting in lieu thereof the following: ''any individual acting on behalf of, or providing advice to, the agency with respect to any phase of the agency procurement concerned, regardless of whether such individual is a consultant, expert, or adviser, or an officer or employee of a contractor or subcontractor (other than a competing contractor).''; and

(3) in paragraph (6)(A), by inserting ''nonpublic'' before ''information''.

SEC. 162. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 208(a) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as permitted''; and

(2) by adding at the end the following new paragraph:

''(2) Whoever knowingly aids, abets, counsels, commands, induces, or procures conduct prohibited by this section shall be subject to the penalties set forth in section 216 of this title.''.

SEC. 163. REPEAL OF SUPERSEDED AND OBSOLETE LAWS.

(a) REPEAL.—The following provisions of law are repealed:

(1) Sections 2207, 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 281 of title 18, United States Code.

(3) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218).

(b) REPEAL OF SUPERSEDED LAW.—Section 6001(b) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3362; (18 U.S.C. 281 note) is repealed.

SEC. 164. IMPLEMENTATION.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, regulations implementing the amendments made by section 161 to section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), including definitions of the terms used in subsection (f) of such section, shall be issued in accordance with sections 6 and 25 of such Act (41 U.S.C. 405 and 521) after coordination with the Director of the Office of Government Ethics.

(b) SAVINGS PROVISIONS.—(1) No officer, employee, agent, representative, or consultant of a contractor who has signed a certification under section 27(e)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)(1)(B)) before the effective date of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(2) No procurement official of a Federal agency who has signed a certification under section 27(l) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(l)) before the date of enactment of this Act shall be required to sign a new certification as a result of the enactment of this Act.

(c) INSPECTOR GENERAL REPORTS.—Not later than May 31 of each of the years 1996 through 1999, the Inspector General of each Federal agency (or, in the case of a Federal agency that does not have an Inspector General, the head of such agency) shall submit to Congress a report on the compliance by the agency during the preceding year with the requirement for the head of the agency to designate covered procurement positions under section 27(f)(3) of the Office of Federal Procurement Policy Act (as added by section 161(c)).

Subtitle H—Clerical Amendments

SEC. 171. CLERICAL AMENDMENTS TO TITLE 10.

(a) CHAPTER 87.—The table of sections at the beginning of subchapter IV of chapter 87 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 1746; and

(2) by adding at the end the following new item:

''1747. Professional educational development and training programs.''.

(b) CHAPTER 131.—The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2207; and

(2) by adding at the end the following new items:

''2221. Results oriented acquisition program cycle.

''2222. Funding for results oriented acquisition program cycle.

''2223. Maximized benefit funding.''.

(c) CHAPTER 137.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended—

(1) by inserting after the item relating to section 2306b the following new item:

''2306c. Contractor share of gains and losses from cost, schedule, and performance experience.'';

(2) by inserting after the item relating to section 2316 the following new item:

''2317. Equipment leasing.'';

and

(3) by inserting after the item relating to section 2319 the following new item:

''2319a. Contractor performance certification system.''.

(d) CHAPTER 141.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended—

(1) by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c; and

(2) by striking out the item relating to section 2399 and inserting in lieu thereof the following new item:

''2399. Operational test and evaluation of major systems under defense acquisition programs.''.

SEC. 172. OTHER LAWS.

(a) TITLE 18.—The table of sections for chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(b) DEPARTMENT OF ENERGY ORGANIZATION ACT.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by striking out the item relating to part A of title VI and the sections therein.

TITLE II—REORGANIZATION AND REFORM OF THE DEFENSE ACQUISITION SYSTEM

Subtitle A—Streamlining and Improvement of Acquisition Management

SEC. 201. REORGANIZATION OF ACQUISITION AUTHORITY.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—Section 133(b) of title 10, United States Code, is amended—

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

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) prescribing policies for research, development, and acquisition activities of the Department of Defense;

''(2) planning, programming, and overseeing the research, development, and acquisition activities of the Department of Defense;

''(3) assisting in the preparation and integration of budgets for the research, development, and acquisition activities of the Department of Defense, including assisting in the planning, programming, and budgeting system with respect to such activities;''.

(b) DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY.—(1) Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 9 the following new chapter:

''CHAPTER 10—DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY

''Sec.
''231. Establishment.
''232. Use of agency for all research, development, and acquisition activities.
''233. Duties.
''234. Program executive officers.
''235. Program managers.
''236. Functional analytical capability.

''§ 231. Establishment

''(a) AGENCY.—There is established a Defense Research, Development, and Acquisition Agency in the Department of Defense.

''(b) DIRECTOR.—(1) The head of the agency is the Director of Defense Research, Development, and Acquisition who shall be appointed by the Under Secretary of Defense for Acquisition and Technology from among persons who are career professional employees in the acquisition workforce of the Department of Defense.

''(2) A member of the armed forces, while serving as the Director, holds the grade of general or, in the case of an officer of the Navy, admiral. A civilian, while serving as the Director, holds an equivalent civilian grade.

''(c) CHIEF OF ENGINEERING AND ANALYSIS.—(1) In the Defense Research, Development, and Acquisition Agency there is a Chief of Engineering and Analysis who shall be appointed by the Director from among the career professional employees in the acquisition workforce of the Department of Defense.

''(2) The Director shall evaluate the performance of the Chief of Engineering and Analysis. The Director may not delegate the performance of the evaluation responsibility.

''(3) The Chief of Engineering and Analysis shall be the senior technical adviser for the Defense Research, Development, and Acquisition Agency.

''§ 232. Use of agency for all research, development, and acquisition activities

''Subject to sections 3013(h), 5013(h), 8013(h) of this title, the Director shall conduct the research, development, and acquisition activities of the Department of Defense, including the activities of the research, development, and engineering centers of the Department of Defense.

''§ 233. Duties

''The responsibilities of the Under Secretary of Defense for Acquisition and Technology that are to be performed by the Defense Research, Development, and Acquisition Agency include the following:

''(1) Planning, programming, and carrying out the research, development, and acquisition activities of the Department of Defense.

''(2) Advising the Secretary of Defense and the Secretaries of the military departments regarding the preparation and integration of the budgets for the research, development, and acquisition activities of the Department of Defense.

''(3) Identifying and informing operational commanders regarding alternative technology solutions to fulfill emerging requirements.

''(4) Ensuring that the acquisition plan for each acquisition program realistically reflects the budget and related decisions made for that program.

''(5) Conducting research on management techniques as well as on individual systems.

''§ 234. Program executive officers

''(a) SELECTION AND EVALUATION.—The program executive officers of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director.

''(b) DUTIES.—The duties of a program executive officer are as follows:

''(1) To manage acquisition programs assigned to the program executive officer.

''(2) To manage related technical support resources.

''(3) To establish and conduct integrated decision team meetings.

''(4) To provide technological advice (including advice regarding costs, schedule, and performance data relating to alternative technological approaches for fulfilling emerging requirements) to users of program products and to the officials within the Department of Defense who plan, program, and budget for the acquisition programs assigned to the program executive officer.

''(c) ORGANIZATION OF PERSONNEL.—The program executive officers shall be organized on the basis of unique mission areas or, in the case of programs for systems specifically relating to certain classes of targets, on the basis of target classes. No program executive officer may be organized with other program executive officers on both bases. The Secretary of Defense shall identify the mission areas or target classes on the basis of which program executive officers may be organized.

''(d) ACQUISITION LIFE-CYCLE MANAGEMENT.—The responsibilities of a program executive officer for a weapon acquisition program shall cover the entire life cycle of the program.

''(e) USER AND OPERATOR INTERACTION.—(1) The Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition and Technology, shall prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with program executive officers regarding the initiation and conduct of weapon acquisition programs. The policies and procedures shall include provisions for enabling such commands to perform operational and acceptance testing of weapons acquired pursuant to such programs.

''(2) The Under Secretary of Defense (Comptroller), in consultation with the Under Secretary of Defense for Acquisition and Technology and the Secretaries of the military departments, shall prescribe policies and procedures for the interaction between the commanders of the unified and specified combatant commands and the program executive officers regarding funding for weapon acquisition programs.

''(3) The policies and procedures prescribed pursuant to this subsection shall include a system for the commanders of the unified and specified combatant command to choose among alternatives developed by program executive officers for meeting acquisition requirements presented by the commanders.

''§ 235. Program managers

''(a) SELECTION AND EVALUATION.—Each program manager of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director and a program executive officer and shall report directly to the program executive officer having primary responsibility for the system being acquired under the program.

''(b) DUTIES.—A program manager is responsible for the routine management of a research, development, and acquisition program, including the obtaining of necessary logistical support and support services for that program.

''(c) NONDUPLICATION OF FUNCTIONS.—The management functions of a program manager should not duplicate the management functions of a program executive officer.

''§ 236. Functional analytical capability

''(a) RESPONSIBILITY OF CHIEF OF ENGINEERING AND ANALYSIS.—The Chief of Engineering and Analysis shall be responsible for ensuring that each of the functional analytical capabilities provided to the Director, acquisition program executive officers, and acquisition program managers in connection with acquisition programs of the Department of Defense is the most advanced capability of its type.

''(b) FUNCTIONAL ANALYTICAL CAPABILITIES.—The functional analytical capabilities referred to in subsection (a) are as follows:

''(1) Cost and affordability analysis.

''(2) Logistics and support analysis.

''(3) Reliability and maintainability analysis.

''(4) Producibility analysis.

''(5) Environmental analysis.

''(6) Configuration management.

''(7) Warfighting and battlefield performance and utility analysis.

