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Senate

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THE HOUSE CONTRACT

Mr. PELL. Mr. President, 2 years ago, when President Clinton marked his 100th day in office, I said the occasion ''should not be regarded as a magical threshold for defining achievement or failure.''

The same thought applies now. This is a logical time to take stock, but the real measure of success can't be taken for many months—not until the rest of the Democratic process, namely the Senate and the President, bring their perspectives to bear.

I give the new House leadership credit for lots of energy and activity in the flush of electoral victory, but this should not be mistaken for definitive accomplishment.

The fact is the Contract With America is a contract made by Republican candidates for the House of Representatives. It is not a contract made by the Senate and certainly not one made by Senate Democrats nor by the President of the United States.

Since the contract seems to be the product of pollsters and campaign consultants, it is not surprising that nearly everyone can agree with at least several of its objectives. But when we look at the fine print of some of them and when we get down to the hard job of deciding on the means for achieving those objectives, there are bound to be vast philosophical disagreements.

I certainly agree with the objectives of fiscal responsibility, welfare reform, continued action on crime control, job creation, fairness for senior citizens, and promotion of family values.

And I even agree with some of the means proposed, such as unfunded mandate reform and capital gains tax relief to create jobs, child support enforcement to advance family values and an increase in the Social Security earnings limit for the benefit of senior citizens.

But I find myself in profound disagreement with several of the major objectives as well as the means to implement them. These include:

The balanced budget amendment, which I opposed because it would have cut too much too soon.

The line-item veto, which I opposed because it yields too much congressional power to the President and because it is administratively unwieldly.

Term limitations.

Increased defense spending.

Reinstatement of the death penalty and cuts in spending on social programs (such as midnight basketball) to control crime.

Tax cuts without deficit reduction.

Welfare reforms without compassion.

Reduced support for the United Nations.

Any reduction in support for education or elimination of support for the arts and humanities.

So, Mr. President, it is far too early to tally up score cards on a contract made by one party in one House of the legislative branch. Many of us simply don't subscribe to substantial parts of it and don't believe that implementation of it in toto would be good for the country.

The streamroller needs to be slowed down and the contract needs to be pruned, modified, and in some cases excised. This is the role that the Senate is so admirably equipped to do. And only when it has done so will the revised elements of the contract be candidates for Presidential consideration. Then and only then, when the executive branch has concurred, can the final score be tallied.

As I said 2 years ago, the true measure of success should be taken over the extended timeframe of this whole process, without drawing hasty conclusions here and now. One hundred days is only the first milestone of a long journey.

CONGRATULATING THE UCONN HUSKIES ON THEIR NCAA NATIONAL CHAMPIONSHIP VICTORY

Mr. DODD. Mr. President, on Sunday, April 2, the University of Connecticut Huskies made history by becoming the second women's basketball team ever to finish an NCAA season undefeated and win a national championship. The Huskies' dramatic 70–64 come-from-behind defeat of the Tennessee Volunteers brought their final season record to 35–0, the best finish by any team—men's or women's—in the history of NCAA basketball.

On behalf of the citizen's of Connecticut, I rise to congratulate and thank this remarkable group of young women.

Those who watched the game on Sunday afternoon may recall that as the Huskies celebrated their victory, the UConn pep band played Aretha Franklin's hit song, ''Respect.'' Mr. President, there simply could not have been a more appropriate accompaniment for this long-awaited celebration. Perhaps as much as any sports team in recent memory, the UConn women's basketball team has generated the respect and admiration of all who have had the privilege of watching them play. In so doing, they have reminded the citizens of Connecticut, as well as people throughout the country, what college athletics is all about.

The Huskies' list of accomplishments on the court is nothing short of amazing. On their way to the NCAA title, they broke 14 NCAA records, including most victories, longest winning streak, most points, most points in a game and largest margin of victory. In addition, four Connecticut players—Rebecca Lobo, Jen Rizzotti, Kara Walters and Jamelle Elliott—were named to the all-tournament team. That is the first time in history that four players from the same team have received this honor.

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

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No less impressive than their basketball heroics are the Huskies' accomplishments off the court. Rebecca Lobo, winner of numerous individual basketball honors awarded by the NCAA and the Big East Conference this year, has maintained a near-perfect grade point average as a political science major and was a finalist for the prestigious Rhodes Scholarship. Last semester, seven of the 12 Husky players were named to the University's dean's list.

What has touched basketball fans throughout the country more than anything else, however, are those qualities exhibited by the Huskies that cannot be measured by grade point averages, records or point tallies. Anyone who saw the team play this year was struck by their tremendous enthusiasm for the game of basketball, their unwavering commitment to fair play and good sportsmanship and their obvious dedication to and respect for one another and their coaches.

In this era of season-ending strikes, multi-million dollar contract disputes, recruiting scandals and low athlete graduation rates, this group of women has reminded us that the term, ''student-athlete'', is not just a catchphrase for college brochures. It is an attainable ideal to which all college athletes should aspire, and it is what makes collegiate athletics so special.

Mr. President, it is also important to recognize what this remarkable group of young women has done for women's college athletics. This year, on average, roughly 8,000 people attended the women's home games at Gampel Pavilion, which represents a 485 percent increase over the average crowd size during their 1991 Final Four season. Young girls, with their hair braided like Rebecca Lobo or wearing replicas of Jen Rizzotti's number 21 jersey, watched the team play on national television. Autograph seekers mobbed the players before and after games, and the players' mailboxes were literally flooded with letters from fans and well-wishers.

People of all ages in Connecticut and throughout the nation caught wind of ''Husky-mania'' and demonstrated that women's athletics could generate every bit as much enthusiasm and spectator support as men's. Nationwide, total attendance for women's college basketball games has skyrocketed from 1.3 million in 1984 to 3.6 million in 1995.

As we look back on this spectacular season of women's college basketball, it is important that we note just how far collegiate athletic programs for women have come. Once little more than small, poorly-funded intramural organizations, women's collegiate athletic teams have begun to enjoy the same status as the men's teams. This is due in part to Title IX of the Equal Education Amendment Act, the 1972 legislation that guarantees women equal opportunity in all scholastic pursuits—including sports—at schools that receive federal funding.

Although disparities and inequities between men's and women's programs persist, it is clear that this law has forced colleges and universities to reexamine how they allocate resources. The law has helped ensure that scholarship money is available for women like Rebecca Lobo, Pam Webber, Kara Wolters or Jamelle Elliott and that the coaching and facilities provided to female athletes allow them to develop their talents to the fullest.

While it is true that we may look upon the Huskies' success as positive evidence of Title IX at work, it is also true that their accomplishments underscore the need for further progress in this area. Not all schools have made efforts to improve their women's athletic programs, and many of those that have made significant progress have yet to fully comply with Title IX.

What is clear, however, is that the American people, as evidenced by the immense popularity of the UConn women's basketball team, are ready and willing to lend their enthusiastic support to women's collegiate athletics.

Mr. President, when the Huskies traveled to Washington earlier this year, they waited in line outside a White House gate only to be told that a scheduling mistake made it impossible for them to get inside. On Sunday, after having won the national championship, Head Coach Geno Auriemma spoke with President Clinton on the phone and pointed out that perhaps the next time his team traveled to Washington, his players could enter the White House through the front door.

The President has honored his request.

Mr. President, when the Huskies walk through the front door of the White House, they will not only experience a great honor, but will also help ensure that the door remains open for future generations of female athletes.

In closing, Mr. President, I want to mention the names of all the UConn players and coaches who contributed to the 1995 undefeated title campaign: Geno Auriemma (Head Coach), Chris Dailey (Assistant Coach), Tonya Cardoza (Assistant Coach), Meghan Pattyson (Assistant Coach), Carla Berube, Kim Better, Jamelle Elliott, Jill Gelfenbien, Kelley Hunt, Rebecca Lobo, Brenda Marquis, Jen Rizzotti, Missy Rose, Nykesha Sales, Pam Webber and Kara Wolters.

I also ask unanimous consent to have printed in the RECORD an article by Owen Canfield that recently appeared in the Hartford Courant, as well as a 1992 editorial by Greg Garber, Lori Riley and Woody Anderson that was also printed in the Hartford Courant.

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

[From the Hartford Courant, Apr. 3, 1995]

THE BEST: IT'S PURE AND SIMPLE

(By Owen Canfield)

MINNEAPOLIS—Glory. Really. What a brave bunch, this UConn women's basketball team, and a fighting bunch.

The NCAA Division I women's college basketball championship flag will fly over the state university in Storrs. They should haul it down and have it dry-cleaned every day just to preserve the purity of the memorable season that ended with a surging, 70–64 victory over Tennessee at the Target Center.

The Huskies wound up 35–0. That's pure.

Hey, Connecticut, let's have a parade. Bet you already have started planning back there? Wait for us, we who traveled here to watch. We'll be home today.

UConn won all the easy ones this year, and then it won the toughest game imaginable, under the most trying, challenging conditions.

This was the time for it. Put it down as one of the more dramatic and gutty performances in the state's sports history.

''No way they can do it now,'' a pessimist said after Rebecca Lobo picked up her third personal foul and had to go to the bench to sit out more than 11 minutes of the first half. Then it was Jen Rizzotti, then Nykesha Sales with three personals. And Kara Wolters with two before the half ended. UConn had to alter its game and its personnel. Emboldened, the Volunteers went up by one, by three, by five, by six.

''No way,'' Joe Pessimist said. ''It's over.''

It wasn't over. It hadn't even started, friends. But you know that. You saw it, right?

Say it slowly and savor it: Connecticut is the national champion in women's basketball.

''More wins [35],'' said Nykesha Sales, the 18-year-old freshman who scored 10 points, ''than I won in my whole [Bloomfield] high school career. Gosh. A perfect season.''

Yes sir. A perfect season. The last word.

Players on both teams cried at the end. It always happens. There are winners' tears and losers' tears. But these winners' tears were different because . . . well, can you picture Jamelle Elliott crying over anything? She is the toughest person on the team, maybe the toughest in all of women's basketball while the game is in progress. But when this game ended, while Rebecca Lobo ran in a wide semicircle with her hand in the air and the ultimate triumph on her lips, Elliott stood flatfooted in one spot on the court and did a little public bawling.

Well, this was the time for it. There were no more games to win, no more criticism to answer and no more people to fling doubts.

Win one like this and the job is finished. Time now to be human and celebrate not only with cheers and hugs and high-fives, but celebrate within yourself. That's what Elliott was doing, having a happy, moving little private party inside. Expressing love for her teammates is what she was doing.

She was celebrating the perfect season the perfect way.

The losers' tears were not bitter ones, though this was a bitter loss for Tennessee because, as Carla Berube said, ''We gave them everything they could have wanted. Maybe we wanted it more.''

Berube, the wiry reserve who, like Sales, simply had to make the plays this day because at times there was no one else, wore a cap that said ''National Champions'' in bold blue across the front. She sat in a chair in the locker room, cool as ice, but her eyes were dancing.

''You are not as big as those Tennessee kids,'' a man said. ''Tiffani Johnson, Vonda Ward, Abby Conklin, Dana Johnson . . .

they're a lot bigger. And they're athletes. But you got some rebounds [three] and you played some defense. You were tough.''

''I'd better be tough,'' Berube said. ''I practice against Rebecca Lobo and Jamelle Elliott every day. I'd better be.''

Referee Dee Kantner is said to be one of the best in the business, but it appeared to Connecticut people she was calling them a little too close. UConn does not have the depth of Tennessee, and coach Geno Auriemma had to improvise as never before after Lobo, Wolters and Rizzotti all got in first-half foul trouble. At time all three were on the bench, which meant that the responsibility fell to Berube, the soph, and Sales, the frosh.

Did you say tough?

''I think I got rid of my nervousness in the last game,'' Sales said. She didn't have to mention it. She did amazing things with the ball, made some astonishing championship moves to the hoop, and played 33 minutes because the team needed her.

''Today I started off well and that's always good,'' Sales said. ''Coach hasn't said anything to me [after a weak showing against Stanford]. He never puts the pressure on me.''

There was pressure enough in this game to buckle an old colonel going under fire for the thousandth time. But these UConn women didn't budge.

So, you go ahead and arrange the parade. The whole state will come. And let's have Rebecca ride in the lead limousine and be governor for a day. She's a straight-A political science major, you know.

But wait for us, will you?

Glory, what a story.

[From the Hartford Courant, May 24, 1992]

WOMEN'S PROGRESS IN COLLEGE ATHLETICS

(By Greg Garber, Lori Riley and Woody Anderson)

When Jaymie Hyde arrived at the University of New Hampshire four years ago, she looked past the cracked public tennis courts, the 15-year-old uniforms that didn't fit, and the lack of scholarships. She was just happy to play tennis.

Then, last July, New Hampshire took that away, too.

After the shock of the program's elimination wore off, Hyde did something about it. Like so many young female athletes, Hyde, 21 of Essex, had never heard of Title IX of the Equal Education Amendment Act, the law that gave women equal opportunity in all scholastic pursuits, including sports, at schools that receive federal funds.

She learned quickly.

Led by Hyde and her mother, the 11 women's tennis team members hired Washington attorney Arthur Bryant and threatened to sue the Durham University. After all, the school's budget cuts didn't affect the men's tennis team.

The university capitulated. The two parties reached an out-of-court settlement March 12. New Hampshire reinstated the team and agreed to implement a five-year plan to upgrade its women's athletic program.