''(8) System engineering.

''(9) Any other analytical capability that may be necessary for ensuring the timeliness, performance, and affordability of acquisition programs.''.

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are amended by inserting after the item relating to chapter 9 the following new item:

''10. Defense Research, Development, and Acquisition Agency ..... 231''.

(c) LIMITATION OF PROCUREMENT AUTHORITY OF MILITARY DEPARTMENTS.—(1) Section 3013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out ''and subject to the provisions of chapter 6 of this title,'' and inserting in lieu thereof '', subject to the provisions of chapter 6 of this title, and subject to subsection (h),''; and

(ii) in paragraph (4), by striking out ''(including research and development)''; and

(B) by adding at the end the following new subsection:

''(h)(1) The Secretary of the Army shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Army. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Army for procurements of property and services.

''(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Army shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.''.

(2) Section 5013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out ''and subject to the provisions of chapter 6 of this title,'' and inserting in lieu thereof '', subject to the provisions of chapter 6 of this title, and subject to subsection (h),''; and

(ii) in paragraph (4), by striking out ''(including research and development)''; and

(B) by adding at the end the following new subsection:

''(h)(1) The Secretary of the Navy shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Navy. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Navy for procurements of property and services.

''(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Navy shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.''.

(3) Section 8013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out ''and subject to the provisions of chapter 6 of this title,'' and inserting in lieu thereof '', subject to the provisions of chapter 6 of this title, and subject to subsection (h),''; and

(ii) in paragraph (4), by striking out ''(including research and development)''; and

(B) by adding at the end the following new subsection:

''(h)(1) The Secretary of the Air Force shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Air Force. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Air Force for procurements of property and services.

''(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Air Force shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.''.

(4) Section 2302(1) of title 10, United States Code, is amended by striking out ''the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force,''.

(5) Section 2302c of such title is amended—

(A) in subsection (a)(1), by striking out the second sentence; and

(B) in subsection (b), by striking out ''paragraph (5) or (6)'' and inserting in lieu thereof ''paragraph (2) or (3)''.

(6) Section 2303(a) of such title is amended—

(A) by striking out paragraphs (2), (3), and (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively.

SEC. 202. JOINT FOREIGN PRODUCTS DEVELOPMENT.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) RECOMMENDATIONS FOR JOINT DEVELOPMENT OF FOREIGN PRODUCTS.—The Chairman of the Joint Chiefs of Staff, in consultation with the commanders of the unified and specified combatant commands, shall make recommendations to the Under Secretary of Defense for Acquisition and Technology regarding the desirability of joint development by the United States and one or more foreign countries of systems proposed to be developed, or under development, by such foreign country or foreign countries.''.

Subtitle B—Transfer of Functions

SEC. 211. TRANSFERS.

(a) MILITARY DEPARTMENTS.—Except as provided in subsection (c), all research, development, and acquisition functions of the Secretaries of the military departments are transferred to the Secretary of Defense.

(b) PROCUREMENT AGENCIES, COMMANDS, AND OFFICES.—Except as provided in subsection (c), there is transferred to the Defense Research, Development, and Acquisition Agency referred to in section 231(a) of title 10, United States Code (as added by section 201), all functions of the following organizations:

(1) The Defense Logistics Agency.

(2) The Advanced Research Projects Agency.

(3) The following procurement commands of the Army:

(A) The Army Materiel Command.

(B) The Army Information Systems Command.

(C) The Army Space and Strategic Defense Command.

(4) The following procurement commands of the Navy and Marine Corps:

(A) The Navy weapon systems commands.

(B) The Navy Strategic Systems Program Office.

(C) The Marine Corps Research, Development and Acquisition Command.

(5) The Air Force Materiel Command.

(6) Any successor organization to any agency, command, or office named in paragraphs (1) through (5).

(7) Each agency or command within the Department of Defense not referred to in paragraphs (1) through (6) that, on the day before the effective date of this title, has as a primary mission or function the performance of a research, development, or acquisition function of the Department of Defense.

(c) FUNCTIONS NOT TRANSFERRED.—(1) The following functions of the Secretaries of the military departments are not transferred to the Secretary of Defense:

(A) Functions that relate to planning, programming, and budgeting.

(B) Functions to be performed by the Secretary of a military department pursuant to section 3013(h), 5013(h), or 8013(h) of title 10, United States Code, as added by section 201(c).

(2) To the extent prescribed by the Secretary of Defense, functions referred to in paragraph (1)(B) that are performed by an organization referred to in subsection (b) need not be transferred in accordance with that subsection.

(d) TERMINATION OF ORGANIZATION.—The Secretary of Defense shall terminate each organization from which all of its functions are transferred under subsection (b).

SEC. 212. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Secretary or other officer or employee of a military department, the head of a Defense Agency of the Department of Defense, or by a court of competent jurisdiction, in connection with any research, development, or acquisition activity of a military department or Defense Agency, and

(2) which are in effect on the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense, the Under Secretary of Defense for Acquisition and Technology, or another authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS AND APPLICATIONS.—(1)(A) The provisions of this subtitle shall not affect any proceeding, including any proceeding involving a claim or application, in connection with any acquisition activity of a military department or a Defense Agency of the Department of Defense that is pending before that military department or Defense Agency on the effective date of this title.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Defense or the Under Secretary of Defense for Acquisition and Technology, by a court of competent jurisdiction, or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Defense may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1) to the Secretary of Defense or to the Under Secretary of Defense for Acquisition and Technology.

Subtitle C—Conforming Amendments

SEC. 221. MODIFICATION OF THE RESPONSIBILITY OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER) FOR DEFENSE ACQUISITION BUDGETS.

Section 135(c) of title 10, United States Code, is amended in each of paragraphs (2), (3), and (4), by inserting after the paragraph designation the following: ''subject to section 133(b) of this title,''.

SEC. 222. THE DEFENSE ACQUISITION WORK FORCE.

(a) GENERAL AUTHORITIES AND RESPONSIBILITIES.—(1)(A) Sections 1704, 1705, and 1707 of title 10, United States Code, are repealed.

(B) The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by striking out the items relating to sections 1704 through 1707 and inserting in lieu thereof the following:

''1704. Acquisition career program boards.''.

(2) Section 1706 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''an Acquisition Corps'' in the first sentence and inserting in lieu thereof ''the Acquisition Corps'';

(B) in the section heading by striking out ''**§ 1706**'' and inserting in lieu thereof ''**§ 1704**'';

(C) by striking out subsection (a) and inserting in lieu thereof the following:

''(a) ESTABLISHMENT.—The Under Secretary of Defense for Acquisition and Technology shall establish an acquisition career program board to advise the Under Secretary in managing the accession, training, education, and career development of military and civilian personnel in the acquisition workforce and in selecting individuals for the Acquisition Corps under section 1731 of this title.'';

(C) in subsection (b)—

(i) in the first sentence, by striking out ''Each'' and inserting in lieu thereof ''The''; and

(ii) in the second sentence, by striking out ''service acquisition executive'' and inserting in lieu thereof ''Under Secretary''; and

(D) in subsection (c)—

(i) by striking out ''Secretary of a military department'' and inserting in lieu thereof ''Under Secretary''; and

(ii) by striking out ''in the department''.

(b) DEFENSE ACQUISITION POSITIONS.—(1) Section 1722 of title 10, United States Code, is amended—

(A) in subsection (g), by striking out ''Secretary of each military department, acting through the service acquisition executive for that department,'' and inserting in lieu thereof ''Secretary of Defense''; and

(B) in subsection (h), by striking out ''or the Secretary of a military department (as applicable)''.

(2) Section 1724(d) of such title is amended in the first sentence—

(A) by striking out ''a military department'' and inserting in lieu thereof ''the Department of Defense''; and

(B) by striking out ''of that military department''.

(c) ACQUISITION CORPS.—(1) Section 1731 of title 10, United States Code, is amended—

(A) by striking out subsection (a) and inserting in lieu thereof the following:

''(a) ACQUISITION CORPS.—The Secretary of Defense shall establish a Department of Defense Acquisition Corps.''; and

(B) in subsection (b), by striking out ''an Acquisition Corps'' and inserting in lieu thereof ''the Acquisition Corps''.

(2) Section 1732 of such title is amended—

(A) in subsection (a), by striking out ''an Acquisition Corps'' in the first sentence and inserting in lieu thereof ''the Acquisition Corps'';

(B) in subsection (b)—

(i) in paragraph (2)(A)(ii), by striking out ''of the employing military department''; and

(ii) in paragraph (4), by striking out ''or the Secretary of the military department concerned''; and

(C) in subsection (d)—

(i) by striking out ''of a military department'' in the first sentence of paragraph (1) and in paragraph (2); and

(ii) by striking out ''of that military department'' in the first sentence of paragraph (1).

(3) Section 1733(a) of such title is amended by striking out ''an Acquisition Corps'' and inserting in lieu thereof ''the Acquisition Corps''.

(4) Section 1734 of such title is amended—

(A) in subsection (a)(1), by striking out ''Secretary of each military department, acting through the service acquisition executive for that department,'' in the first sentence and inserting in lieu thereof ''Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology,'';

(B) in subsection (b)(1), by striking out ''major milestone'' and inserting in lieu thereof ''phase of the program cycle'';

(C) by striking out subsection (c);

(D) in subsection (d), by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

''(2) The authority to grant waivers may be delegated by the Under Secretary only to the Director of Acquisition, Education, Training, and Career Development.