''I hope from this whole thing that everybody else realizes that you don't have to sit around and let it happen,'' Hyde said. ''We didn't know about Title IX, which is kind of funny. I sort of felt stupid.''

Title IX marks its 20th anniversary next month. With regard to sports, the law insists that the ratio of male and female athletes be proportional to that of the student body.

Though some progress has been made, women in college athletics are still struggling for equality nationally and in Connecticut. And with many colleges now hard-pressed economically, women's programs seem unlikely to expand in the '90s.

''In the '70s and '80s, women's athletics expanded and left us with extravagant expectations,'' said Judith A. Davidson, athletic director at Central Connecticut State University in New Britain. ''Now we're in retrenchment.''

And yet, women are curiously quiet. Although men outnumber women in collegiate athletics by about 2-to-1 in Connecticut, the federal agency responsible for enforcing Title IX has received no complaints about the state's schools in the last two years. Nationally, in two years, the agency has received only 20 college complaints.

Many in college athletics do not understand their rights. And many are not as willing as Jaymie Hyde to fight for them. Some fear reprisals from those in charge.

Nationally, women collegiate athletes are also outnumbered 2-to-1. Some say that is not because of a lack of opportunity, but a lack of interest.

''I think every male and female athlete on campus should have the same opportunities,'' said Carolyn Vanacore, a former physical education department chairwoman and professor emeritus at Southern Connecticut State University in New Haven. ''But there do not appear to be as many women interested in sports as men.''

Others argue that lack of women doesn't necessarily mean lack of interest.

''For years, athletic departments have contended that women just don't want to play sports in the numbers that men do,'' said Lyn St. James, the president of the New York-based Women's Sports Foundation, a non-profit organization dedicated to promoting and enhancing sports for girls and women.

''They say, because of football, there will be more men playing sports than women. Perhaps there may always be a few more male athletes than females, but the kind of disparity that we now see—a 70–30 ratio in Division I schools—is due to a denial of opportunities rather than a lack of interest.''

What happened at Washington State University supports the point. After the school was found in violation of Title IX, it added women's soccer and crew teams. As a result, the percentage of women athletes increased from 29 to 44.

''If the opportunities are there,'' St. James says, ''women will play.''

In compliance or not? Title IX is so complex and unwieldy—there are 14 major criteria to judge whether a school is in compliance—that it took 16 years of debate and lawsuits to define the law so it could be enforced. The Office of Civil Rights (OCR) is responsible for enforcing Title IX, and there is sharp disagreement over whether it has done its job.

''We had a chance to move into a period of permanent equity,'' said Jeff Orleans, who helped write Title IX as a lawyer in the Civil Rights Division of the U.S. General Counsel's Office. ''But there was no federal leadership for the colleges. It was disappointing that there wasn't [OCR] enforcement.''

Most of Connecticut's colleges and universities say they think they are in compliance with the law, but no one is sure.

At the state's 18 four-year colleges, male athletes outnumber female athletes almost two to one, 3,975 to 2,089. Yet full-time female undergradutes outnumber males by almost 2,500.

At only two Connecticut schools—the University of Bridgeport and the U.S. Coast Guard Academy in New London—is the number of women athletes in proportion to the number of students.

In the state's worst case, female students outnumber males at Sacred Heart University in Fairfield. Yet, its 40 female athletes are outnumbered by male athletes by more than 5-to-1.

Double standards? Clearly, there are disparities large and small.

At the University of Connecticut, male athletes always have been given jockstraps as a matter of courses. Not until 1990 were female athletes given sports bras. At most other Connecticut schools, men are given jockstraps, but women buy their own athletic bras.

At Quinnipiac College in Hamden, the men's basketball coach is a full-time employee; the women's basketball coach is part time. It is the same with the track program at Central Connecticut State University.

At Yale University's ancient Payne Whitney Gymnasium, women athletes still walk into women's bathrooms and see urinals, leftovers from Yale's pre-coed days.

This year at Central, the football and men's basketball teams traveled to games in buses with hired drivers, while coaches drove all other sports teams in vans.

These slights hint at larger imbalances.

A recent National Collegiate Athletic Association (NCAA) study shows that:

The average Division I school spends $849,000 on scholarships for male athletes and only $373,000 for women.

Division I schools spend nearly five times more recruiting male athletes than women athletes. Much of the spending is for recruiters' and recruits' travel.

Division I schools spent nearly 3½ times more on men's sports than on women's.

Closing the gap? ''Gender equity: It's the hot topic of the 90s,'' UConn athletic director Lew Perkins said. ''Everybody's just beginning to talk about it. I'll be honest, like many schools we don't fully understand it. That's why we're studying it. We need to find out where we are.''

Even armed with the thick title IX manual and a battery of lawyers, schools have found that is not easy.

For example, if numbers are awry, but a university determines by studies and surveys that there is no interest in a particular sport on campus, then the school may still be in compliance.

About seven years ago, a women's softball club was formed at Connecticut College. Last spring, the 30-member club petitioned for varsity status. The proposal was approved by the student advisory board but was turned down by the administration. Athletic director Charles Luce said lack of space on campus for a softball field was the main reason. The club pays to play at a public field in Groton.

Luce, who is retiring this summer, said the school does not discriminate against women athletes. There are more women's teams (12) than men's (11), but 18 fewer women athletes than men, and 240 more women students than men overall.

Does this put Connecticut College out of compliance with Title IX? Luce, who wasn't sure what the participation numbers were, doesn't think so. ''We try to bend over backward to make sure we don't'' discriminate.

Under Title IX, lack of facilities or money are not acceptable reasons for not adding a women's sport when there is interest and women are underrepresented.

Kathryn Reith, director of communications and advocacy at the Women's Sports Foundation, said the school's decision on softball ''could be a violation.'' Reith recently produced a Title IX guide, ''Playing Fair,'' for high school and college sports. ''They have more than enough players, a demonstrated interest. The school should add the team.''

Terry Perreault, a junior softball captain, didn't understand how Title IX could help

her club become a varsity sport. Her coach, Deana Kiefer, doesn't want to challenge Connecticut College's administration.

''I think if we keep petitioning, we'll get it sooner or later,'' Kiefer said. ''I'm not going to go sue for it; what are my chances of being the varsity coach if I did?'' What is compliance? There are other factors by which compliance is measured, including the amount and quality of equipment, locker rooms, practice facilities and playing fields.

When assessing compliance, an overall comparison must be made between men's and women's programs. For example, if an assistant coach is provided for the men's basketball team and not the women's, a school could still be in compliance if another men's team did not have an assistant coach.

At the team level, comparisons of similar sports, such as baseball and softball, are also valid, even if the program is balanced overall. So, if the baseball team travels by airplane and the softball team uses a van, that could be a violation, depending on the distance traveled.

When University of New Hampshire administrators eliminated women's tennis, they believed they were still in compliance because they also cut men's wrestling. But when the tennis team threatened to sue, the OCR informed the school that they were out of compliance. Since women were already underrepresented in athletics, cutting one sport for each sex maintained the disparity.

At Yale, 36.3 percent of all athletes are women, based on the team rosters, while 44.2 percent of Yale's undergraduates are women.

Yet Barbara Chesler, Yale's associate athletic director, said her sports program would have been in compliance even if women's ice hockey had been cut, as was rumored last spring.

Members of the ice hockey team's alumni association and parent support groups contemplated suing the university if their team was eliminated. After consulting with the OCR, Yale cut men's water polo and wrestling instead.

College administrators often say, ''If you don't count football, we're fairly equitable.'' Before Title IX took effect, the NCAA unsuccessfully tried to exclude football from the legislation.

Title IX makes no distinction between revenue-producing sports, such as basketball and football, and non-revenue sports such as cross country and swimming.

But if football is removed, more men than women still participate in sports at most schools. The University of New Haven, for example has 147 male athletes and only 46 female athletes even when the football team isn't counted.

That means men athletes would outnumber women athletes by 3-to-1 although they outnumber women only 2-to-1 in the student body.

''If we're out of whack there, we're out of whack in the other areas,'' said Debbie Chin, New Haven's associate athletic director. ''I take the blame for this.''

Glass ceiling drops while women are underrepresented as athletes, the situation with coaches and athletic program administrators is worse. While about one of every three college athletes is a woman, less than one of every four college coaches is a woman. And only one of every 17 athletic directors is a woman.

Title IX does not say anything about the hiring of women coaches or administrators; ironically, it has led to a decrease in the number of women in coaching. Only 65 of 139 women's teams in the state are coached by women. Nearly all women's teams were coached by women before Title IX. But when the visibility and pay increased, so did men's interest in applying for the jobs.

Fifteen of the state's 18 schools have male athletic directors. Nationally, there are only 57 women directors among the 860 coed college athletic departments.

''The glass ceiling in the gymnasium appears to be even lower than in the nation's business office,'' said Brooklyn College physical education professor Vivian Acosta, a leading authority on women in sports. ''In athletics, it appears that women are being carved out of the work force.''

Six years ago, UConn associate athletic director Pat Meiser-McKnett found herself discussing the vacant athletic director's job at Virginia Commonwealth University in Richmond with the school's president at the NCAA convention. The conversation took place in a hotel lobby and lasted less than 30 minutes. Meiser-McKnett submitted a three-page letter to VCU, but was not formally interviewed.

Months later, Meiser-McKnett was stunned to read in The Courant that she was one of three finalists for the job.

''I was furious,'' Meiser-McKnett said. ''It was so absurd. They were suing me to fill the slot—I was the token female.''

VCU officials say they did not release Meiser-McKnett's name as a finalist. However, John Packett, a reporter at the Richmond Times-Dispatch, says he got his information from a university source.

It was, Meiser-McKnett says, the Old-Boy network at work. According to a 1988 Brooklyn College study by Acosta and fellow professor Linda Jean Carpenter, the Old-Boy network—made up of males in power who aren't willing to recognize women as equals—is the main reason women don't get hired by athletic departments. As a rule, men have been in power longer and there are vastly more of them.

''Who do they look [to hire]?'' said Linda Wooster, director of women's athletics at Quinnipiac. ''People not posing a threat, people they're comfortable with. It's frustrating sometimes.''

In the Ivy League, all eight athletic directors are men. Meanwhile, 13 of the 28 associate athletic directors are women. Recently, Columbia University in New York had the chance to break up the male monopoly.

''I was approached last year by a search firm about the AD's job at Columbia,'' said Davidson, Central's athletic director. ''The four finalists were two women [including Davidson] and two minority men. And then, they decided to reopen the search.

''They hired a white male who fits the traditional image of an AD. You can't tell me of those four people there wasn't one qualified. I just don't think the Ivy League is ready for a woman AD.''

Fred Knubel, director of public information at Columbia, said ''Davidson's inference is incorrect.

''The search for an athletic director was continuous until a consensus was reached,'' he said, reading from a statement. ''Special efforts were made to seek out minorities and women. Along the way, a number of strong candidates withdrew, including one woman who did so for personal reasons at the last moment.''

Often, there is a smaller pool of qualified female applicants than male for each open position. There is also a feeling among some women in athletic administration that women are less willing to work through the low-paying low-status coaching and administrative positions.

''Men, for whatever reasons, are more willing to take those entry-level jobs,'' Davidson said. ''They will do anything they have to to succeed. I think part of it has to do with the opportunities that are opening up for women. There are more women lawyers, doctors. It leaves the women's athletic pool smaller.''

UConn women's basketball coach Geno Auriemma bristles when people say men are intruding on the women's game.

''People see me in this big beautiful office inside Gampel Pavilion and say, 'How does he get that?' This is my 17th year of coaching. Those five years I coached high schools, I spent working three jobs trying to do that.''

The early years as difficult as things seem for women in athletics today, it used to be worse.

In 1979, a patch of grass between two dormitories passed for the varsity softball field at Eastern Connecticut State University in Willimantic. When coach Clyde Washburne hit balls in practice, he had to compete with errant Frisbees and footballs.

Meanwhile, the baseball team enjoyed a state-of-the-art facility. The baseball coach was athletic director Bill Holowaty. ''I told the athletic director, I told the president, that it wasn't fair to my players safety-wise or to me as a teacher,'' Washburn said. ''By the time practice began, you were angry. It was hard to not take it out on the players.''

Washburne, who would win four national Division III softball titles before retiring in 1988, took it out on Eastern Connecticut instead—by way of the Boston OCR. After the OCR descended on Eastern and tied up the athletic director's and president's office for several weeks with paperwork, the money for a new fenced-in field and dugouts suddenly appeared.

Said Holowaty: ''When softball saw what we [baseball] had, they had to have it, too. I said to Clyde, 'Fine. I agree with you.' But people forgot how many years it took us to get our field, and we did it with private money. It took us 11 years to get lights. You don't do it overnight and you don't tear down a successful program to build something else. They got a softball field a lot quicker than we got our field.''

After they framed the dugout roofs, Washburne told the OCR he was satisfied and its investigators returned to Boston.

But when the complex was built, the softball players would look up through the skeleton of the dugout frame at the dark sky and say, ''Isn't this a great place to get in out of the rain?'' It was two years before roofs were added.

At some colleges, the scramble to accommodate women led to controversy.

Fred Barakat, the former Fairfield University men's basketball coach, was furious to discover one day, in the mid-1970s, that his office was literally cut in half to make room for the women's basketball coach.

''There was no warning. I was shocked by it,'' said Barakat, now the assistant commissioner of the Atlantic Coast Conference.

''I was on the brink of something good. I wanted to show recruits what other Division I programs were showing recruits, like a nice office. None of us were ready for it. Coaches didn't understand it.''

Now, Barakat says of equal opportunity for women: ''It's here to stay and we'd better dance with it.''

In 1975, UConn offered 12 sports for men, eight for women. Women's soccer, a fledgling sport nationwide, was not one of them.

Felice Duffy grew up in Storrs as part of a large soccer-playing family. When she went to UConn and found no team, she lobbied for one. She said the administration told her and the 78 members of her women's soccer club they would have to wait eight years for a varsity program.

Duffy didn't have eight years.

Realizing athletic opportunities for men outnumbered those for women at the school, she contacted lawyers and then-U.S. Rep.

Christopher Dodd, D-Conn., and finally filed a Title IX complaint. After a year of club status and a year of ''trial varsity'' status, Duffy got her varsity team and became an All-American.

Duffy now coaches the Yale women's soccer team, which loses to UConn's nationally ranked program every year.

In the early 70s, most women were simply content to play sports for the first time. Whatever accompanied that new-found privilege—scholarships, practice uniforms, new equipment—was more than most expected. At Trinity, for instance, coach Robin Sheppard's field hockey team happily accepted castoff football jerseys as their first uniforms in 1974.

Originally, colleges and secondary schools were given six years, until 1978, to comply with the 1972 law, but progress was slow. Then, Title IX lost most of its punch in 1984, when the Supreme Court ruled that the law's protection extended only to programs directly receiving federal funding, not to the institution as a whole.

It wasn't until 1988 that the Civil Rights Restoration Act, spearheaded by then-U.S. Sen. Lowell P. Weicker Jr., R-Conn., and fellow Sen. Edward Kennedy, D-Mass., put the teeth back into Title IX.

An awakening Before this year, school officials would get their hands slapped for discriminating against women.

But this past February, the Supreme Court sent a strong message to schools who practice discrimination. For the first time, the justices agreed to permit a plaintiff to recover monetary damages in a Title IX case. A young woman from Georgia said she was forced into a sexual relationship by a male athletic coach and economics teacher while she was a high school student. A lower court had refused to allow her to seek damages.

Many believe this decision will encourage more women to file Title IX complaints.

''Now,'' said Donna Lopiano, executive director of the Women's Sports Foundation and a Southern Connecticut graduate, ''all the major civil rights issues are at the beginning of a new cycle. People are trying again to get homosexual, racism, sexism issues on the table. I see that as a national trend.''

To upgrade the women's program at Temple University in Philadelphia, athletes pursued a Title IX lawsuit through the courts for almost a decade. Female basketball players at the College of William & Mary in Williamsburg, Va., and the University of Oklahoma in Norman threatened lawsuits to keep their teams from being cut.

Like New Hampshire's Hyde, they took matters into their own hands. Still, women like Hyde remain in the minority.

''I had one athlete say the other night, 'Title 19, or whatever . . .' It makes me sad,'' said Quinnipiac's Wooster. ''Kids in this day and age expect these opportunities.''

TRIBUTE TO COLLEGE BASKETBALL STAR, REBECCA LOBO

Mr. DODD. Mr. President, I rise to pay tribute to Rebecca Lobo, who this year led the University of Connecticut women's basketball team to an undefeated season and a national championship. I have already spoken at length about the team's accomplishments—its 35 to 0 perfect record and its dramatic come-from-behind national championship victory. I want to take this opportunity, however, to focus on Rebecca Lobo, whose tremendous athletic skill and personal character have captured the imagination of people throughout the Nation.

Mr. President, contemporary writers, pundits, and philosophers have long bemoaned the absence of leadership figures worthy of our emulation and adoration. Young Americans are frustrated by athletic heroes who fail to lead exemplary lives off the playing field, politicians who seem focused solely on their re-election prospects or movie stars whose real-life personas pale in comparison to those of the characters they portray on screen. In Rebecca Lobo, however, America has found a role model that not only meets our expectations, but exceeds them.

Ms. Lobo's accomplishments on the basketball court are well known. On her way to leading the Huskies to an undefeated season and national championship, Lobo averaged 17 points, 10 rebounds, 3.5 blocked shots and 3.7 assists per game. She was named a first team All-American and the national player of the year, and, despite having to sit out much of the first half with three fouls, sparked the dramatic second half come-from-behind victory over Tennessee in the NCAA championship game.

Her accomplishments in the classroom are equally impressive. As a political science major, Ms. Lobo has maintained a 3.63-grade point average and was a nominee for the prestigious Rhodes scholarship. She was also named a first team Academic All-American both this season and last.

Yet what sets this talented young athlete apart is not just her athletic or academic accomplishments, but her care for and commitment to her teammates and her fans.

As Connecticut Head Coach, Geno Auriemma is quick to point out, Rebecca's greatest weakness as a player is that she is too unselfish and too unwilling to grab the spotlight. Foremost in her mind is her connection and responsibility to her team, a trait which is shared by all her fellow Huskies and which is undoubtedly the source of their great success.

Mr. President, beyond Rebecca Lobo's athletic and academic accomplishments lies her ability and willingness to reach out to her numerous fans and admirers. Along with her teammates, Rebecca made it a point to chat with fans and sign autographs for an hour after each game. Despite being overwhelmed by letters, she has devoted hours of her time to personally answering each and every piece of correspondence she has received, and she has been a regular at summer basketball camps and clinics, where she has patiently worked with aspiring basketball stars of all ages.

Mr. President, Rebecca Lobo has reminded people of what being an athlete, a student, and a human being is all about. She has struck a balance and a harmony between her goals and those of the people around her. In this day and age, when millionaire athletes defiantly proclaim on television commercials that they are not role models, Rebecca Lobo reminds us that being a role model is not a blight but a privilege. It is a privilege for her to be afforded the opportunity to showcase her array of talents, and it is a privilege for us watch her and urge others to follow her lead.

In closing, Mr. President, I ask unanimous consent that an article written by Ira Berkow that was printed in the New York Times be printed in the RECORD.

[From the New York Times, Mar. 3, 1995]

UCONN CAN COUNT ON LOBO

(By Ira Berkow)

MINNEAPOLIS.—Rebecca Lobo's parents hadn't spoken with her before the game, the game yesterday afternoon that would decide the N.C.A.A. women's national basketball championship between Connecticut and Tennessee.

''We rarely do talk with her beforehand,'' said her mother RuthAnn, in section 129 of the Target Center arena. ''But we can guess how she's feeling: anxious.''

A couple of hours later, with 28.9 seconds left in the game, RuthAnn and her husband, Dennis, were the obviously anxious ones, as they leaned forward in their seats. Becca, as they call her, was stepping to the free-throw line. It was perhaps the single most important moment in their daughter's brilliant athletic career—no, her brilliant college career.

After all, Rebecca Lobo, the 6-foot-4-inch senior forward with the French braid and the determined demeanor, the player who sparked a 70–64 victory in the championship game to complete an undefeated season, is Connecticut's basketball version of Frank Merriwell, Eleanor Roosevelt and Larry Bird all rolled into one. For the last two seasons, she has been first-team all-American. In her spare time, the political science major has been a candidate for a Rhodes scholarship.

She epitomizes the women's game, because for the most part the women are truly scholar-athletes, not just jocks majoring in eligibility with dreams only of slam-dunk highlights in the pros.

And she is part of a game that is substantially different from the men's game, one in which egos seem to meld into the concept of the team, and which makes the game so satisfying for a basketball fan.

And this moment on the free-throw line was what one dreams about, or sweats over. Lobo's Huskies were up by 3 points, 65–62. She has a one-and-one: if she makes the first she gets a second.

If she misses either, Tennessee is still in the game.

Now, Lobo bounces the ball and looks up at the rim.

It had been a long, long day for Lobo, a day in which she quickly picked up three fouls and played just eight of the 20 minutes in the first half, scoring just 3 points.

And when undefeated Connecticut went into the locker room at halftime, the team was losing by 38–32. It was only the second time this season that UConn was behind at the half, the first being last week in the East regional final, when it came back from a 7-point deficit to beat Virginia.

Could the Huskies do it again?

Lobo returned to the lineup for the start of the second half, though she still seemed away from the action, affected by her fouls. But her teammates were keeping the team in the game: Jen Rizzotti, the guard who was aptly described as being all ponytail and knee guards, stole a pass, hit a drive;

Jamelle Elliott, the junior from Washington's inner city whom Coach Geno Auriemma calls their rock, battled for rebounds and banked in a shot, and Nykesha Sales, the smooth but sometimes nervous freshman, hit a key 3-pointer.

Then Lobo struck, again and again: she hit a spin shot, threw in a drive, sank a jumper from the left side, and then another from the right side, and Connecticut was back in the ball game, 3 points off the lead, with seven minutes to go.

''When the game is on the line,'' said Pat Summitt, the Tennessee coach, ''you naturally go to your all-American.''

One recalled the time last year when Rebecca learned that her mother had breast cancer, and she broke down in tears. Her mother said, ''You do what you have to do, and I'll take care of my end.''

RuthAnn's cancer is in remission, and she never misses a game, because Becca says she always wants her there.

And so it seemed not unusual for Rebecca to be taking responsibility, on or off the court. RuthAnn remembers a significant moment, when Rebecca was 6 years old, and had taken an eraser from the home of Mrs. Lukasik, a neighbor in Southwick, Mass.

''I told Rebecca that the eraser wasn't hers, and she had to return it,'' RuthAnn said. ''And I watched as she walked, sobbing, to Mrs. Lukasik's house. It broke my heart to see it, but I think it helped her understand right from wrong. And to think about other people.''

If there was one criticism Coach Auriemma had of Lobo, it is that she has sometimes thought too much about other people. He had wished her at times to be more selfish, to shoot more. But the blend was there in this game.

And now on the free-throw line she had a chance to ice the proceedings. Lobo made her first free throw and with that her teammates on the floor mobbed her. RuthAnn, in section 129 and seated beside Dennis, clasped her hands in anticipation of the second free throw.

Rebecca bent, perched the ball near her ear, and let it go. It sailed right through the hoop, giving Connecticut the lead, at 67–62, that they would not relinquish.

Shortly after the victory, it was announced that Lobo had been named the outstanding player in the Final Four.

It was a hugely satisfying comeback for the Huskies, for a couple sitting in section 129 and for Becca Lobo. The fans cheered, the band blasted, and the team zealously cut down the nets.

As for Mrs. Lukasik, one imagines that she still has her eraser and the memory of a little girl who grew up to become a national champion.

IN RECOGNITION OF THE ONE-HUNDREDTH BIRTHDAY OF FREDERICK BENSON OF BLOCK ISLAND, RI

Mr. CHAFFEE. Mr. President, it is my honor and privilege to pay tribute to Mr. Frederick Benson of Block Island, RI, in recognition of his one-hundredth birthday on April 14, 1995.

In the 92 years Fred has lived on Block Island, since arriving as an orphan in 1903, he has immersed himself in almost every level of community activity on this small, close-knit island. His impressive list of efforts on behalf of the community include service as the island civil defense director for 12 years, police commissioner, first captain of the local rescue squad, and president of the Chamber of Commerce five times. In recognition of his selfless devotion he was chosen as Block Island's Man of the Year by the Chamber of Commerce in 1972.

But it is the children of this picturesque wind-swept island, 11 miles off the Rhode Island coast, that have benefited the most from Fred's unbounded generosity. After winning the lottery in 1976, Fred announced the money would go into a scholarship fund for worthy Block Island students. Since 1977, scores of Block Island High School graduates have been awarded Fred Benson scholarships.

Many Block Islanders have fond memories of Fred from their school days. Beginning as the island's high school baseball coach, Fred went on to teach auto shop, carpentry, machine repair, and driver instruction until he retired at the age of 69. His contributions to the youth of Block Island have extended to many generations, and the island is richer for it.

I commend Mr. Benson for his years of selfless community service and wish all the best to him and his many island friends. Mr. Benson is a truly remarkable man and a distinguished educator. I am proud to honor him on this joyous occasion.

TRIBUTE TO MARTHA HANSON KILPATRICK

Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of the best teachers I ever had, Martha Kilpatrick. She taught me at Colbert County High School and has kept in touch over the years by attending my town meetings in Reform, AL, her hometown, and by sending me letters and news clippings from time to time. She is a dear friend to me, and I know she had a great deal to do with guiding me at an early age and pointing me in the right direction. Her wisdom, advice, and encouragement were helpful to me not only as a student long ago, but also throughout the several stages of my career.

It might surprise my colleagues to learn that I still have former teachers who are alive and well, but Martha is indeed among them. On April 25, she will turn 80, and Reform is planning a gala celebration of this milestone in her life, to take place on the 22d at the Methodist Church there. She will be surrounded by many friends and family members, each of whom have been influenced by Martha in special and unique ways.

Martha Hanson was born in Columbus, MS, and as a baby moved with her family to Carrollton, AL, where she spent her formative years. Her family later moved to Reform, where she graduated high school. That same year, she entered Alabama College at Montevallo, now the University of Montevallo, where she majored in education. Her entire career was spent as a teacher in Alabama and Georgia. Her husband, Wilbur Kilpatrick, was born and raised in Reform, and although they lived in a variety of places during their married life, Reform was always home to them.