''(3) With respect to each waiver granted under this subsection, the Under Secretary shall set forth in a written document the rationale for the decision to grant the waiver. The Director of Acquisition, Education, Training, and Career Development shall maintain all such documents.'';

(E) in subsection (e)—

(i) in the first sentence of paragraph (1)—

(I) by striking out ''an Acquisition Corps'' in the first sentence and inserting in lieu thereof ''the Acquisition Corps''; and

(II) by striking out ''major program milestone'' and inserting in lieu thereof ''phase of the program cycle''; and

(ii) in paragraph (2), by striking out ''of the department concerned'' in the first sentence;

(F) by striking out subsections (g) and (h) and inserting in lieu thereof the following:

''(g) ASSIGNMENTS.—Subject to the authority, direction, and control of the Secretary, the Under Secretary shall make the assignments of civilian and military members of the Acquisition Corps to critical acquisition positions.'';

(G) by striking out ''concerned'' in—

(i) the second sentence of subsection (a)(1);

(ii) the second sentence of subsection (a)(2);

(iii) the sentence following subparagraph (B) in subsection (b)(1);

(iv) the second sentence of subsection (b)(2); and

(v) subsection (d)(1); and

(H) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively.

(5) Section 1737 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking out ''an Acquisition Corps'' and inserting in lieu thereof ''the Acquisition Corps''; and

(ii) in paragraph (5), by striking out '', or a principal deputy to a director of contracting'' and all that follows through ''Department of Defense'' and inserting in lieu thereof ''or a principal deputy to a director of contracting''; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) WAIVER.—(1) The Secretary of Defense may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary determines that the individual's qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter.

''(2) The Secretary shall act through the Under Secretary of Defense for Acquisition and Technology in exercising the authority provided in paragraph (1). The authority to grant waivers under this subsection may be delegated by the Under Secretary only to the Director of Acquisition Education, Training, and Career Development.''.

(d) EDUCATION AND TRAINING.—(1) Section 1741(c) of title 10, United States Code, is amended to read as follows:

''(c) PROGRAMS.—The Under Secretary shall establish and implement the education and training programs authorized by this subchapter.''.

(2) Section 1742 of such title is amended by striking out ''require that each military department''.

(3) Section 1743 of such title is amended in the first sentence by striking out ''require that the Secretary of each military department''.

(e) GENERAL MANAGEMENT.—(1) Section 1761(a) of title 10, United States Code, is amended by striking out ''prescribe regulations to ensure that the military departments and Defense Agencies''.

(2) Section 1762(c) of such title is amended—

(A) by striking out the parenthetical material in the matter above paragraph (1);

(B) in paragraph (4), by striking out ''an acquisition corps'' in subparagraphs (A) and (B) and inserting in lieu thereof ''the Acquisition Corps''; and

(C) in paragraph (14), by striking out ''and the performance of each military department''.

(3) Section 1763 of such title is amended by striking out the second sentence.

SEC. 223. PROCUREMENT PROCEDURES GENERALLY.

Chapter 137 of title 10, United States Code, is amended as follows:

(1) Section 2305(d) is amended—

(A) in the first sentence of paragraph (1)(A), by striking out ''shall ensure that,'' and all that follows through ''the head of an agency'' and inserting in lieu thereof '', in preparing a solicitation for the award of a development contract for a major system, shall'';

(B) in the first sentence of paragraph (2)(A), by striking out ''shall ensure that,'' and all that follows through ''the head of an agency'' and inserting in lieu thereof '', in preparing a solicitation for the award of a production contract for a major system, shall'';

(C) by striking out ''the head of the agency'' each place it appears and inserting in lieu thereof ''the Secretary''; and

(D) by striking out ''the head of an agency'' each place it appears and inserting in lieu thereof ''the Secretary of Defense''.

(2) Section 2306b is amended—

(A) in subsection (b)(1), by striking out ''for the agency or agencies under the jurisdiction of such official''; and

(B) in subsection (j), by striking out ''instruct the Secretary of the military department concerned to''.

(3) Section 2307 is amended—

(A) in subsection (g), by striking out ''Secretary of the Navy'' each place it appears and inserting in lieu thereof ''Secretary of Defense''; and

(B) in subsection (h)(7), by striking out the second sentence.

(4) Section 2311 is amended in subsection (a)—

(A) by inserting ''(1)'' after ''IN GENERAL.—''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may delegate any authority of the Secretary under this chapter only to—

''(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition and Technology;

''(B) the Under Secretary of Defense for Acquisition and Technology; or

''(C) any acquisition program executive officer or acquisition program manager of the

Defense Research, Development, and Acquisition Agency.''.

(5) Section 2318(a) is amended by striking out ''Defense Logistics Agency'' each place it appears and inserting in lieu thereof ''Defense Research, Development, and Acquisition Agency''.

(6) Section 2320(b) is amended—

(A) in the matter above paragraph (1), by striking out ''an agency named in section 2303 of this title'' and inserting in lieu thereof ''the Department of Defense''; and

(B) in paragraph (9), by striking out ''the head of the agency to withhold'' and inserting in lieu thereof ''the withholding of''.

(7) Section 2323(e)(1)(A)(iii) is amended by striking out ''military departments, Defense Agencies,'' and inserting in lieu thereof ''Department of Defense''.

(8) Section 2324 is amended—

(A) in subsection (e)(3)(A), by striking out the matter above clause (i) and inserting in lieu thereof the following:

''(A) Pursuant to regulations prescribed by the Secretary of Defense and subject to the availability of appropriations, the Secretary may waive the application of the provisions of subparagraphs (M) and (N) of paragraph (1) to a covered contract (other than a contract to which paragraph (2) applies) if the Secretary determines that—'';

(B) in subsection (h)(2), by striking out ''or the Secretary of the military department concerned'';

(C) in subsection (k)(4)—

(i) by striking out ''or Secretary of the military department concerned'';

(ii) by striking out ''or Secretary determines'' and inserting in lieu thereof ''determines''; and

(iii) by striking out ''or military department''; and

(D) by striking out subsection (l) and inserting in lieu thereof the following:

''(l) COVERED CONTRACT DEFINED.—(1) In this section, the term 'covered contract' means a contract for an amount in excess of $500,000 that is entered into by the head of an agency, except that such term does not include a fixed-price contract without cost incentives or any firm fixed-price contract for the purchase of commercial items.

(9) Section 2326 is amended—

''(2) Effective on October 1 of each year that is divisible by five, the amount set forth in paragraph (1) shall be adjusted to the equivalent amount in constant fiscal year 1994 dollars. An amount, as so adjusted, that is not evenly divisible by $50,000 shall be rounded to the nearest multiple of $50,000. In the case of an amount that is evenly divisible by $25,000 but is not evenly divisible by $50,000, the amount shall be rounded to the next higher multiple of $50,000.''.

(A) by striking out ''head of an agency'' each place it appears and inserting in lieu thereof ''Secretary of Defense'';

(B) by striking out ''head of the agency'' each place it appears and inserting in lieu thereof ''Secretary of Defense'';

(C) in subsection (a), by striking out ''military department concerned'' and inserting in lieu thereof ''Department of Defense''; and

(D) in subsection (b)(4), by striking out ''of that agency if such'' and inserting in lieu thereof ''of the Department of Defense if the''.

(10) Section 2327 is amended—

(A) in subsection (a), by striking out ''The head of an agency'' and inserting in lieu thereof ''The Secretary of Defense'';

(B) in subsection (b), by striking out ''the head of an agency'' and inserting in lieu thereof ''the Secretary of Defense'';

(C) in subsection (c)(1)—

(i) by striking out ''the head of an agency'' each place it appears and inserting in lieu thereof ''the Secretary''; and

(ii) by striking out ''such head of an agency'' each place it appears and inserting in lieu thereof ''the Secretary'';

(D) in subsection (c)(2), by striking out ''Upon the request of the head of an agency, the'' and inserting in lieu thereof ''The''; and

(E) in subsection (d)—

(i) by striking out ''(1)''; and

(ii) by striking out paragraph (2).

SEC. 224. RESEARCH AND DEVELOPMENT.

Chapter 139 of title 10, United States Code, is amended as follows:

(1) Section 2352(a) is amended in the matter above paragraph (1)—

(A) by striking out ''The Secretary of a military department'' and inserting in lieu thereof ''The Secretary of Defense''; and

(B) by striking out ''that military department'' and inserting in lieu thereof ''the Department of Defense''.

(2) Section 2353 is amended—

(A) in the first sentence of subsection (a)—

(i) by striking out ''contract of a military department'' and inserting in lieu thereof ''Department of Defense contract''; and

(ii) by striking out ''the Secretary of the military department concerned'' and inserting in lieu thereof ''the Secretary of Defense''; and

(B) in subsection (b)(3), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''.

(3) Section 2354 is amended—

(A) in subsection (a), by striking out ''the Secretary of the military department concerned, any contract of a military department'' and inserting in lieu thereof ''the Secretary of Defense, any contract of the Department of Defense'';

(B) in subsection (c)—

(i) by striking out ''the Secretary of the department concerned'' and inserting in lieu thereof ''the Secretary of Defense''; and

(ii) by striking out ''of his department''; and

(C) in subsection (d), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''.

(4) Section 2356(a) is amended to read as follows:

''(a)(1) Except as provided in paragraph (2), the Secretary of Defense may delegate any authority under section 1584, 2353, 2354, or 2358 of this title to—

''(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition and Technology;

''(B) the Under Secretary of Defense for Acquisition and Technology; or

''(C) any employee of the Defense Research, Development, and Acquisition Agency.

''(2) The authority of the Secretary under section 2353(b)(3) of this title may not be delegated to a person described in paragraph (1)(C).''.

(5) Section 2358 is amended—

(A) by striking out ''or the Secretary of a military department'' in subsections (a) and (b);

(B) in subsection (a)(1), by striking out ''such Secretary's department'' and inserting in lieu thereof ''the Department of Defense''; and

(C) in subsection (c)—

(i) by striking out ''or the Secretary of that military department, respectively,''; and

(ii) by striking out ''or to such military department, respectively''.

(6) Section 2367(c) is amended to read as follows:

''(c) Funds appropriated to the Department of Defense may not be obligated or expended for purposes of operating a federally funded research center that was not in existence before June 2, 1986, until—

''(1) the Secretary of Defense submits to Congress a report with respect to such center that describes the purpose, mission, and general scope of effort of the center; and

''(2) 60 days elapse after the date on which such report is received by Congress.''.

(7) Section 2371 is amended—

(A) in subsection (a), by striking out ''and the Secretary of each military department;''; and

(B) by striking out subsection (b);

(C) in subsection (f), by striking out ''There is hereby established on the books of the Treasury separate accounts for each of the military departments and the Advanced Research Projects Agency'' and inserting in lieu thereof the following: ''The Secretary of the Treasury, after consultation with the Secretary of Defense, shall establish on the books of the Treasury one or more separate accounts for the Department of Defense''; and

(D) in subsection (i), by striking out ''in carrying out advanced research projects through the Advanced Research Projects Agency, and the Secretary of each military department,''.

(8) Section 2373(a) is amended—

(A) by striking out ''and the Secretaries of the military departments may each'' and inserting in lieu thereof ''may''; and

(B) by striking out ''or the Secretary concerned''.

SEC. 225. MISCELLANEOUS PROCUREMENT PROVISIONS.

(a) CHAPTER 141.—Chapter 141 of title 10, United States Code, is amended as follows:

(1) Section 2381(b) is amended—

(A) in the matter above paragraph (1), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''; and

(B) in paragraph (2), by striking out ''military department concerned'' and inserting in lieu thereof ''Department of Defense''.

(2) Section 2385 is amended by striking out ''a military department'' and inserting in lieu thereof ''the Department of Defense''.

(3) Section 2386 is amended by striking out ''a military department'' and inserting in lieu thereof ''the Department of Defense''.

(4) Section 2388(a) is amended by striking out ''and the Secretary of a military department may each'' and inserting in lieu thereof ''may''.

(5) Section 2393 is amended—

(A) in subsection (a)—

(i) by striking out ''the Secretary of a military department'' in paragraph (1) and inserting in lieu thereof ''the Secretary of Defense''; and

(ii) by striking out ''the Secretary concerned'' in paragraph (2) and inserting in lieu thereof ''the Secretary of Defense''; and

(B) in subsection (b), by striking out ''the Secretary concerned'' and inserting in lieu thereof ''the Secretary of Defense''.

(6) Section 2394 is amended—

(A) in subsection (a), by striking out ''the Secretary of a military department'' and inserting in lieu thereof ''the Secretary of Defense'';

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(7) Section 2394a is amended—

(A) in subsection (a)—

(i) by striking out ''Secretary of a military department'' and inserting in lieu thereof ''Secretary of Defense''; and

(ii) by striking out ''military department under his jurisdiction'' and inserting in lieu thereof ''Department of Defense''; and

(B) in subsection (b), by striking out the second sentence.

(8) Section 2401(a) is amended by striking out ''The Secretary of a military department'' both places it appears and inserting in lieu thereof ''The Secretary of Defense''.

(9) Section 2104a is amended by striking out ''or the Secretary of a military department''.

(10) Section 2403 is amended—

(A) in subsection (a), by striking out paragraph (8);

(B) in subsection (b), by striking out ''the head of an agency'' in the matter above paragraph (1) and inserting in lieu thereof ''the Secretary of Defense'';

(C) in subsections (c), (f), and (g), by striking out ''head of the agency concerned'' each place it appears and inserting in lieu thereof ''Secretary of Defense'';

(D) in subsection (d)—

(i) by inserting ''(1)'' after the subsection designation;

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(iii) by striking out the second sentence; and

(iv) by adding at the end the following new paragraph:

''(2) The Secretary may delegate authority under this subsection only to the Under Secretary of Defense for Acquisition and Technology.''; and

(E) in subsection (h), by striking out paragraph (3).

(11) Section 2405(a) is amended by striking out ''The Secretary of a military department'' and inserting in lieu thereof ''The Secretary of Defense.''

(12) Section 2410c(a) of title 10, United States Code, is amended by striking out ''Secretary of a military department or the head of a Defense Agency, as the case may be,'' and inserting in lieu thereof ''Secretary of Defense''.

(13) Section 2410d(a) is amended by striking out ''a military department or a Defense Agency'' and inserting in lieu thereof ''the Department of Defense''.

(14) Section 2410g(b) is amended by striking out ''notification—'' and all that follows through ''any other Department of Defense contract, to'' and insert in lieu thereof ''notification to''.

(b) CHAPTER 142.—Chapter 142 of title 10, United States Code, is amended as follows:

(1) Section 2411(3) is amended by striking out ''Director of the Defense Logistics Agency'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(2) Section 2417 is amended by striking out ''Director of the Defense Logistics Agency'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

SEC. 226. MAJOR DEFENSE ACQUISITION PROGRAMS.

Chapter 144 of title 10, United States Code, is amended as follows:

(1) Section 2432(c)(3)(A) is amended by striking out ''The Secretary of Defense'' and all that follows.

(2) Section 2433 is amended—

(A) by striking out ''service acquisition executive designated by the Secretary concerned'' each place it appears and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology'';

(B) in subsection (c), by striking out ''such service acquisition executive'' in the matter following paragraph (3) and inserting in lieu thereof ''the Under Secretary of Defense for Acquisition and Technology'';

(C) in subsection (d)—

(i) by striking out ''the service acquisition executive'' in paragraphs (1) and (2) and inserting in lieu thereof ''the Under Secretary''; and

(ii) in paragraph (3), by striking out ''If, based upon the service acquisition executive's determination, the Secretary concerned'' and inserting in lieu thereof ''If the Under Secretary of Defense for Acquisition and Technology''; and

(D) in subsection (e)—

(i) in paragraph (1)(A), by striking out ''Secretary concerned'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology'';

(ii) in paragraph (1)(B), by striking out ''Secretary'' both places it appears and inserting in lieu thereof ''Under Secretary'';

(iii) in paragraph (2), by striking out ''(as determined by the Secretary'' in the matter above subparagraph (A) and inserting in lieu thereof ''(as determined by the Under Secretary''; and

(iv) in paragraph (3), by striking out ''by the Secretary'' both places it appears in the first sentence and inserting in lieu thereof ''by the Under Secretary''.

(3) Section 2434(b)(1)(A) is amended by striking out ''under the supervision,'' and all that follows and inserting in lieu thereof ''in the Department of Defense.''.

(4) Section 2435 is amended—

(A) in subsection (a)(1), by striking out ''Secretary of a military department'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''; and

(B) in subsection (d)(2), by striking out ''the Secretary of the military department concerned and''.

SEC. 227. SERVICE SPECIFIC ACQUISITION AUTHORITY.

(a) ARMY.—Part IV of subtitle B of title 10, United States Code, is amended by striking out ''Secretary of the Army'' in sections 4540(a) and 4542 (each place it appears) and inserting in lieu thereof ''Secretary of Defense''.

(b) NAVY.—Part IV of subtitle C of such title is amended as follows:

(1) The following sections are amended by striking out ''Secretary of the Navy'' and inserting in lieu thereof ''Secretary of Defense'': sections 7212(a), 7229, 7299a (each place it appears), 7309(c), 7310(b) (both places it appears), 7311(a) (in the matter before paragraph (1)), 7311(b) (in the matter before paragraph (1)), 7314, and 7361 (each place it appears) .

(2) Section 7314(1)(B) is amended by striking out ''Navy supply system'' each place it appears and inserting in lieu thereof ''Department of Defense supply system''.

(3) Section 7522 is amended by striking out ''Secretary of the Navy'' and all that follows through ''chiefs of bureaus'' and inserting in lieu thereof ''Secretary of Defense''.

(c) AIR FORCE.—Part IV of subtitle D of such title is amended as follows:

(1) Sections 9511(10) and 9540(a) are amended by striking out ''Secretary of the Air Force'' and inserting in lieu thereof ''Secretary of Defense''.

(2) Section 9513(a) is amended—

(A) in paragraph (1), by striking out ''Secretary of the Air Force—'' and all that follows and inserting in lieu thereof the following: ''Secretary, in consultation with the Secretary of the military department concerned, may, by contract entered into with a contractor, authorize such contractor to use one or more Department of Defense installations designated by the Secretary of Defense.''; and

(B) in paragraph (2), by striking out ''of the Air Force''.

SEC. 228. OTHER LAWS.

In any other provision of law providing authority for the Secretary of a military department or the head of a Defense Agency of the Department of Defense to perform a research, development, or acquisition function of the Department of Defense, the reference to that official shall be deemed to refer to the Secretary of Defense. That function shall be performed as provided in section 133(b) of title 10, United States Code (as amended by section 201(a)), and section 232 of such title (as added by section 201(b)).

Subtitle D—Effective Date

SEC. 231. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date that is one year after the date of the enactment of this Act.