Martha continued her own education in Atlanta, earning her masters degree and teaching in that school system for many years. When their children, Kay and Joe, were grown, Martha and Wilbur retired and moved back to the quiet peace of their roots in Reform, where she remains today. She has three grandchildren and four great-grandchildren.

Her home is a virtual museum of the things she has collected over the years—bottles, stamps, salt and pepper shakers, antique Christmas ornaments, pictures, linens, glassware, and books. Her husband has passed away, and Martha lives alone in the large, comfortable museum of her life. She stays busy doing things for others, as she has always done.

One of Martha's great characteristics is making and keeping friends. She is perhaps her local post office's best private customer, keeping an active correspondence with friends and family all over the world, including myself. She never forgets birthdays, anniversaries, special holidays, and her cards saying ''Get well soon'' or ''With deepest sympathy'' are always the first to arrive when a crisis hits.

Martha Hanson Kilpatrick has been one of the true treasures of my life and the lives of many others. I am proud to commend her on an outstanding life, one that has been lived out in the best American tradition, her nurturing of young minds, and her sincere love for family and friends, whom she counts as her most valuable collection of all. As she turns 80 later this month, I trust those many family members and friends will reflect on the outstanding qualities this extraordinary lady has exhibited throughout her life. We can all learn from her.

ALABAMA BUSINESS CONNECTIONS 1995

Mr. HEFLIN. Mr. President, each year, the Alabama Minority Supplier Development Council holds a major event known as Alabama Business Connections. This year, it will be held in Birmingham June 27–29, when more than 5,000 individuals and businesses will be actively participating.

During Alabama Business Connections, suppliers and purchasing personnel from majority and government organizations network and exchange information in order to develop mutually-beneficial business opportunities. This important event also furthers the year-round efforts of the Alabama Minority Supplier Development Council. The council is dedicated to providing economic and educational opportunities for certified suppliers and corporate-government members.

I am proud to call the attention of my Senate colleagues to the vital work

accomplished each year during Alabama Business Connections, and wish the Alabama Minority Supplier Development Council all the best for a successful event this summer. They are to be commended for their outstanding work toward the cause of furthering business opportunities for minority suppliers.

REINVENTING PUBLIC BROADCASTING

Mr. PRESSLER. Mr. President, another thoughtful voice has joined the debate in favor of re-inventing public broadcasting. Jack Kemp has written an article, published in today's Wall Street Journal, making the case that public broadcasting can be re-invented and become self-funding. This would be a win-win proposition for taxpayers, for television and radio audiences, and for the public broadcasting industry.

Secretary Kemp's analysis is timely, because through the rescission bill Congress has an opportunity to begin an orderly and reasonable phasing out of Federal subsidies for public broadcasting. I support the approach of the House of Representatives, to begin phasing out the subsidies in a significant measure, now.

Secretary Kemp just this week has been named chairman of the new National Commission on Economic Growth and Tax Reform. This is by appointment of Majority Leader DOLE and Speaker GINGRICH. Secretary Kemp is superbly qualified for this position. I offer Secretary Kemp my hearty congratulations.

Mr. President, I ask unanimous consent to have printed in the RECORD Secretary Kemp's article, entitled ''Privatizing PBS Doesn't Mean Killing Big Bird,'' from today's Wall Street Journal.

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

The Wall Street Journal , April 5, 1995

PRIVATIZING PBS DOESN'T MEAN KILLING BIG BIRD

(By Jack F. Kemp)

Politics doesn't have to be a zero-sum game, even when it comes to budget cutting—and especially when it comes to as contentious an issue as cutting the public television budget. I believe it's possible to find a compromise where both sides of this debate emerge winners and happy.

First, let's look at the impasse we seem to have reached in Congress. On the one hand, we have a new generation of Republicans who are absolutely serious when they talk about limiting the size, scope and power of the federal government. For these ''neo-Federalists,'' it isn't enough that a program have some positive benefits or a committed political constituency (almost all programs do); there must be a compelling reason why the federal government, as opposed to state and local governments, or the private sector, is involved. As they have said, no domestic program, except Social Security, will be exempt from scrutiny.

Energizing the neo-federalists is a budget deficit that they have claimed they could get under control, when no one else could—and to a great extent, they realize that their political legitimacy rides on making good on their promise. The almost $300 million yearly subsidy to the Corporation for Public Broadcasting (CPB) will add up to almost a billion dollars over the next three years. That's not chicken feed, even for Big Bird.

On the other hand, there are large numbers of people inside and outside Congress who value public broadcasting. Leaving aside for a moment questions of political bias, they have for many years found on the PBS stations quality programming that is hard to find elsewhere. those with young children especially value what I would call the ''trust factor,'' the fact that one can leave one's children watching PBS without having to constantly monitor the TV for fear that they will be exposed to the kind of mind-numbing violence so common on the other stations. For adults, the ''MacNeil-Lehrer Newshour'' provides a similar respite from ''sound-bite'' news programs.

What is the solution? It lies, as it so often does, in a growing, technologically expanding private sector—in a future that is bigger than the present, where one person doesn't have to lose for another to gain. Where both sides can be winners.

The following is a brief sketch of how the CPB can be privatized in such a way that it emerges stronger, healthier and in a better position to continue the kinds of quality programs that many admire it for.

It must first be stressed that ''privatization'' does not mean ''extinction.'' Far from it. Look at Britain's experience: British Airways, British Telecom and British Petroleum are good examples. In our own country, Conrail has benefited from privatization. Privatization is the new rage in our nation's cities and towns because local governments have found that services are often delivered better when they are transferred back to the private sector.

The fact is, as many on the side of public broadcasting concede, the CPB, like most government-funded agencies, has its share of waste and redundancy. An analysis by the Twentieth Century Fund found that 75% of its budget went to overhead (including inflated executive salaries). The most expensive, and least necessary, expenses are the number of stations that carry its programming. ABC, the largest network, has 221 stations. NBC has 213. CBS and Fox have 208 and 201 stations, with sometimes as many as four or five signals serving essentially the same market.

As part of any privatization scheme, CPB should be asked to choose a core group of, say, 160 stations that would cover the entire country. All other stations would have the opportunity to ''merge'' into the core station that served their market. PBS could shift the licenses of the ''non-core'' stations to commercial usage and auction them off to the highest bidder. The proceeds would go to a National Programming Endowment that would be administered by PBS and used to make the network self-sustaining.

Pro-PBSers should realize that spectrum auctions are no small potatoes. Even with the current technology, PBS could garner some $2 billion from auctioning off its redundant stations. But the technology is changing, making each one of these station's signals potentially many times more valuable. Meanwhile, the market is getting more competitive as the newly created networks of United Paramount and Warner Bros. scramble to pick up affiliates—and that pushes value up, too.

A conservatively estimated endowment of $2 billion would eliminate PBS's need for federal subsidies. CPB—which currently administers government subsidies to PBS—would no longer need to exist, eliminating an expensive layer of bureaucracy. Certainly, PBS's cushy executive salaries would have to be trimmed to be more in line with the private sector, but each core station would receive increased membership contributions (from the redundant ''non-core'' stations that have been eliminated), as well as corporate and foundation grants. Meanwhile, PBS would, by dint of necessity, become entrepreneurial by developing and owning shows that it would sell around the world, as well as merchandising rights to its children's productions (an area of funding that officials admit they have not taken proper advantage of).

Will there be resistance to this plan? Yes, by those who distrust the private sector, no matter what. And by those politicians who like having a PBS station in their district that is required to carry local school board or city council meetings, giving incumbents a free platform. But for those who honestly want to cut the budget deficit, and for those who care about the future of PBS, this is a plan that makes everyone a winner.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the incredible Federal debt which long ago soared into the stratosphere is in about the same category as the weather—everybody talks about it but almost nobody had undertaken the responsibility of trying to do anything about it until immediately following the elections last November.

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

As of the close of business yesterday, Wednesday, April 5, the Federal debt stood—down to the penny—at exactly $4,878,158,190,719.92.

REED LARSON'S 40 YEARS: TIRELESS DEFENSE OF FREEDOM

Mr. HELMS. Mr. President, a little over 40 years ago—January 28, 1955—the Nation's pre-eminent defender of workers' freedom was founded in the basement of Washington's Mayflower Hotel.

It was named the National Right to Work Committee, and it was organized by a small group of railroad workers and small businessmen. The Right to Work Committee has grown into a proud home for freedom-loving Americans who believe that while workers may have the right to unionize, no American worker should ever be compelled to join, or even support, a labor union.

Mr. President, upon the founding of the committee, its first president, Congressman Fred A. Hartley, Jr., of New Jersey, declared, ''[We] will not shrink because of attacks which may be made against us. We intend to do everything

possible to educate the American people to the perils of compulsory unionism and to encourage them to resist it.''

Three years later, in 1958, after piloting the successful fight for Kansas' Right to Work Law, a dedicated American named Reed Larson left his job as an engineer in Kansas to lead the right to work movement in America.

At the time, the power of the Big Labor bosses was virtually unchecked. By 1965, the unions had rolled up what appeared to be a filibuster-proof majority in the U.S. Senate favoring legislation to obliterate the one obstacle in their path to total dominance of the American work force: State Right to Work Laws.

Such legislation was Big Labor's number one priority. The bosses were backed by President Lyndon Johnson and the Congressional leadership.

But, Mr. President, Reed Larson and the Committee's members refused to be intimidated by the power arrayed against them. With the help of legendary Senate Republican Leader Everett Dirksen and after a fierce 2 year struggle, the Committee defeated the enemies of worker freedom.

The fight to preserve State Right to Work laws marked the coming of age of the National Right to Work Committee. From that moment on, the Big Labor bosses realized that someone was finally going to stand up to their ceaseless demand for power over the lives of American working men and women.

As further protection for working Americans, Larson in 1968 founded the National Right to Work Legal Defense Foundation to aid workers in legal confrontations with union-boss despots.

In the 27 years since, the Foundation has been a leader in protecting the legal rights of workers and has won several significant Supreme Court cases—including the landmark 1988 Beck case which declared that forced union dues for politics was unconstitutional.

During the 1970s the Committee battled attempts by Big Labor and its Congressional allies to throw the net of compulsory unionism over the American construction industry with the ''Common Situs'' picketing scheme.

Big Labor steamrolled this legislation through both the House and Senate amid President Ford's Labor Secretary John Dunlop's assurances of presidential approval.

Against all odds, Reed Larson launched what was at the time the largest grassroots mobilization in American history, flooding the White House with over 700,000 cards and letters of protest.

Despite the pleas of his own Labor Secretary (who resigned shortly afterwards) President Ford vetoed the bill.

When the Common Situs Picketing bill returned in 1977, Larson rallied the same grassroots coalition he had so painstakingly assembled the year before and did battle with a seemingly stronger Big Labor political machine.

However, Mr. President, in one of the most stunning upsets in American political history, Right to Work forces emerged victorious in the House of Representatives by a slim 217 to 205 vote.

As Reed stated after the vote, ''The history and death of the coercive piece of legislation should serve as a very important lesson to powerful union officials . . . seemingly limitless doses of money and muscle are no match for the will of the American people.''

In 1978, Big Labor was razor close to enacting a so-called ''Labor Law Reform'' bill which would have given union organizers tremendous powers to blackmail employers into granting forced-dues contracts.

Reed Larson mobilized the majority of Americans opposed to compulsory unionism through a massive mail, media, and lobbying campaign which generated over 4 million cards and letters to the Senate during the course of the fight.

Mr. President, after a marathon of six separate cloture votes in the Senate, the labor bosses gave up.

Throughout the 1980s, Larson and the Committee kept up their campaign to bring the benefits to workers freedom to more and more Americans. That campaign resulted in the successful 1986 referendum making Idaho the Nation's 21st Right to Work State.

But the decade of the 1990s opened with yet another big labor power grab.

This time it was the Pushbutton Strike bill, or the so-called ''Anti-Striker Replacement bill.'' And once again, Reed and the Committee cranked up their grassroots network of freedom loving Americans to put the heat on Congress.

This bill would have handed union czars new strike powers so they could blackmail employers into signing contracts forcing their workers to pay union dues.

In response to Larson's letters and phone calls, the Senate was flooded with nearly two million cards, letters, faxes, and phone calls.

After 3 long years (and four more cloture votes) Larson and the Committee emerged victorious once again.

Today, the National Right to Work Committee, 1.9 million members strong and growing, stands on the vanguard for worker freedom and has compiled an outstanding record of commitment to principle and effective action.

So, Mr. President, I proudly salute the members of the National Right to Work Committee—and especially my good friend, Reed Larson, upon his 35th anniversary as president of the Committee for their unswerving dedication and tireless action on behalf of every American's birthright not to be forced to join a labor union to get or keep a job.

COMMERCE COMMITTEE ACTION ON S. 565, PRODUCT LIABILITY

Mr. PRESSLER. Mr. President, the Committee on Commerce, Science, and Transportation met in executive session this morning and voted 13–6 to report favorably S. 565, the Product Liability Fairness Act of 1995, with an amendment. The amendment, a Chairman's mark, is an amendment in the nature of a substitute for S. 565. However, it did not replace the bill's original content. Rather, it built upon the good work of Senators GORTON and ROCKEFELLER.