TITLE III—DEPOT-LEVEL MAINTENANCE

SEC. 301. ELIMINATION OF 60/40 RULE FOR PUBLIC/PRIVATE DIVISION OF DEPOT-LEVEL MAINTENANCE WORKLOAD.

(a) ELIMINATION OF RULE.—Section 2466 of title 10, United States Code, is amended—

(1) by striking out subsections (a), (c), (d), and (e); and

(2) by striking out ''(b) PROHIBITION ON MANAGEMENT BY END STRENGTH.—''.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2466. Civilian employees involved in depot-level maintenance and repair of materiel: prohibition on management by end strength''.

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

''2466. Civilian employees involved in depot-level maintenance and repair of materiel: prohibition on management by end strength.''.

SEC. 302. PRESERVATION OF CORE MAINTENANCE AND REPAIR CAPABILITY.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2472. Core maintenance and repair capability: preservation

''(a) NECESSITY FOR CORE MAINTENANCE AND REPAIR CAPABILITIES.—It is essential for the national defense that the Department of Defense preserve an organic maintenance and repair capability (including personnel, equipment, and facilities) to meet readiness and sustainability requirements established by the Chairman of the Joint Chiefs of Staff for the systems and equipment required for contingency plans approved by the Chairman of the Joint Chiefs of Staff under section 153(a)(3) of this title.

''(b) IDENTIFICATION OF CORE MAINTENANCE AND REPAIR CAPABILITIES.—The Secretary of Defense shall identify those maintenance and repair activities of the Department of Defense that are necessary to preserve the maintenance and repair capability described in subsection (a). The Secretary may identify for such purpose only those activities of the Department of Defense that are necessary to ensure a ready and controlled source of technical competence for that purpose. The Secretary may not identify for such purpose any intermediate-level or depot-level maintenance or repair activity.

''(c) LIMITATION ON CONTRACTING.—The Secretary may not contract for the performance by non-Government personnel of a maintenance activity identified by the Secretary under subsection (b) under the procedures and requirements of Office of Management and Budget Circular A–76 or any successor administrative regulation or policy unless the Secretary of Defense determines (under regulations prescribed by the Secretary) that Government performance of the activity is no longer required for national defense reasons.

''(d) CONTRACTING FOR PERFORMANCE OF NON-CORE FUNCTIONS.—In the case of any maintenance or repair activity (including the making of major modifications and upgrades) that is not identified by the Secretary under subsection (b), the Secretary concerned shall provide for the performance of that activity by an entity in the private sector, selected through the use of competitive procedures, unless the Secretary determines that the performance of that activity by a Government entity is necessary to maintain the defense industrial base.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2472. Core maintenance and repair capability: preservation.''.

(b) REVISION OF REGULATIONS.—The Secretary of Defense shall revise the existing Department of Defense regulations relating to depot level maintenance and repair activities in order to ensure the consistency of those regulations with the policy provided in section 2472(d) of title 10, United States Code, as added by subsection (a).

SEC. 303. PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORKLOAD BY PRIVATE SECTOR WHENEVER POSSIBLE.

(a) REQUIREMENT.—Section 2469 of title 10, United States Code, is amended to read as follows:

''§ 2469. Depot-level maintenance and repair activities: use of private sector

''(a) IN GENERAL.—The Secretary of Defense shall (except as provided in subsection (b)) provide for the performance by private sector entities of all depot-level maintenance and all depot-level repair work of the Department of Defense.

''(b) EXCEPTION.—The Secretary may provide for the performance of a particular depot-level maintenance workload, or a particular depot-level repair workload, by an entity of the Department of Defense if—

''(1) no responsive bids for performance of that workload are received from responsible offerors; or

''(2) the Secretary makes a determination that subsection (a) must be waived for that particular workload for reasons of national security.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2469 in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

''2469. Depot-level maintenance and repair activities: use of private sector.''.

AEROSPACE INDUSTRIES ASSOCIATION, AMERICAN DEFENSE PREPAREDNESS ASSOCIATION, AMERICAN ELECTRONICS ASSOCIATION, CONTRACT SERVICES ASSOCIATION, ELECTRONIC INDUSTRIES ASSOCIATION, NATIONAL SECURITY INDUSTRIAL ASSOCIATION, SHIPBUILDERS COUNCIL OF AMERICA, U.S. CHAMBER OF COMMERCE,

March 29, 1995.

Senator WILLIAM V. ROTH, JR.,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: As the associations representing the hundreds of thousands of American workers employed in the aerospace, electronics, shipbuilding and services industries, we offer our strong support for the depot maintenance provisions included in your procurement reform legislation. We urge prompt action on these provisions in order to achieve their enactment in this session of Congress.

The elements of your proposal that repeal the $3 million threshold for the shift of depot workload to the private sector and the repeal of the so-called 60/40 rule will eliminate management restrictions long opposed by the Department of Defense as well as the private sector. The elimination of these restrictions as called for by your bill will afford the government much greater flexibility to obtain the most cost effective use of every dollar spent on defense logistics support.

Similarly, we are greatly encouraged by the provisions of your legislation that address the issue of government ''core'' competencies. We support the language that calls for the performance of the preponderance of this workload by private sector entities selected on the basis of competitive procedures in accordance with your narrow definition of ''core'' government competency.

The depot maintenance policy articulated in your legislation will permit the development of a logistics support program for the 21st century. Your legislation in this regard is in the national interest and in the interest of the private sector industrial base. We applaud your depot policy initiative, and offer to work closely with you in the weeks ahead to achieve its timely enactment.

Sincerely,

The Presidents of AIA, ADPA, AEA, CSA, EIA, NSIA, SCA, and the U.S. Chamber of Commerce.

ADDITIONAL COSPONSORS

S. 216

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 327

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 351

At the request of Mr. HATCH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 360

At the request of Mr. SMITH, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 385

At the request of Mr. GREGG, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 385, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for failure to require the use of safety belts in passenger vehicles, and for other purposes.

S. 400

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 400, a bill to provide for appropriate remedies for prison conditions, and for other purposes.

S. 442

At the request of Ms. SNOWE, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 456

At the request of Mr. BRADLEY, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 456, a bill to improve and strengthen the child support collection system, and for other purposes.

SENATE RESOLUTION 91

At the request of Mr. PELL, the names of the Senator from New York [Mr. D'AMATO], the Senator from Delaware [Mr. BIDEN], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Resolution 91, a resolution to condemn Turkey's illegal invasion of Northern Iraq.

SENATE RESOLUTION 96—RELATIVE TO A RETIREMENT

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 96

Whereas, Chick Reynolds will retire from service to the United States Senate after twenty years as a member of the staff of the Office Reporters of Debates;

Whereas, he has served the United States Senate with honor and distinction since joining the staff of the Office Reporters of Debates on July 1, 1974;

Whereas, his hard work and outstanding excellence as an official reporter resulted in his appointment to the position of Chief Reporter on May 1, 1988;

Whereas, Chick Reynolds, as Chief Reporter of the Congressional Record, has at all times executed the important duties and responsibilities of his office with great efficiency and diligence;

Whereas, Chick Reynolds has demonstrated loyal dedication to the United States Senate as an institution and leaves a legacy of superior and professional service: Now, therefore, be it

Resolved, That the United States Senate expresses its deep appreciation and gratitude to Chick Reynolds for his years of faithful and exemplary service to his country and the United States Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Chick Reynolds.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1995

HATFIELD AMENDMENT NO. 420

Mr. HATFIELD proposed an amendment to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from ''Nutrition Initiatives'', Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: '': *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year''.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: '': *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program''.

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by deleting ''$85,500,000'' and by inserting ''$110,000,000''. The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of ''$9,917,000'' available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read ''$9,207,000''.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $35,000,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103–330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $27,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '': *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $100,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $100,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public

Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''$330,111,000'' and inserting in lieu thereof ''$329,361,000''.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided,* That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further,* That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per

active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided,* That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,400,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000

and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided,* That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further,* That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided,* That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further,* That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided,* That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided,* That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words ''or previous Acts'' each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000,

to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided,* That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSIONS)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $241,011,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, commercial lot expansion, $1,219,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $25,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $8,900,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida:

Tampa, U.S. Courthouse, $5,994,000

Illinois:

Chicago, Federal Center, $7,000,000

Indiana:

Hammond, U.S. Courthouse, $26,000,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Nevada:

Reno, Federal building—U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building—U.S. Courthouse, $3,519,000

North Dakota:

Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Veterans Administration, $1,276,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $2,184,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided,* That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the ''Salaries and expenses'' appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the ''Emergency management planning and assistance'' appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided,* That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further,* That of the $16,214,684,000 made available under this heading in Public Law 103–327, the $9,920,819,000 restricted by section 509 of Public Law 103–327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $451,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement ''mixed population'' plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading ''Assistance for the renewal of expiring section 8 subsidy contracts'' are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $835,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

''(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting ''and'' at the end of subsection (b)(1);

(2) striking all that follows after ''Act'' in subsection (b)(2) and inserting in lieu thereof the following: '', and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;'';

(3) striking subsection (b)(3);

(4) striking ''(1)'' in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: '', provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants'';

(7) striking ''under section (b)(3)(A)'' in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

''(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''.

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

''(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

''(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

''(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

''(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

''(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

''(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.''.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $210,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–389 and Public Law 102–139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–327 and Public Law 103–124, $1,242,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103–715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under ''Research and Development'' in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term ''salvage timber sale''—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands (except land designated as a Federal wilderness area); and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.— In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103–329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

''(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.''.

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, ''An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ''Second Supplemental Appropriations and Rescissions Act, 1995''.