I want to have the amendment printed in the RECORD so that my colleagues have the opportunity to review the legislation over the recess period we are about to begin. I understand the leadership intends to take up S. 565 when we return from the recess and I want all Senators to have ample time to understand its provisions.

In addition to the original provisions contained in S. 565, the Chairman's mark incorporates the entirety of S. 303, the Biomaterials Access Assurance Act of 1995. Senators LIEBERMAN and MCCAIN introduced S. 303 on January 31, 1995 and the bill was referred to the Commerce Committee. I am proud to be a co-sponsor of S. 303. The biomaterials provisions are found in Title II of the Chairman's mark.

The Chairman's mark made two other notable changes to S. 565. Modifications were made to address the vicarious liability of rental car companies and of equipment lessors. Such entities would be treated as ''product sellers'' under the mark.

Another exception was added to the statute of repose for durable and capital goods used in the workplace. Now, when there is an express warranty in writing as to the safety of the product involved, and the warranty period is longer than the 20 year statue of repose, a product liability action is timely for the duration of the warranty.

Mr. President, beyond these changes made by the Chairman's mark, Senators will find S. 565 remains much as introduced several weeks ago. In other words, it remains very much a product liability reform bill. The Committee did not act to expand the legislation beyond its jurisdiction—tort reform connected to injuries caused by products in the stream of commerce.

I ask unanimous consent that the Chairman's mark to S. 565, which the Commerce Committee voted to report this morning, be printed in the RECORD.

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

S.565

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 ''Product Liability Fairness Act of 1995''.

TITLE I—PRODUCT LIABILITY

SEC. 101. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) CLAIMANT.—The term ''claimant'' means any person who brings a product liability action and any person on whose behalf such an action is brought. If an action is brought through or on behalf of—

(A) an estate, the term includes the decedent; or

(B) a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) CLAIMANT'S BENEFITS.—The term ''claimant's benefits'' means an amount equal to the sum of—

(A) the amount paid to an employee as workers' compensation benefits; and

(B) the present value of all workers' compensation benefits to which the employee is or would be entitled at the time of the determination of the claimant's benefits, as determined by the appropriate workers' compensation authority for harm caused to an employee by a product.

(3) CLEAR AND CONVINCING EVIDENCE.—

(A) IN GENERAL.—Subject to subparagraph (A), the term ''clear and convincing evidence'' is that measure of degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.

(B) DEGREE OF PROOF.—The degree of proof required to satisfy the standard of clear and convincing evidence shall be—

(i) greater than the degree of proof required to meet the standard of preponderance of the evidence; and

(ii) less than the degree of proof required to meet the standard of proof beyond a reasonable doubt.

(4) COMMERCIAL LOSS.—The term ''commercial loss'' means any loss or damage to a product itself, loss relating to a dispute over its value, or consequential pecuniary loss not including harm.

(5) DURABLE GOOD.—The term ''durable good'' means any product, or any component of any such product, which has a normal life expectancy of 3 or more years or is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which is—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(6) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including any medical expense loss, work loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent that recovery for the loss is permitted under applicable State law.

(7) HARM.—The term ''harm'' means any physical injury, illness, disease, or death, or damage to property, caused by a product. The term does not include commercial loss or loss or damage to a product itself.

(8) INSURER.—The term ''insurer'' means the employer of a claimant, if the employer is self-insured, or the workers' compensation insurer of an employer.

(9) MANUFACTURER.—The term ''manufacturer'' means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product), and who designs or formulates the product (or component part of the product), or has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, constructs, designs, or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another person; or

(C) any product seller that is not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(10) NONECONOMIC LOSS.—The term ''noneconomic loss''—

(A) means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation; and

(B) does not include economic loss.

(11) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(12) PRODUCT.—

(A) IN GENERAL.—The term ''product'' means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term ''product'' does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; and

(ii) electricity, water delivered by a utility, natural gas, or steam.

(13) PRODUCT LIABILITY ACTION.—The term ''product liability action'' means a civil action brought on any theory for harm caused by a product.

(14) PRODUCT SELLER.—

(A) IN GENERAL.—The term ''product seller'' means a person who—

(i) in the course of a business conducted for that purpose, sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term ''product seller'' does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(15) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, or any political subdivision thereof.

(16) TIME OF DELIVERY.—The term ''time of delivery'' means the time when a product is delivered to the first purchaser or lessee of the product that was not involved in manufacturing or selling the product, or using the product as a component part of another product to be sold.

SEC. 102. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—

(1) ACTIONS COVERED.—Subject to paragraph (2), this title applies to any product liability action commenced on or after the date of enactment of this Act, without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

(2) ACTIONS EXCLUDED.—

(A) ACTIONS FOR DAMAGE TO PRODUCT OR COMMERCIAL LOSS.—A civil action brought for loss or damage to a product itself or for commercial loss, shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable commercial or contract law.

(B) ACTIONS FOR NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable State law.

(b) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This Act supersedes a State law only to the extent that State law applies to an issue covered under this title.

(2) ISSUES NOT COVERED UNDER THIS ACT.—Any issue that is not covered under this title, including any standard of liability applicable to a manufacturer, shall not be subject to this title, but shall be subject to applicable Federal or State law.

(c) STATUTORY CONSTRUCTION.—Nothing in this title may be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601(8)) or the threat of such contamination or pollution.

(d) CONSTRUCTION.—To promote uniformity of law in the various jurisdictions, this title shall be construed and applied after consideration of its legislative history.

(e) EFFECT OF COURT OF APPEALS DECISIONS.—Notwithstanding any other provision of law, any decision of a circuit court of appeals interpreting a provision of this title (except to the extent that the decision is overruled or otherwise modified by the Supreme Court) shall be considered a controlling precedent with respect to any subsequent decision made concerning the interpretation of such provision by any Federal or

State court within the geographical boundaries of the area under the jurisdiction of the circuit court of appeals.

SEC. 103. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) IN GENERAL.—

(1) SERVICE OF OFFER.—A claimant or a defendant in a product liability action that is subject to this title may, not later than 60 days after the service of the initial complaint of the claimant or the applicable deadline for a responsive pleading (whichever is later), serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which such action is maintained.

(2) WRITTEN NOTICE OF ACCEPTANCE OR REJECTION.—Except as provided in paragraph (3), not later than 10 days after the service of an offer to proceed under paragraph (1), an offeree shall file a written notice of acceptance or rejection of the offer.

(3) EXTENSION.—The court may, upon motion by an offeree made prior to the expiration of the 10-day period specified in paragraph (2), extend the period for filing a written notice under such paragraph for a period of not more than 60 days after the date of expiration of the period specified in paragraph (2). Discovery may be permitted during such period.

(b) DEFENDANT'S PENALTY FOR UNREASONABLE REFUSAL.—

(1) IN GENERAL.—The court shall assess reasonable attorney's fees (calculated in accordance with paragraph (2)) and costs against the offeree, incurred by the offeror during trial if—

(A) a defendant as an offeree refuses to proceed pursuant to the alternative dispute resolution procedure referred to subsection (a)(1);

(B) final judgment is entered against the defendant for harm caused by the product that is the subject of the action; and

(C) the refusal by the defendant to proceed pursuant to such alternative dispute resolution was unreasonable or not made in good faith.

(2) REASONABLE ATTORNEY'S FEES.—For purposes of this subsection, a reasonable attorney's fee shall be calculated on the basis of an hourly rate, which shall not exceed the hourly rate that is considered acceptable in the community in which the attorney practices law, taking into consideration the qualifications and experience of the attorney and the complexity of the case.

(c) GOOD FAITH REFUSAL.—In determining whether the refusal of an offeree to proceed pursuant to the alternative dispute procedure referred to in subsection (a)(1) was unreasonable or not made in good faith, the court shall consider—

(1) whether the case involves potentially complicated questions of fact;

(2) whether the case involves potentially dispositive issues of law;

(3) the potential expense faced by the offeree in retaining counsel for both the alternative dispute resolution procedure and to litigate the matter for trial;

(4) the professional capacity of available mediators within the applicable geographic area; and

(5) such other factors as the court considers appropriate.

SEC. 104. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action that is subject to this title filed by a claimant for harm caused by a product, a product seller other than a manufacturer shall be liable to a claimant, only if the claimant establishes—

(A) that—

(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of harm to the claimant; or

(B) that—

(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused harm to the claimant; or

(C) that—

(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) such intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect a product if the product seller had no reasonable opportunity to inspect the product that allegedly caused harm to the claimant.

(b) SPECIAL RULE.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) Notwithstanding any other provision of law, any person, other than a product seller, engaged in the business of renting or leasing a product shall be subject to liability in a product liability action under subsection (a), but shall not be liable to a claimant for the tortious act of another solely by reason of ownership of such product.

(2) For purposes of paragraph (1), and for determining the applicability of this title to any person subject to paragraph (1), the term ''product liability action'' means a civil action brought on any theory for harm caused by a product or product use.

SEC. 105. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) GENERAL RULE.—Notwithstanding any other provision of law, a defendant in a product liability action that is subject to this title shall have a complete defense in the action if the defendant proves that—

(1) the claimant was under the influence of intoxicating alcohol or any drug that may not lawfully be sold over-the-counter without a prescription, and was not prescribed by a physician for use by the claimant; and

(2) the claimant, as a result of the influence of the alcohol or drug, was more than 50 percent responsible for the accident or event which resulted in the harm to the claimant.

(b) CONSTRUCTION.—For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

SEC. 106. REDUCTION FOR MISUSE OR ALTERATION OF PRODUCT.

(a) GENERAL RULE.—

(1) IN GENERAL.—Except as provided in subsection (c), in a product liability action that is subject to this title, the damages for which a defendant is otherwise liable under applicable State law shall be reduced by the percentage of responsibility for the harm to the claimant attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, the express warnings or instructions of the defendant if the warnings or instructions are determined to be adequate pursuant to applicable State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For the purposes of this title, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) STATE LAW.—Notwithstanding section 3(b), subsection (a) of this section shall supersede State law concerning misuse or alteration of a product only to the extent that State law is inconsistent with such subsection.

(c) WORKPLACE INJURY.—Notwithstanding subsection (a), the amount of damages for which a defendant is otherwise liable under State law shall not be reduced by the application of this section with respect to the conduct of any employer or coemployee of the plaintiff who is, under applicable State law concerning workplace injuries, immune from being subject to an action by the claimant.

SEC. 107. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant in a product liability action that is subject to this title if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct that was carried out by the defendant with a conscious, flagrant indifference to the safety of others.

(b) LIMITATION ON AMOUNT.—The amount of punitive damages that may be awarded to a claimant in any product liability action that is subject to this title shall not exceed 3 times the amount awarded to the claimant for the economic injury on which the claim is based, or $250,000, whichever is greater. This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

(c) BIFURCATION AT REQUEST OF EITHER PARTY.—

(1) IN GENERAL.—At the request of either party, the trier of fact in a product liability action that is subject to this title shall consider in a separate proceeding whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) ADMISSIBLE EVIDENCE.—

(A) INADMISSIBILITY OF EVIDENCE RELATIVE ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If either party requests a separate proceeding under paragraph (1), in any proceeding to determine whether the claimant

may be awarded compensatory damages, any evidence that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

(B) PROCEEDING WITH RESPECT TO PUNITIVE DAMAGES.—Evidence that is admissible in the separate proceeding under paragraph (1)—

(i) may include evidence of the profits of the defendant, if any, from the alleged wrongdoing; and

(ii) shall not include evidence of the overall assets of the defendant.

SEC. 108. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (b), a product liability action that is subject to this title may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered, the harm that is the subject of the action and the cause of the harm.

(2) EXCEPTIONS.—

(A) PERSON WITH A LEGAL DISABILITY.—A person with a legal disability (as determined under applicable law) may file a product liability action that is subject to this title not later than 2 years after the date on which the person ceases to have the legal disability.

(B) EFFECT OF STAY OR INJUNCTION.—If the commencement of a civil action that is subject to this title is stayed or enjoined, the running of the statute of limitations under this section shall be suspended until the end of the period that the stay or injunction is in effect.

(b) STATUTE OF REPOSE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), no product liability action that is subject to this title concerning a product that is a durable good alleged to have caused harm (other than toxic harm) may be filed after the 20-year period beginning at the time of delivery of the product.

(2) STATE LAW.—Notwithstanding paragraph (1), if pursuant to an applicable State law, an action described in such paragraph is required to be filed during a period that is shorter than the 20-year period specified in such paragraph, the State law shall apply with respect to such period.

(3) EXCEPTIONS.—

(A) A motor vehicle, vessel, aircraft, or train that is used primarily to transport passengers for hire shall not be subject to this subsection.

(B) Paragraph (1) does not bar a product liability action against a defendant who made an express warranty in writing as to the safety of the specific product involved which was longer than 20 years, but it will apply at the expiration of that warranty.

(c) TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.—If any provision of subsection (a) or (b) shortens the period during which a product liability action that could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding subsections (a) and (b), bring the product liability action pursuant to this title not later than 1 year after the date of enactment of this Act.

SEC. 109. SEVERAL LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In a product liability action that is subject to this title, the liability of each defendant for noneconomic loss shall be several only and shall not be joint.