MIKULSKI AMENDMENT NO. 421

Ms. MIKULSKI proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

In the pending amendment, strike title I and insert the following:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from ''Nutrition Initiatives'', Food and Consumer Services.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ''*: Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year''.

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ''*: Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program''.

GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

Section 715 of Public Law 103–330 is amended by deleting ''$85,000,000'' and by inserting ''$110,000,000''. The additional cost resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

With the exception of ''Special Supplemental Program for Women, Infants, and Children (WIC)'', ''Commodity Supplemental Food Program'', ''Donations Programs for Selected Groups'', and ''The Emergency Food Assistance Program'', Food and Nutrition Service, Department of Agriculture, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–330, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103–394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $7,290,000, for the Board for International Broadcasting to remain available until expended.

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–317, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER III

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS

(RESCISSION)

With the exception of budget authority for ''Operation and Maintenance, Army''; ''Operation and Maintenance, Navy''; ''Operation and Maintenance, Marine Corps''; ''Operation and Maintenance, Air Force''; ''Operation and Maintenance, Defense-wide''; ''Operation and Maintenance, Army Reserve''; ''Operation and Maintenance, Navy Reserve''; ''Operations and Maintenance, Marine Corps Reserve''; ''Operation and Maintenance, Air Force Reserve''; ''Operation and Maintenance, Army National Guard''; and ''Operation and Maintenance, Air National Guard'', each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–335, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER IV

DISTRICT OF COLUMBIA

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–334, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–316, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VI

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

GENERAL PROVISIONS

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–306, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VII

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 701. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 702. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 703. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 704. Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–332, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER VIII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

GENERAL PROVISION

(RECSISSION)

With the exception of ''Program management'', Health Care Financing Administration, Department of Health and Human Services; and ''Limitation on Administrative expenses'', Social Security Administration, Department of Health and Human Services, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–333, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER IX

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–283, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER X

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–307, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–331, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XII

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for salaries and expenses for the costs associated with ''Operation Hardline'', $13,200,000, to remain available until expended, of which $13,200,000 shall be derived by transfer from Executive Office of the President and Funds Appropriated to the President, ''Special Forfeiture Fund.''

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided,* That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

GENERAL PROVISION

(RESCISSION)

Each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–329, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

CHAPTER XIII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $6,700,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further,* That the appropriate congressional committees with jurisdiction over the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall complete action on authorization legislation to create a Disaster Assistance Rainy Day Fund that would be subject to the appropriations process and take effect on October 1, 1995: *Provided further,* That the plan required by the immediately preceding proviso shall insure that this Fund has sufficient contingency to cover all anticipated costs remaining from the Northridge Earthquake, and any other previous disasters for which additional FEMA disaster assistance is required: *Provided further,* That the plan required by the second proviso in this paragraph shall insure that the Fund retains a reserve equal to the annual 10-year historical average for FEMA disaster relief: *Provided further,* That the legislation specified in the second proviso in this paragraph shall identify a framework for the administration and financing of disaster relief assistance to minimize the need for supplemental appropriations to replenish the FEMA Disaster Relief Fund.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the ''Salaries and expenses'' appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the ''Emergency management planning and assistance'' appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

''(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently permissible for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting ''and'' at the end of subsection (b)(1);

(2) striking all that follows after ''Act'' in subsection (b)(2) and inserting in lieu thereof the following: '', and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;'';

(3) striking subsection (b)(3);

(4) striking ''(1)'' in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: '', provided that nothing in this section shall prevent a public housing agency from consolidating the occupancy of a public housing project or projects with other projects for the purpose of improving the living conditions of or providing more efficient services to its tenants'';

(7) striking ''under section (b)(3)(A)'' in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

''(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''.

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

''(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

''(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

''(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

''(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, or directly with an owner, to attach assistance to one or more structures, in accordance with subsection (d)(2), except that this assistance shall not be taken into consideration in determining compliance with any percentage limitation for project-based assistance under subsection (d)(2).

''(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

''(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.''.

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103–127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

GENERAL PROVISION

(RESCISSION)

With the exception of ''Medical Care'', Veterans Health Administration, Department of Veterans Affairs, each amount of budget authority for the fiscal year ending September 30, 1995, provided in Public Law 103–327, for payments not required by law, is hereby reduced by 1.72 per centum and each amount rescinded: *Provided,* That such reductions shall be applied ratably to each account, program, activity, and project provided in that Act.

WELLSTONE AMENDMENT NO. 422

Mr. WELLSTONE proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. . SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

BYRD (AND OTHERS) AMENDMENT NO. 423

Mr. BYRD (for himself, Mr. HATFIELD, Mr. EXON, Mr. DOMENICI, Mr. KOHL, Mr. FEINGOLD, Mr. BUMPERS, Mr. DASCHLE, Mr. DORGAN, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. HARKIN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the end of the pending amendment add the following:

TITLE —DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 01. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 02. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

MCCAIN AMENDMENT NO. 424

Mr. MCCAIN proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 4, line 20, strike ''$1,500,000'' and insert ''$14,178,000''.

On page 5, between lines 8 and 9, insert the following:

BUILDING AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $2,994,000 are rescinded.

On page 19, line 12, strike ''$11,350,000'' and insert ''$8,250,000''.

On page 19, strike lines 20 through 23.

PRESSLER (AND OTHERS) AMENDMENT NO. 425

Mr. PRESSLER (for himself, Mr. THOMAS, and Mr. SIMPSON) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD, to the bill H.R. 1158, supra; as follows:

At the appropriate place insert the following:

SEC. . RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 29, 1995, in executive session, to consider certain pending military nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATFIELD. 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 Wednesday, March 29, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, March 29, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on welfare reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, at 10:30 a.m. to hold a hearing on consideration of ratification of the START II Treaty.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, at 2 p.m. to hold a hearing on market reform in New Zealand.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet 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.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, March 29, 1995 at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 29, 1995 at 2 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 29, 1995, in open session, to receive testimony on tactical aviation issues in review of the defense authorization request for fiscal year 1996 and the future years defense program.

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

SUBCOMMITTEES ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT AND HUD OVERSIGHT AND STRUCTURE

Mr. HATFIELD. Mr. President, I ask unanimous consent that Subcommittees on Housing Opportunity and Community Development and HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 1995, to conduct a hearing on HUD reorganization.

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL AND RISK ASSESSMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to meet Wednesday, March 29, at 9 a.m. to conduct an oversight hearing on the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

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

ADDITIONAL STATEMENTS

DR. JOHN BRADEMAS ON THE FUTURE OF THE NEW YORK STATE ECONOMY

● Mr. MOYNIHAN. Mr. President, during the past year, NYNEX, a major telecommunications company headquartered in New York State, has sponsored a series of ''Agenda For Growth'' conferences on the future of the economy of the State.

Keynoting the last of this series was Dr. John Brademas, president emeritus of New York University, who before joining the university in 1981, served for 22 years in the U.S. House of Representatives.

Cosponsors with NYNEX of the February 15, 1995, meeting were the Business Council of New York State, Inc.,

and the New York City Partnership/New York Chamber of Commerce and Industry, Inc.

I believe many of my colleagues in both Houses of Congress will find Dr. Brademas' analysis of interest, and I ask that the text of his remarks be printed in the RECORD.

The remarks follow:

AGENDA FOR GROWTH: NYNEX CONFERENCE ON THE FUTURE OF THE NEW YORK STATE ECONOMY

I am honored to have been asked to open this conference on ''The Future of the New York Economy,'' and I congratulate Dick Jalkut, President and Group Executive of NYNEX Telecommunications, on the contribution the ''Agenda for Growth'' series represents to understanding important issues facing our city and region.

At the outset, let me note that I have served on the Board of Directors of NYNEX since 1991 and have greatly enjoyed the opportunity to work with Dick and the other outstanding leaders of NYNEX.

Today, I'll speak to you from the perspective of someone who served twenty-two years as a Member of Congress, from Indiana; for eleven years, as President of the nation's largest private university, New York University; and as a former chairman of the Board of the Federal Reserve Bank of New York. Among other current responsibilities, I'm serving as chairman, by appointment of President Clinton, of the President's Committee on the Arts and the Humanities and also chair the National Endowment for Democracy.

So from this general background, I want to join you in considering prospects for the future of New York City and the surrounding area and ways of strengthening our economy in the years ahead.

As we all know, the economic recovery of the metropolitan region has lagged that of the entire nation. We know, too, that recent changes in political leadership at the city, state, and national levels have added a new dimension of uncertainty to the economic outlook for New York.

How, in this context, do we nurture the unique strengths of the metropolitan region and nourish its preeminent role in the international marketplace?

How, as it were, do we develop an agenda for prosperity?

To respond to these questions, we must first understand the dynamic that drives the New York economy and then consider the challenges that require our efforts. The participants in this conference will offer many insights. Let me offer some initial observations.

Point number one. New York's economic future lies in fundamental changes in the international economy. Technological advances propelling us into the 21st century are redefining the competitive landscape of the entire world. National borders and political ideologies no longer determine patterns of global trade and the movement of capital. We have entered an era characterized by a combination of intense competition and interdependence.

Two of President Clinton's actions this month dramatically underscore what Secretary of the Treasury Robert Rubin has described as the ''interconnectedness'' of the world economy: the Mexican rescue package and sanctions on China.

This changing structure of the international economy profoundly affects the life of major cities like New York. Why? The dispersal of economic activity around the globe has created a corresponding need for organizational coordination in a few key sites. So cities are increasingly taking on a strategic role as highly concentrated command centers for operations that are worldwide. Not surprisingly, cities have concomitantly become critical locations for finance and specialized services.