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

SEC. 110. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a) GENERAL RULE.—

(1) RIGHT OF SUBROGATION.—

(A) IN GENERAL.—An insurer shall have a right of subrogation against a manufacturer or product seller to recover any claimant's benefits relating to harm that is the subject of a product liability action that is subject to this title.

(B) WRITTEN NOTIFICATION.—To assert a right of subrogation under subparagraph (A), the insurer shall provide written notice to the court in which the product liability action is brought.

(C) INSURER NOT REQUIRED TO BE A PARTY.—An insurer shall not be required to be a necessary and proper party in a product liability action covered under subparagraph (A).

(2) SETTLEMENTS AND OTHER LEGAL PROCEEDINGS.—

(A) IN GENERAL.—In any proceeding relating to harm or settlement with the manufacturer or product seller by a claimant who files a product liability action that is subject to this title, an insurer may participate to assert a right of subrogation for claimant's benefits with respect to any payment made by the manufacturer or product seller by reason of such harm, without regard to whether the payment is made—

(i) as part of a settlement;

(ii) in satisfaction of judgment;

(iii) as consideration for a covenant not to sue; or

(iv) in another manner.

(B) WRITTEN CONSENT.—Except as provided in subparagraph (C)—

(i) an employee shall not make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the insurer; and

(ii) no release to or agreement with the manufacturer or product seller described in clauses (i) through (iv) of subparagraph (A) shall be valid or enforceable for any purpose without the consent of the insurer.

(C) EXEMPTION.—Subparagraph (B) shall not apply in any case in which the insurer has been compensated for the full amount of the claimant's benefits.

(3) HARM RESULTING FROM ACTION OF EMPLOYER OR COEMPLOYEE.—

(A) IN GENERAL.—If, with respect to a product liability action that is subject to this title, the manufacturer or product seller attempts to persuade the trier of fact that the harm to the claimant was caused by the fault of the employer of the claimant or any coemployee of the claimant, the issue of that fault shall be submitted to the trier of fact, but only after the manufacturer or product seller has provided timely written notice to the employer.

(B) RIGHTS OF EMPLOYER.—

(i) IN GENERAL.—Notwithstanding any other provision of law, with respect to an issue of fault submitted to a trier of fact pursuant to subparagraph (A), an employer shall, in the same manner as any party in the action (even if the employer is not a named party in the action), have the right to—

(I) appear;

(II) be represented;

(III) introduce evidence;

(IV) cross-examine adverse witnesses; and

(V) present arguments to the trier of fact.

(ii) LAST ISSUE.—The issue of harm resulting from an action of an employer or coemployee shall be the last issue that is presented to the trier of fact.

(C) REDUCTION OF DAMAGES.—If the trier of fact finds by clear and convincing evidence that the harm to the claimant that is the subject of the product liability action was caused by the fault of the employer or a coemployee of the claimant—

(i) the court shall reduce by the amount of the claimant's benefits—

(I) the damages awarded against the manufacturer or product seller; and

(II) any corresponding insurer's subrogation lien; and

(ii) the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(D) CERTAIN RIGHTS OF SUBROGATION NOT AFFECTED.—Notwithstanding a finding by the trier of fact described in subparagraph (C), the insurer shall not lose any right of subrogation related to any—

(i) intentional tort committed against the claimant by a coemployee; or

(ii) act committed by a coemployee outside the scope of normal work practices.

(b) ATTORNEY'S FEES.—If, in a product liability action that is subject to this section, the court finds that harm to a claimant was not caused by the fault of the employer or a coemployee of the claimant, the manufacturer or product seller shall reimburse the insurer for reasonable attorney's fees and court costs incurred by the insurer in the action, as determined by the court.

SEC. 111. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under section 1331 or 1337 of title 28, United States Code, over any product liability action covered under this title.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Biomaterials Access Assurance Act of 1995''.

SEC. 202. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life-enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that

the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 203. DEFINITIONS.

As used in this title:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term ''biomaterials supplier'' means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term ''claimant'' means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR.—With respect to an action brought on behalf or through a minor, such term includes the parent or guardian of the minor.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services; or

(ii) a manufacturer, seller, or biomaterials supplier.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term ''component part'' means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant nonimplant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term ''harm'' means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term ''implant'' means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term ''manufacturer'' means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term ''medical device'' means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(8) QUALIFIED SPECIALIST.—With respect to an action, the term ''qualified specialist'' means a person who is qualified by knowledge, skill, experience, training, or education in the specialty area that is the subject of the action.

(9) RAW MATERIAL.—The term ''raw material'' means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(11) SELLER.—

(A) IN GENERAL.—The term ''seller'' means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 204. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this title, a biomaterials supplier may raise any defense set forth in section 205.

(2) PROCEDURES.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this title is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 206.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, this title applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this title; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This Act supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this title establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this title and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this title may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or

1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 205. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—

(1) EXCLUSION FROM LIABILITY.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) LIABILITY.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for a harm to a claimant described in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section; or

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if the biomaterials supplier—

(1) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(A) the manufacture of the implant; and

(B) the entrance of the implant in the stream of commerce; and

(2) subsequently resold the implant.

(d) LIABILITY FOR VIOLATING CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii)(I) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j); and

(II) have received clearance from the Secretary,

if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 206. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—In any action that is subject to this title, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 205(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 205(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 205(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The procedural requirements described in paragraphs (2) and (3) shall apply to any action by a claimant against a biomaterials supplier that is subject to this title.

(2) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(A) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(B) an action against the manufacturer is barred by applicable law.

(3) AFFIDAVIT.—At the time the claimant brings an action against a biomaterials supplier the claimant shall be required to submit an affidavit that—

(A) declares that the claimant has consulted and reviewed the facts of the action with a qualified specialist, whose qualifications the claimant shall disclose;

(B) includes a written determination by a qualified specialist that the raw materials or component parts actually used in the manufacture of the implant of the claimant were raw materials or component parts described in section 205(d)(1), together with a statement of the basis for such a determination;

(C) includes a written determination by a qualified specialist that, after a review of the medical record and other relevant material, the raw material or component part supplied by the biomaterials supplier and actually used in the manufacture of the implant was a cause of the harm alleged by claimant, together with a statement of the basis for the determination; and

(D) states that, on the basis of review and consultation of the qualified specialist, the claimant (or the attorney of the claimant) has concluded that there is a reasonable and meritorious cause for the filing of the action against the biomaterials supplier.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO LISTING AND DECLARATIONS.—

(A) IN GENERAL.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) RESPONSE TO MOTION TO DISMISS.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 205(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 205(c).

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—If a defendant files a motion to dismiss under paragraph (1) or (3) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(2) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) AFFIDAVITS RELATING STATUS OF DEFENDANT.—

(A) IN GENERAL.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to

an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) RESPONSES TO MOTION TO DISMISS.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 205 on the grounds that the defendant is not a manufacturer subject to such subsection 205(b) or seller subject to subsection 5(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 205(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 205(c).

(4) BASIS OF RULING ON MOTION TO DISMISS.—

(A) IN GENERAL.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) MOTION FOR SUMMARY JUDGMENT.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues as concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue as concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 205(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists.

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 205(d) or the failure to establish the applicable elements of section 205(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration pursuant to section 205(b) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) MANUFACTURER CONDUCT OF PROCEEDING.—The manufacturer of an implant that is the subject of an action covered under this title shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

SEC. 207. APPLICABILITY.

This Act shall apply to all civil actions covered under this title that are commenced on or after the date of enactment of this title, including any such action with respect to which the harm asserted in the action or the conduct that caused the harm occurred before the date of enactment of this title.

RUSSIA TODAY

Mr. PELL. Mr. President, I call the Senate's attention to an important historic landmark. It is the 10th anniversary of Mikhail Gorbachev's accession to power in Moscow, an event which set in motion a mostly non-violent process of change that brought down the Iron Curtain and Soviet domination of Eastern Europe in 1989, followed two years later by the dissolution of the Soviet Union itself—arguably the most important developments in the second half of the 20th century.

Unfortunately, the momentous upheaval of 1989–91 did unleash some violence—most notable and tragically in the former Yugoslavia, and also in the Caucasus, between Armenia and Azerbaijan, in Georgia, and, most recently, in Chechnya. We should not ignore the tragedy or the dangers to European security posed by the fighting in the former Yugoslavia and in the Caucasus, but we should not lose sight of how much safer we are now than during the Cold War's global confrontation with the Soviet Union and the nuclear balance of terror with its doctrine of Mutual Assured Destruction.

Now, 10 years after Gorbachev's rise to power, Russia appears to be at another historic crossroad. One path leads toward democratization and integration into the global market economy; another points back toward authoritarianism and a sullen, isolated militarism. Russia's future lies first and foremost in the hands of its own people and their leaders. We should have no illusions about our ability to control events there. But we do have some influence. The outcome in Russia is still very important to the United States.

Russia will play a major role in determining the future security environment in Europe, the Middle East, and Asia. Russia is a key player in implementing the START I and II strategic force reduction treaties and in preventing nuclear proliferation. The U.S. budget deficit, the peace dividend, defense conversion, the future of NATO, and the United States role in the world will all be strongly affected by developments in Russia. Also, although Russia's economy is now severely distressed, it is potentially an important market and trading partner. Russia is the only country in the world that has more bountiful natural resources than the United States, including vast oil and gas reserves. It has a large, well-educated labor force and a huge scientific establishment. Furthermore, many of Russia's needs—food and food processing, oil and gas extraction, computers, communications, and transportation—are in areas in which the United States is highly competitive. Thus, although the former Soviet military threat is greatly diminished, we ought not turn our backs on Russia now.

Moscow's clumsy but brutal use of military force to regain control of the secessionist republic of Chechnya has triggered a new political crisis for the regime of President Boris Yeltsin, whose support in Russian public opinion polls has fallen below 10 percent. Many observers fear that if Chechnya becomes a protracted guerrilla war, it will drag down both Yeltsin and the prospects for reform. It may be too early to write Yeltsin's political obituary. He has made some remarkable recoveries in the past. But we also cannot ignore the possibility that the post-Yeltsin transition has already begun. In any case, these developments call attention to the importance of the other major locus of political power in Russia—the parliament.

The Yeltsin Constitution of December 1993 created a very powerful presidency, but there is also a separation of powers between the executive and legislative branches that resembles our own system in many ways. The constitutional checks and balances on presidential power in Russia are more limited than in the United States, but the parliament does have real authority. Historically, the threat of authoritarianism and totalitarianism comes from excessive and ultimately unlimited executive power. This has certainly been Russia's experience. Whether or not Yeltsin regains his democratic equilibrium, and regardless of who succeeds him or when, in the long run, the best institutional protection against a turn toward authoritarianism in Russia is a healthy, independent, and democratically elected legislature. Congress may be able to help the one year-old Russian parliament become more effective and democratic.

The new Russian Federal Assembly is a bicameral legislature. The lower (and more powerful) chamber, the State Duma, has 450 seats, half chosen from single-member constituencies and half from national party lists based on proportional representation. The upper chamber, the Federation Council, nominally has 178 seats, two from each

of the 89 regions and republics of the Russian Federation. Many of its Deputies are regional leaders. It does not meet on a continuous, full-time basis and is more like the French or German upper chamber than the U.S. Senate. Deputies in both chambers serve 4-year terms. The first Federal Assembly, however, was elected in December 1993 for only a 2-year term, with new elections due this December.

After the December 1993 election, it seemed that the Duma might be dominated by an anti-democratic coalition of hardline ultranationalists and communists. In its first year, however, the parliament avoided extreme confrontation with Yeltsin and, despite some missteps, supported some of the Government's key economic reform legislation. Surprisingly, the parliament approved Government budgets for 1994 and 1995 that imposed relatively strict fiscal discipline and sharply restrained defense spending despite intense pressure from the military-industrial complex. The parliament also enacted key parts of a new commercial code and laws protecting property rights.

There is strong parliamentary opposition to the Government's actions in Chechnya. Many Deputies were angered by Yeltsin's failure to consult them in advance or seek parliamentary approval of a state of emergency. Both chambers voted their disapproval of the assault several times by lopsided majorities, calling for the cessation of hostilities and a political resolution of the conflict. Parliamentary opposition, however, has had minimal impact on Russian policy in Chechnya, in part because the Constitution gives predominant power to the president on national security issues.

The Federal Assembly is a political training ground in which an important segment of the post-Yeltsin generation of politicians is learning democratic principles and skills that are not part of traditional Russian political culture, such as compromise and coalition-building, respect for the rule of law and representative government. Most Russian Deputies are overwhelmed by the enormity and urgency of their legislative responsibilities and the meagerness of their experience and resources. They know that they have a great deal to learn and the majority are not only willing but eager to benefit from foreign experience, including U.S. experience. Despite, or perhaps because of, the legacy of the cold war, many Russian Deputies view the U.S. Congress as an important and appropriate model. They are also stuck by similarities in the size and demographic diversity of our counties and our constitutional systems based on separation of powers, bicameralism, and federalism. Imperfect as our own institutions are, from a Russian perspective they are impressive examples of stability and continuity, functioning federalism, and peaceful resolution of competing political, economic, social, ethnic, and spiritual interests.