All these functions have influenced immeasurably both international economic activity and urban development. One result is the emergence of ''the global city,'' with New York a primary example. The scope and character of the New York area economy are more and more defined by its role in the world marketplace.

Beyond understanding New York's place on the international stage, we must appreciate a second fundamental factor. The principal reason for the strength of the New York region in the world economy is that it is the center for the creation and sophisticated application of intellectual capital.

For during the past century, the New York economy has evolved from one dependent on manufacturing to one based on a concentration of Fortune 500 headquarters, corporate R&D facilities, advanced business services in finance, law, advertising and management and the world's leading cultural institutions and media firms.

Indispensable to all these activities is what I'm calling ''intellectual capital''—the individuals and industries that develop new products and services, apply technology in innovative ways, generate new marketing concepts and techniques, design new fashions, create new forms of music and art and produce the information and entertainment that are distributed across the nation and the world.

Indeed, as several recent news accounts have noted, the richness of its intellectual capital sector makes New York an incubator for a host of new multimedia start-ups which thrive on the vibrance of the arts—painters, musicians, writers, filmmakers—and provides innovative content for communications, advertising and publishing conglomerates headquartered in the region—Time Warner, Sony, Hearst, Viacom, Bertelsman, ABC, CBS and NBC. As the New York area also offers comprehensive venture capital and financial services, the remaining resources essential to creative development are right here.

And New York's intellectual capital sector is more and more the primary pulse of the region's strength. The performance of individual facets of the sector may fluctuate over time but taken as a whole, the intellectual capital sector will be the lead generator of income and employment for the future of this region. We must, therefore, nurture this unique resource so that the New York metropolitan area can respond to change with state-of-the-art capabilities. We cannot afford to cede fields of specialization over time to our national and international rival cities.

As we meet today in a hotel close to Times Square, I observe that tourism—New York style—also depends on intellectual capital. Business travelers come to New York in search of the ideas and specializes information most easily obtained through face-to-face contact. Other visitors come for the city's cultural life, its restaurants and retail stores.

Walk just a few blocks from here and you can see how New York City blends culture, entertainment and tourism in new and creative ways. Leading entertainment companies, like Disney, Viacom and Virgin Records, are revitalizing historic theaters on 42nd Street. This development has been made possible, in part, through the impressive work of the Times Square Business Improvement District which has made the entire theater district attractive to visitors from around the world.

As a former university president, I cannot fail to add that New York City's intellectual capital is in large measure the product of the presence of a rich mixture of colleges, universities and research institutes. More than 100 institutions of higher education are located here, situated in all parts of the city. Unlike so many cities where one or two colleges and universities dominate, New York is home to nearly every type of educational institution: theological seminaries, two- and four-year colleges and health care centers and research universities of international distinction.

Indeed, what helps make New York so special is that the students who attend college and professional schools in New York City often settle here and replenish our intellectual capital. Our colleges and universities are magnets that draw people to New York who then launch their careers here, providing a new stream of talent for both the private and non-profit sectors.

I must make another point. The intellectual capital sector encompasses not only the world's largest corporations and financial institutions but also the small companies and manufacturing firms that pioneer customized products and services. Recent studies have underscored the importance of nimble, skilled small businesses as a significant part of the job creation process in the New York area.

How then can we strengthen our base for the years ahead, to assure that we retain both our role as a global city and our investment in intellectual capital?

Here are a few suggestions.

First, we must recognize that we're fashioning an agenda for growth at a time of major political change, and as you and I know, decisions at every level of government have an impact on the economy.

New leadership in both the United States Senate and House of Representatives, a substantial number of members wholly new to the legislative process, shifting committee jurisdictions and, above all, a President and Congress sharply divided by party mean a set of forces that may take Federal policy in directions that depart radically from the past. Similarly, this year, we have had a change of party in the Governor's office in New York State, and last year, in the Mayor's office in City Hall.

The Congressional Budget Office estimates that reductions in Federal grants to New York State in the Republican ''Contract With America'' would total $26.4 billion a year. Such cuts would affect every aspect of life in the city, from transportation to education, and particularly health care, which accounts for over 12% of employment and wages in the metropolitan region.

From Albany, Governor Pataki wants to reduce state aid to the city by $158 million for the City University of New York, $128 million for the MTA and nearly $2 billion from Medicaid and welfare.

From City Hall, Mayor Giuliani announced yesterday $600 million in cuts in city agencies.

Clearly a concern that underlies all discussion of spending cuts—Federal, state or local—is the impact on the poor in the city. Although the widening gap between rich and poor in New York City is not the subject of this conference, I believe that effectively addressing this complex issue is essential to the long-term social stability and economic health of our city and region.

A second item on our agenda for growth: We must not only sustain but substantially improve the infrastructure that supports New York's economy and its reservoir of intellectual capital. By infrastructure, I mean

the capacity to move goods, people and information.

The Port Authority of New York and New Jersey, under the sagacious leadership of Stanley Brezenoff, undertook major improvements in the region's airports. We must continue these efforts while dramatically enhancing ground access to our airports. Indeed the regional public authorities should start planning the transportation systems necessary for the next century. While making better use of the existing transportation infrastructure, we must also link inner-city residents to jobs in outlying areas and find ways of connecting suburban communities directly to downtown Manhattan.

The other element of infrastructure indispensable to intellectual capital is telecommunications. Put simply, the metropolitan area can function as a global city only with a telecommunications capability second to none. For there is a synergistic relationship between unending demands for ever more sophisticated services and the push for breakthrough technology and systems to meet those demands.

Driven by data and communication requirements for managing international operations from corporate headquarters and conducting complex financial transactions around the world, New York has emerged as the central nervous system for the global network of the most advanced information technology anywhere.

New York City resembles a giant switchboard: Electronic messages are constantly flowing in, through and out of the city's office towers and stock exchanges. Modern telecommunications systems have enhanced the city's capacity to put information to work, converting ideas and data into new products and services that are distributed electronically around the world.

Indeed, New York is the leading source of content for books, magazines, newspapers, radio, television and eventually for the Internet. Within just one mile of this motel are the headquarters of the nation's largest television and radio networks, leading publishing companies and major sources of cable television programs.

As the global market for information and entertainment expands, New York's communications industry will become even more important. Only last week, MTV, a division of Viacom, headquartered just four blocks from here, announced the launch of a music television channel in South Africa, the first American broadcaster to establish a network in South Africa since the new, post-apartheid government opened the state-controlled airwaves to private enterprise.

New York is—literally—spanning the world!

Let me turn from physical infrastructure to the foundation of New York's intellectual capital sector—people. New York City has a larger number and wider diversity of brilliant, talented, motivated men and women than any other urban area in the world. It is this intellectual firepower that in large part makes New York New York and is so attractive to international business.

Two forces are critical to invigorating the environment necessary for constant renewal of our creativity and expertise: education and the arts. Let me elaborate.

The employment requirements of the New York metropolitan region are increasingly characterized by the sophisticated, cosmopolitan nature of the intellectual capital sector.

I have earlier spoken of the crucial role our post-secondary educational institutions play in luring people here for their studies and careers. Yet no challenge is greater for New York City than to reaffirm the priority of good elementary and secondary schools. The public school system is nevertheless being asked to do much more with substantially less. As Robert Berne, Dean of NYU's Robert F. Wagner Graduate School of Public Service, has warned, the proposed freeze in state aid to New York City schools represents a substantial cut in funding because our school population is increasing by approximately 20,000 students every year. And Mayor Giuliani's announcement yesterday that the deepest reductions in his budget will fall on the City's public schools only intensifies the problem.

Without a strong school system, we will not be able to produce a skilled workforce, one able to compete in today's job market. As entry-level jobs demand higher technical skills, we must design our high school programs to meet the requirements for employment in the 21st century.

In addition to education, other components crucial to the creative milieu that defines New York are arts and other cultural institutions. The arts are a $9 billion industry in this region, an essential asset to tourism which in turns generates $20 billion of regional economic activity. The Metropolitan Museum of Art, for example, is the city's single largest tourist attraction, with 4.6 million visitors annually, nearly one million of whom are from outside the country.

As a recent report, The Arts As An Industry, issued by the Port Authority of New York and New Jersey, stated:

''The arts and the people who create, present, and market them are a critical competitive advantage that New York and its suburbs have over our national and international competitors for survival in the next century . . . But . . . the most important role the arts play in the life of the region is not related to its economy but to its very sense of itself.''

I speak to this matter with particular interest as Chairman of the President's Committee on the Arts and the Humanities, and I express serious concern about the uncertain future of Federal support for the arts, the humanities and museums. Proposed budget cuts would have a deeply damaging impact nationwide, for the arts, humanities and museums are vital to the economy of every state and every local community. Nonprofit arts institutions alone generate $36 billion in economic activity annually. They support 1.3 million jobs and generate $3.4 billion in Federal tax revenues. Investment in the arts and the humanities is good business.

Support for the National Endowments for the Arts and the Humanities is so small—only $.64 per person a year for each Endowment—yet it is indispensable seed money. Every Federal dollar leverages an average of $11 more from private, state and local sources, and without Federal support, there is no serious prospect that private funds will fill the resulting gap or that state and local governments will be able to do so.

And what would be the impact of threatened cuts on New York City where culture is an integral part of our tourist industry?

Now in defining the context for ''an agenda of growth'' for the New York Area, I have made two assertions:

(1) New York's future is linked to the international economy; and

(2) Our unique source of strength is intellectual capital.