There is already a significant level of mostly informal travel between Washington and Moscow by Members of Congress and Russian Deputies. This is healthy and should be expanded as much as possible. There are already overtures from the Russian side for committee-to-committee consultations on issues of mutual interest. Staff consultations, exchanges, and training are another fruitful avenue. Frankly, on the American side the constraints are not so much financial but the commitment of time by busy Members. But I would urge my colleagues to think about the potential payoff on a modest investment of time in such endeavors. Russian Deputies are so eager to learn about U.S. legislative procedure and about the U.S. experience on a wide range of legislative issues. Here is an opportunity to influence positively and perhaps even help to shape the procedures, policies, and perspectives of the legislature of the world's other nuclear superpower. This should be done not in spite of the conflict in Chechnya, but all the more because of it. The Chechen crisis underlines the increased importance of the Russian parliament.

The Congressional Research Service is already embarked on an ambitious program of technical assistance to the Russian Federal Assembly. Funded by the Agency for International Development, $3.5 million over 3 years, beginning in May 1994, with congressional approval, the CRS program aims to:

Help the Russian Federal Assembly create its own research and analysis capability independent of the executive branch.

Enhance the automation and interconnectivity of both chambers of the Federal Assembly and the Parliamentary Library.

Strengthen the collections and capabilities of the Russian Parliamentary Library.

Provide training in Moscow and Washington for Russian parliamentary staff specializing in automation, research and policy analysis, and legislative drafting.

Bring a leadership delegation from both chambers of the Federal Assembly to Washington to learn and observe first hand about development and oversight of legislative research and policy analysis.

CRS has considerable experience in such activity, having been directed by Congress to provide similar parliamentary assistance through the Gift of Democracy, to Poland, program, which was subsequently expanded under the House of Representative Special Task Force on the Development of Parliamentary Institutions in Eastern Europe, to include assistance to the parliaments of Poland, Hungary, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Bulgaria, and Albania. There is a comparable AID-funded program in Ukraine.

These programs have made significant contributions to the development of democratic parliamentary institutions in Central and Eastern Europe and now hope to do the same in Russia. At the same time, these programs provides CRS and the Congress with literally unique access to and insight into political developments in those countries. It is an activity from which all parties benefit in a variety of ways.

The Russian parliamentary leadership delegation that has been invited by CRS to visit Capitol Hill in the first week of April 1995 is led by Mikhail Mityukov, First Deputy Chairman of the Duma and Valerian Viktorov, Deputy Chairman of the Federation Council, and includes the chairmen of five important committees from both chambers.

On behalf of the Congress I would like to welcome these distinguished visitors in the spirit of interparliamentary cooperation and exchange.

I would also encourage my colleagues to meet with their Russian counterparts to help them gain a deeper appreciation of our legislative experience as well as our shortcomings so that they may benefit both from our example and from mistakes as they build the foundation of their own legislature. At the same time, this will give Members an unusual opportunity to discuss legislative issues of mutual interest with senior Russian Deputies and to learn first-hand about developments in Russia as it struggles to redefine itself politically, economically, socially, and spiritually.

This is not only a historic moment for Russia but also a historic opportunity for both our countries to redefine the relation between us. Cooperative interparliamentary relations can play a role in this redefinition.

HONORING THE 1995 KIMBALL HUMANITARIAN AWARD RECIPIENTS

Mr. BRADLEY. Mr. President, I rise today to pay tribute to three outstanding citizens of New Jersey who are being honored by the Kimball Medical Center Foundation of Lakewood, NJ on Wednesday, April 12, 1995.

At the Ninth Annual Awards Program, Edmund Bennett, Jr., Thomas F. Kelaher, Esq., and Robert H. Ogle will each receive the Kimball Humanitarian Award as a way to recognize ''extraordinary leadership to the nonprofit sector of society, to acknowledge distinguished service towards the advancement of health care, and to honor individuals whose daily lives reflect the essence of humanitarianism.''

Today, when the fragile ecology of our social environment is as threatened as that of our natural environment, I am delighted to have the opportunity to pay tribute to the efforts of these three individuals who recognize the importance of civil society. Civilizations cannot be constructed out of government and markets alone—we must also have a healthy and robust

civic sector—a place in which the bonds of community can flourish.

Edmund Bennett, Thomas Kelaher and Robert Ogle recognize that civil society is the place where Americans make their home, sustain their marriages and raise their kids. They know that civil society is in our schools, fraternities, community centers, churches, PTAs, libraries and local voluntary associations. They recognize that a sense of common purpose and consensus need to be forged to tackle our nations' problems. Civil society is the sphere of our most basic humanity—the personal, everyday realm that is governed by values such as responsibility, trust, fraternity, solidarity and love. With every meeting attended, board sat on, speech delivered and helping hand that is extended, these three men challenge the notion that life today is too fastpaced and global in scope for individuals to make a difference in their own communities. I salute Edmund Bennett, Thomas Kelaher and Robert Ogle for their spirit of volunteerism, leadership among local voluntary organizations and their continuing contributions to their community.

COMMEMORATING THE SESQUICENTENNIAL OF McCARTER & ENGLISH OF NEWARK, NJ

Mr. BRADLEY. Mr. President, I rise today to commemorate the sesquincentennial anniversary of the founding of McCarter & English, the oldest and largest law firm in New Jersey.

Originally a small firm with fewer than a dozen lawyers, McCarter & English has grown in both size and prominence in the century and a half since its founding. At its current size of 210 lawyers, with five offices and a sizable international legal services group, McCarter & English has established a reputation as one of the preeminent firms in New Jersey and the country.

If you were to ask a member of the New Jersey business community to describe McCarter & English, they might use the word prestigious or perhaps venerable; if you were to ask a New Jersey historian the same question they would undoubtedly use a much different word and it would be colorful. Since its founding by Thomas Nesbitt McCarter in 1845, McCarter & English's unique history of legal representation has included: handling legal matters for one of New Jersey's most famous historical figures, Thomas Alva Edison; defending one-time client Annie Oakley in a libel case and successfully contesting the New Jersey Senate election of 1893.

McCarter & English has contributed more than just color to New Jersey's legal history, it has also provided the State with many fine public and business leaders throughout the 15 decades since its founding. These leaders have included the founder's son Robert, who became New Jersey attorney general, son Uzal, who founded First Fidelity Bank and a third son, Thomas Jr. who created Public Service. This history of leadership in both the public and private sector continues today. McCarter & English plays an on-going leadership role in support of charitable, educational, cultural and civic organizations in the State. Generous contributions to the New Jersey Center for Performing Arts and other projects have played a vital role in the revitalization of downtown Newark. This commitment to the city of Newark, where McCarter & English has been headquartered since it moved from Newton, Sussex County in 1865, has helped Newark weather difficult times over the past three decades.

McCarter & English has played an historic role in the development of New Jersey's business and legal communities and continues to play a vital role in these arenas. Once again, I congratulate McCarter & English on its 150th anniversary.

CONFERENCE REPORT ACCOMPANYING S. 244, THE PAPERWORK REDUCTION ACT OF 1995

Mr. NUNN. Mr. President, I rise in strong support of the Conference Report on the ''Paperwork Reduction Act of 1995'', S.244, a bill which I introduced on January 19, with strong bipartisan support. I anticipate that the conference report will be accepted by the Senate. The leadership of the House is eager to take action before the recess. Representatives of the administration have stated that the President is equally eager to sign into law this legislation to substantially strengthen the Paperwork Reduction Act of 1980, and reauthorize appropriations for the Office of Information and Regulatory Affairs [OIRA], which has been without an authorization since October of 1989.

Mr. President, before making some observations about the substance of the conference report upon which the Senate is about to act, I would like to briefly share with some of our newer colleagues some highlights of the very long march that had to be taken to get us to this point.

The effort has spanned more than 5 years, beginning in 1989. In the fall of 1989, the small business community sought the assistance of members of the Committee on Small business to advance a package of amendments to S. 1742, legislation in the 101st Congress. They asserted that these amendments were desperately needed if the effectiveness of the Paperwork Reduction Act was to be preserved. These proposed amendments garnered bipartisan support within the Small Business Committee and were advanced during the Governmental Affairs Committee's consideration of the bill. S. 1742 was not passed by the Senate before the end of the 101st Congress.

With the beginning of the 102d Congress, I offered the ''Paperwork Reduction Act of 1991'', the first predecessor to the legislation being considered today. From the outset, this legislation has garnered strong bipartisan support, especially within the membership of the Committee on Small Business. Successive ranking Republican Members of the Committee on Small Business, including Senators Boschwitz, Kasten, and Pressler, have all been original cosponsors. My friend from Arkansas [Mr. BUMPERS], then chairman of the committee, has each time consented to serve as the principal Democratic cosponsor.

With the introduction of S. 1139, the effort has had the strong support of a broad Paperwork Reduction Act Coalition, representing virtually every segment of the business community, but especially the small business community.

Mr. President, I will have more to say about the Paperwork Reduction Act Coalition later in my remarks.

The 102d Congress ended without seeing any action on S. 1139. Consideration of that bill became ensnared in the controversies regarding OIRA's regulatory review activities on behalf of the President, conducted pursuant to executive order, and the activities of the Council on Competitiveness, chaired by Vice President Quayle.

At the beginning of the 103d Congress, I introduced S. 560, again with strong bipartisan support. Our former colleague from Missouri, Senator Danforth, served as the principal Republican cosponsor. Senator Danforth had been the principal Republican cosponsor of the legislation sponsored by our former colleague from Florida, Lawton Chiles, that became the Paperwork Reduction Act of 1980.

During the last Congress, real progress was finally made. S. 560 was skillfully blended with Senator GLENN's bill, S. 681. Both had the same basic objective—to reauthorize appropriations for OIRA and to strengthen the Paperwork Reduction Act of 1980. Each bill, however, reflected substantially different perspectives of how the Paperwork Reduction Act should be strengthened. A committee substitute for S. 560 was developed, reflecting the core of both bills. My friend from Ohio [Mr. GLENN], then chairman of the Governmental Affairs Committee displaying skillful leadership and tenacity to break the logjam. Progress would not have been possible without the steadfast support of my friend from Delaware [Mr. ROTH], and many of my Republican friends on the Governmental Affairs Committee. Before the end of the last Congress, we were able to have the Paperwork Reduction Act of 1994, S. 244, as amended, approved by the Senate not once but twice in the closing days of the 103d Congress. S. 560 passed the Senate by unanimous voice vote on October 6, 1994. The following day, the text of S. 560 was attached to a House-passed measure, and returned to the House. Unfortunately, neither bill was cleared for action before adjournment of the 103d Congress.

With the convening of the 104th Congress, I introduced the Paperwork Reduction Act of 1995, S. 244, a bill substantially identical to the text of S. 560, as passed by the Senate.

A substantially identical House companion, H.R. 830, was introduced in the House. H.R. 830 was passed by the House on February 22 by a rollcall vote of 418–0.

Given all of the bipartisan consensus that had been developed around S. 560 during the prior Congress, the Senate was able to promptly turn to the consideration of S. 244, following its being unanimously ordered reported by the Committee on Governmental Affairs on February 1. On March 7, the Senate passed S. 244 by a rollcall vote of 99–0.

Since the version of the Paperwork Reduction Act of 1995 passed by the House contained virtually all of the provisions of S. 244, as reported by the Governmental Affairs Committee, the conferees' focus was on those provisions of the House-passed bill that sought to further strengthen provisions of the 1980 act and the provisions added during consideration on the Senate floor.

Mr. President, the text of S. 244 is truly not the least common denominator of the two versions of the bill, but rather almost an aggregation of the best features of both. Those who have worked long and hard on this effort over the years, within this body, within the House, and especially the organizations that comprise the Paperwork Reduction Act Coalition, can be justifiably proud of what has been accomplished. Only the fewest of House provisions to further strengthen the 1980 act were not included in the conference report.

S. 244 forcefully reaffirms the fundamental congressional objective of the Paperwork Reduction Act of 1980: to minimize the Federal paperwork burdens imposed on the public. It improves the act's effectiveness as a restraint on the natural tendencies of individual Federal agencies to levy a relentless stream of paperwork requirements on businesses, small and large, State and local governments, educational institutions, non-profit organizations, and individual citizens.

S. 244 makes a series of specific amendments to the Paperwork Reduction Act of 1980, based upon almost 15 years of experience under the act. These amendments reemphasize the fundamental responsibilities of each agency to carefully consider each proposed paperwork requirement to determine if it meets the act's fundamental standards of need and practical utility. And, if needed, assures that the proposed requirement imposes the least burden on those segments of the public against whom the paperwork requirement is directed.

S. 244 also substantially improves the opportunity for public participation in the review of proposed paperwork burdens. Under the changes made by the Paperwork Reduction Act of 1995, the public will have a chance to review and comment on the proposed paperwork requirement, while the agency is conducting its review, so that the public comments or suggestions for a less burdensome alternative approach can more effectively influence the final outcome.

S. 244 will not merely preserve, but substantially enhance the role of OIRA, which was created by the 1980 act. Located within the Office of Management and Budget, OIRA was from the outset expected to regulate the regulators in the words of President Carter, when he signed the orginal Paperwork Reduction Act into law. OIRA brings a Government-wide perspective to the act's implementation, serving as both traffic cop and honest broker, regarding paperwork requirements advanced by individual Federal agencies without regard to related burdens being imposed by other Federal agencies. We all hear complaints that it is the cumulative effect of Federal paperwork burdens that so infuriates the public.