I must add a third factor: (3) We must more aggressively encourage communication and cooperation between and among the business sector; our educational institutions, especially higher education; and government at every level.

The prevailing political winds can set a new course for the relationship between government and business. The profit-making sector and our colleges and universities can find new ways of working with one another.

Indeed, it is awareness of the importance of such cross-cutting relationships that caused the Carnegie Corporation of New York to make a grant to New York University to organize this year a series of three colloquia on science, technology and government. Scientists and engineers, business executives and government leaders will join scholars from New York University, other area universities and the New York Academy of Sciences to take part in sessions on three major topics—biotechnology, telecommunications and science and environmental journalism. Experts from New York, New Jersey and Connecticut as well as city, state and Federal officials will discuss the implications for the tri-state economy of advances in science and technology and of decisions by public policy-makers.

Let me conclude this analysis by suggesting some questions for this distinguished panel to consider. It is, in my view, imperative that the business community, along with civic and community groups, be involved in shaping the agenda for the economic growth of the city. In doing so, there will be difficult choices among competing priorities. Let me illustrate.

First, sustaining the infrastructure of the New York City region will require large-scale public investments. Which ones? Here's an example: Should we renovate Yankee Stadium, improve access to the airports or expand the Jacob Javits Convention Center?

A still broader question here: How to link our economic development strategy for job creation to our investments in infrastructure?

Second, we must support the institutions that nourish our base of intellectual capital. How?

To meet the demands of a changing economy, we must modernize our public schools. What is the role of the business sector here? Of our colleges and universities?

Again, can our institutions of higher education forge connections with business and industry to the advantage of both? Can, for example, the city's medical schools collaborate more closely with the region's pharmaceutical firms to build a stronger biotech industry?

I have spoken of the arts, one of New York's greatest assets. How can we assure financial support, both public and private, of our cultural institutions in ways that reflect their importance to our economic future?

What initiatives, public and private, are necessary to attract and retain artists, writers and the entrepreneurs of New York's emerging multimedia industry?

Third, can we explore opportunities for more public-private partnerships? Their success in renewing Union Square, Bryant Park and downtown Brooklyn demonstrates that the quality of life in New York can be enhanced if business and government work together.

How can we stimulate jobs and economic development in low income communities and invent more effective approaches to the delivery of public services?

We all know that privatization is now in fashion but we must ask exactly what government functions should be privatized and the effect of privatization on the delivery of services.

We know, too, that government tax, spending and regulatory policies will continue to influence the agenda for the economic growth of New York. The entire range of issues that affect the economy—and society generally—is, of course, in a democracy, the stuff of politics.

Now I have not today attempted to be exhaustive in my comments, but instructive. I

would, however, insist that in a modern, complex society like ours, there are roles for both private and public sectors. And if I have said anything useful, it is to stimulate more communication and cooperation between the two.

The rapidity of scientific and technological change imposes new burdens on leaders of business to remain competitive and on government policy-makers to serve the pubic interest.

For all these reasons, I applaud NYNEX for bringing together these distinguished leaders from various fields to discuss the future of our region.

I conclude with the words of that great conservative, Edmund Burke:

''The public interest requires doing today those things that men [today, he would add, ''and women''!] of intelligence and goodwill would wish, five or ten years hence, had been done.''●

A MUSLIM VOICE AGAINST TERRORISM

● Mr. SIMON. Mr. President, recently, in Tikkun, a journal that comments on political and religious affairs from the Jewish perspective, I saw a comment under the title ''A Muslim Voice Against Terrorism'' by Iman Plemon T. El-Amin. He is an assistant to Iman Warith Deen Mohammed, and the journal comments: ''While Louis Farrakhan tends to be portrayed in the media as the dominant voice of Islam in the United States, Warith Deen Mohammed represents a significantly large following. This statement about Islam should be read by all those who claim that they never hear Islamic leaders speaking out against Hamas violence.'' There is a tendency, in the United States, and particularly in our media, to identify the word Moslem with the word radical or fundamentalist, so you constantly read about Moslem radicals or Moslem fundamentalists; and there is not an awareness that most Moslems practice their religion in a responsible way, just as most Christians and Jews and people of other beliefs do.

The United States is becoming more and more a pluralistic society with people of many religious beliefs contributing to enriching our society. Among those whose numbers have grown significantly in the last decade are Moslems and Buddhists.

The statement by Imam Plemon T. El-Amin is a good antidote for those who see Moslem voice only in forms of extremism.

I ask that the statement be printed in the RECORD.

The statement follows:

[From Tikkun, Vol. 10, No. 2]

A MUSLIM VOICE AGAINST TERRORISM

(By Plemon T. El-Amin)

Muslim voices against terrorism have not been silent, but it is the trend, perhaps even the policy of major media, to downplay the voice of reason, the voice of faith, and the voice of principle, in favor of the shouts of the extreme, the wails of the grief-stricken, and the threats of the treacherous. The voices of peace, justice, mercy, and tolerance are not difficult to find among Muslims and Islamic media, who consistently denounce acts of terrorism and reject them as illegitimate and unacceptable Islamic strategies or methods.

Imam W. Deen Mohammed, internationally and nationally recognized leader of the largest identifiable Muslim-American community, explained recently that: ''Islam insists that the best human behavior be demonstrated even when engaging an enemy in war, Our Prophet Muhammed (prayers and peace be on him) ordered that civilians not be made the victims of war. He (the Prophet) cautioned the Muslims to take care not to attack those who were not bearing arms against them. Islam and the Prophet's life require of us that we uphold justice and be a peace-seeking people.''

Muslims are guided and obligated by the Qur'an, which reveals to us that we must not wage war for self-interest, material gain, or mere retaliation. Muslims are to fight or wage war only when someone hinders them from the worship and work of God. And when we fight, we must reject barbaric methods of warfare and doing any harm to women, children, the elderly, the sick or wounded, and even to animals or vegetation.

Muslims are commanded by God to do justice to all, irrespective of whether they are friend or enemy, under all circumstances. God says in the Qur'an, ''O you who believe! Stand out firmly for justice even as against yourselves or your parents or your kin, and whether it be (against) rich or poor.'' (4:135) ''O you who believe! Stand out firmly for God as witnesses to fair-dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just, that is next to piety. And be regardful of God, for God is well-acquainted with all that you do.'' (5:9)

The definition of jihad is not Holy War, nor can it be used to justify terrorism. Imam W. Deen Mohammed has stated that ''Jihad means struggle in everything that God has established for Muslims to do. The emphasis on jihad in the Qur'an and in the life of Prophet Muhammed was not for the purpose of conquering lands or overthrowing nations, it was for the purpose of liberating the higher instincts, the higher aspirations in man.''

Cowardly acts of terrorism upon innocent men, women, and children is not a doorway to Heaven, but a gateway to Hell. Blind aggression and retaliation are sins, and as Muslims we reject these practices by our selves, our kin, our foes, the rich, or the poor. Past and recent acts of terrorism that victimize innocent human beings, such as the World Trade Center bombing, the mosque assault by Baruch Goldstein, and the recent suicide bombing in Tel Aviv are deplored by our community and must be condemned by all God-conscious and civilized communities, both Muslim and others. We must all stand up for peace and toleration. Among both the Palestinians and the Israelis are those guilty and responsible for the many women and children left maimed and dead. Each side has produced both perpetrators of violence and victims of injustice.

In Islam, one injustice, or even many, does not justify another. Man's law and rule has failed both peoples. It is time to embrace the law and rule of God, especially since both people identify themselves as people who hold the rule of God above the law of man.

The voice of the Muslim is not mute. Our voice is that of the Qur'an, and the life of the Prophet Muhammed. Both ring with clarity that peace is to be loved and sought, and terrorism is to be hated and rejected.●

ORDERS FOR THURSDAY, MARCH 30, 1995

Mr. PRESSLER. I ask unanimous consent when the Senate completes its business today, it stand in recess until the hour of 9:20 a.m. on Thursday, March 30, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business not to extend beyond the hour of 10:15 a.m., with Members recognized to speak for up to 5 minutes each, with the following exceptions: Mr. COVERDELL, 10 minutes; Mr. CAMPBELL, 10 minutes; Mr. THOMAS, 5 minutes; Mr. COHEN, 10 minutes; Mr. KERREY, 15 minutes.

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

ORDER OF PROCEDURE

Mr. PRESSLER. I ask unanimous consent that following the confirmation of Mr. Glickman and resuming legislative session, the Senate then resume consideration of H.R. 1158, and the democratic leader be recognized to offer an amendment.

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

PROGRAM

Mr. PRESSLER. Under a previous order, at 10:15 a.m. the Senate will resume executive session for 10 minutes of debate on the nomination of Daniel Glickman to be Secretary of Agriculture. Therefore, a rollcall vote will occur on the confirmation of Mr. Glickman at 10:25 a.m.

For the information of all Senators, a vote will occur at 10:15 a.m. on the nomination of Mr. Glickman, and the Senate will then resume the supplemental disaster assistance bill. Therefore, votes can be expected to occur throughout Thursday's session of the Senate. The Senate will also be asked to remain is session into the evening on Thursday in order to complete action on the appropriations bill.

RECESS UNTIL 9:20 A.M. TOMORROW

Mr. PRESSLER. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:06 p.m., recessed until Thursday, March 30, 1995, at 9:20 p.m..

NOMINATION

Executive nomination received by the Secretary of the Senate after the recess of the Senate on March 28, 1995, under authority of the order of the Senate of January 4, 1995:

CENTRAL INTELLIGENCE

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE R. JAMES WOOLSEY, RESIGNED.