To demonstrate congressional confidence in OIRA, the conference agreement on S. 244 provides a 6-year authorization of appropriations. The conferees rejection of the provision from the House-passed bill providing a permanent authorization of OIRA's appropriations should not be construed negatively. In fact, most of the pending legislation relating to reform of the regulatory process expands OIRA's role as the focal point within the Executive Office of the President for the fight to minimize regulatory and paperwork burdens which Government imposes on the public.

S. 244 begins that process. Under the provisions of the Paperwork Reduction Act of 1995, OIRA has more authority and more responsibility to spur individual agencies in the direction of minimizing regulatory paperwork burdens.

For example, S. 244 reaffirms OIRA's authority to prescribe standards under which agencies estimate the number of burden hours imposed by a proposed paperwork requirement. Today, too many agency paperwork estimates severely underestimate the total burden likely to be imposed. It is not merely the time needed to complete the form. That is just part of the burden. The time needed to understand the paperwork requirement, collect the information, and then array it in the manner requested, cannot be ignored. Further, if the paperwork requirement is to be a recurring requirement, it may require the establishment of a special record keeping system and the associated equipment and personnel. S. 244 modifies the Act's definition of burden to capture the full range of regulatory paperwork compliance costs.

S. 244 clarifies and strengthens the act's public protection features. The act currently permits a member of the public to ignore a paperwork collection requirement that does not display a valid OMB control number, indicating that the paperwork collection requirement has been approved by OIRA, and that approval has not expired. The conference agreement makes explicit that the protection afforded by the act may be asserted or raised in the form of a complete defense at any time if the agency should seek to enforce compliance with the unapproved collection of information or impose a penalty through administrative or judicial action.

The enhanced public protection provision of S. 244 also requires the agencies to provide an explicit notice on the form that the public need not comply with a paperwork requirement that fails to display a valid control number. Such a warning label should help educate the public regarding the protections afforded them by the act against unauthorized collections of information.

The conference agreement reflects another provision of S. 244 designed to empower individual members of the public to help police unauthorized paperwork requirements. Under S. 244, a member of the public empowered to seek a determination from the OIRA Administrator regarding whether the manner in which an agency is implementing a paperwork requirement is in conformity with the act. The provision establishes response times and provides the OIRA Administrator with authority to seek appropriate remedial action by the agency, if warranted.

The conference agreement also includes a substantially strengthened requirement relating to paperwork reduction goals. S. 244 requires the establishment of a Government-wide paperwork burden reduction goal of at least ten percent for each of the fiscal years 1996 and 1997. A Government-wide goal of at least 5 percent would be required in each the fiscal years 1998 through 2001. After the establishment of the Government-wide goals, goals would be negotiated between OIRA and the individual agencies, which reflect the maximum practicable opportunity for paperwork burden reduction.

More important than the simple establishment of more aggressive Government-wide paperwork reduction goals is the provision adopted from the House-passed bill which will contribute to making them a reality. Under the conference agreement, OIRA's annual report to the Congress would identify those agencies which had failed to attain their burden reduction, set forth the reasons given by the agency for such failure, and specify the agency's proposals for remedial action.

Mr. President, such a burden reduction program is sorely needed. In fiscal year 1994, the American people spent more than 6.6 billion hours filling-out forms, answering survey questions, and compiling records for the Federal Government. On the basis of a 40-hour work week, that's the equivalent of 3 million Americans being employed full-time solely to meet the Government's

paperwork demands. And, these are conservative estimates, compiled by OIRA on the basis of the burden hour estimates assigned by the agencies to their approved paperwork burdens. Burden estimates, which many in the private sector, those on the receiving end of these paperwork demands, believe to be very low. These estimates are contained in an Information Collection Budget, annually published by OIRA. Our former colleague, Lawton Chiles, the father of the Paperwork Reduction Act, used the word budget to emphasize that Federal paperwork requirements impose real costs on the public and the Nation's economy.

Mr. President, at the same time, there can be no doubt that Government requires information to serve the people. We are in the Information Age. In the words frequently used by my colleague from Georgia the Speaker of the House the ''Third Wave'' is upon us.

With respect to Government's real need for information, the key is to obtain only what is necessary and to do so in the least burdensome manner. Improving the Government's use of information technology is, and should be, an important function of OIRA. It can simultaneously lessen the burden of information collection on the public, enhance Government's effective use of the information collected, and foster dissemination of Government information for the benefit of the public. Although the product of an era in which mechanical typewriters dominated Government offices, the Paperwork Reduction Act provides the broad legislative foundation to serve as a key tool for copping with the new demands being placed upon the Federal Government. That foundation was broadened and substantially enhanced by the provisions in the Senate's version of S. 244 derived from the work of my good friend from Ohio [Mr. GLENN].

Mr. President, I would like to highlight one additional point about S. 244, although it was not an issue in conference since both versions of the bill contained identical language. The Paperwork Reduction Act of 1995 clarifies the 1980 Act to make explicit that it applies to Government-sponsored third-party paperwork burdens. These are recordkeeping, disclosure, or other paperwork burdens that one private party imposes on another private party at the direction of a Federal agency.

In 1990, the U.S. Supreme Court decided that such Government-sponsored third-party paperwork burdens were not subject to the Paperwork Reduction Act. The Court's decision in Dole versus United Steelworkers of America created a potentially vast loophole. The public could be denied the act's protections on the basis of the manner in which a Federal agency chose to impose a paperwork burden, indirectly rather than directly. It is worth noting that Lawton Chiles filed an amicus brief to the Supreme Court arguing that no such exemption for third-party paperwork burdens was intended. Given the plain words of the statute, the Court decided otherwise.

S. 244 makes explicit the act's coverage of all Government-sponsored paperwork burdens. We can feel confident that this major loophole is closed. But given more than a decade of experience under the act, it is prudent to remain vigilant to additional efforts to restrict the act's reach and public protections.

The Paperwork Reduction Act of 1995, like its predecessor bills, has enjoyed the steadfast support of the Paperwork Reduction Act Coalition, representing virtually every segment of the business community. Participating in the Coalition are the major national small business associations—the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], and National Small Business United [NSBU], as well as the many specialized national individual small business associations, like the American Subcontractors Association, that compromise the membership of SBLC or NSBU.

Other business associations participating in the coalition represent many types of manufacturers, aerospace and electronics firms, construction firms, providers of professional and technical services, retailers of various products and services and the wholesalers and distributors who support them. I would like to identify a few of the coalition's member organizations: the Aerospace Industries Association [AIA], the American Consulting Engineers Council [ACEC], the American Subcontractors Association [ASA], the Associated Builders and Contractors [ABC], the Associated General Contractors of America [AGC], the Contract Services Association [CSA], the Electronic Industries Association [EIA], the Independent Bankers Association of America [IBAA], the International Communications Industries Association [ICIA], the National Association of Wholesalers and Distributors, the National Association of Manufacturers [NAM], the National Tooling and Machining Association [NTMA], the Printing Industries of America [PIA], and the Professional Services Council [PSC].

Leadership for the Coalition is being provided by the Council on Regulatory and Information Management [C–RIM] and by the U.S. Chamber of Commerce. C–RIM is the new name for the Business Council on the Reduction of Paperwork, which has dedicated itself to paperwork reduction and regulatory reform issues for a half century.

The coalition also includes many other professional associations and public interest groups that support strengthening the Paperwork Reduction Act of 1980. Because of their efforts, two deserve special mention. The Association of Records Managers and Administrators [ARMA] have worked long and hard. The conference agreement reflects their valuable contribution—a requirement that any collection of information imposing a recordkeeping requirement also specify how long the public must retain the required record. According to ARMA, tens of millions of dollars are being wasted in the needless retention of records.

The coalition has also been substantially enhanced by the participation of Citizens for a Sound Economy [CSE]. With this victory nearly at hand, CSE has been working hard at reform of the Government's basic regulatory processes.

Given the regulatory burdens faced by State and local governments, legislation to strengthen the Paperwork Reduction Act is high on the agenda of the various associations representing our Nation's elected officials. As Governor of Florida, Lawton Chiles, has worked hard for the cause with the National Governors Association [NGA]. NGA adopted a resolution in support of this legislation during its 1994 annual meeting, thanks to the work of Governor Chiles and others.

Mr. President, I ask unanimous consent to insert in the RECORD a list of the membership of the Paperwork Reduction Act Coalition.

Mr. President, I urge my colleagues to join me in supporting the conference report on S. 244, the Paperwork Reduction Act of 1995.

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

THE PAPERWORK REDUCTION ACT COALITION

Aerospace Industries Association of America.
Air Transport Association of America.
Alliance of American Insurers.
American Consulting Engineers Council.
American Institute of Merchant Shipping.
American Iron and Steel Institute.
American Petroleum Institute.
American Subcontractors Association.
American Telephone & Telegraph.
Associated Builders & Contractors.
Associated Credit Bureaus.
Associated General Contractors of America.
Association of Records Managers and Administrators.
Association of Manufacturing Technology.
Automotive Parts and Accessories Association.
Biscuit and Cracker Manufacturers' Association.
Bristol Myers.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Citizens Against Government Waste.
Citizens For A Sound Economy.
Computer and Business Equipment Manufacturers Association.
Contract Services Association of America.
Copper & Brass Fabricators Council.
Dairy and Food Industries Supply Association.
Direct Selling Association.
Eastman Kodak Company.
Electronic Industries Association.
Financial Executives Institute.
Food Marketing Institute.
Gadsby & Hannah.
Gas Appliance Manufacturers Association.
General Electric.
Glaxo, Inc.
Greater Washington Board of Trade.
Hardwood Plywood and Veneer Association.

Independent Bankers Association of America.
International Business Machines.
International Communication Industries Association.
International Mass Retail Association.
Kitchen Cabinet Manufacturers Association.
Mail Advertising Service Association International.
McDermott, Will & Emery.
Motorola Government Electronics Group.
National Association of Homebuilders of the United States.
National Association of Manufacturers.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of the Remodeling Industry.
National Association of Wholesalers-Distributors.
National Federation of Independent Business.
National Food Brokers Association.
National Food Processors Association.
National Foundation for Consumer Credit.
National Glass Association.
National Restaurant Association.
National Roofing Contractors Association.
National Security Industrial Association.
National Small Business United.
National Society of Professional Engineers.
National Society of Public Accountants.
National Tooling and Machining Association.
Northrop Corporation.
Packaging Machinery Manufacturers Institute.
Painting and Decorating Contractors of America.
Printing Industries of America.
Professional Services Council.
Shipbuilders Council of America.
Small Business Legislative Council.
Society for Marketing Professional Services.
Sun Company, Inc.
Sunstrand Corporation.
Texaco.
United Technologies.
Wholesale Florists and Florist Suppliers of America.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Floorcovering Association.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subscontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
American Wholesale Marketers Association.
AMT—The Association for Manufacturing Technology.
Apparel Retailers of America.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Chimney Sweep Guild.
National Association of Catalog Showroom Merchandisers.
National Coffee Service Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
Naitonal Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Venture Capital Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Passenger Vessel Association.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 41

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 Labor and Human Resources.

To the Congress of the United States:

It is my special pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for the fiscal year 1993.

The National Endowment for the Arts has awarded over 100,000 grants since 1965 for arts projects that touch every community in the Nation. Through its grants to individual artists, the agency has helped to launch and sustain the voice and grace of a generation—such as the brilliance of Rita Dove, now the U.S. Poet Laureate, or the daring of dancer Arthur Mitchell. Through its grants to art organizations, it has helped invigorate community arts centers and museums, preserve our folk heritage, and advance the performing, literary, and visual arts.

Since its inception, the Arts Endowment has believed that all children should have an education in the arts. Over the past few years, the agency has worked hard to include the arts in our national education reform movement. Today, the arts are helping to lead the way in renewing American schools.

I have seen first-hand the success story of this small agency. In my home

State of Arkansas, the National Endowment for the Arts worked in partnership with the State arts agency and the private sector to bring artists into our schools, to help cities revive downtown centers, and to support opera and jazz, literature and music. All across the United States, the Endowment invests in our cultural institutions and artists. People in communities small and large in every State have greater opportunities to participate and enjoy the arts. We all benefit from this increased arts presence, and yet the cost is just 65 cents per American. The payback in economic terms has always been several-fold. The payback in human benefit is incalculable.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 1995.*

REPORT RELATIVE TO THE NATIONAL ENVIRONMENTAL POLICY ACT—MESSAGE FROM THE PRESIDENT—PM 42

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 Environment and Public Works.

To the Congress of the United States:

The United States has always been blessed with an abundance of natural resources. Together with the ingenuity and determination of the American people, these resources have formed the basis of our prosperity. They have given us the opportunity to feed our people, power our industry, create our medicines, and defend our borders—and we have a responsibility to be good stewards of our heritage. In recent decades, however, rapid technological advances and population growth have greatly enhanced our ability to have an impact on our surroundings—and we do not always pause to contemplate the consequences of our actions. Far too often, our short-sighted decisions cause the greatest harm to the very people who are least able to influence them—future generations.

We have a moral obligation to represent the interests of those who have no voice in today's decisions—our children and grandchildren. We have a responsibility to see that they inherit a productive and livable world that allows their families to enjoy the same or greater opportunities than we ourselves have enjoyed. Those of us who still believe in the American Dream will settle for no less. Those who say that we cannot afford both a strong economy and a healthy environment are ignoring the fact that the two are inextricably linked. Our economy will not remain strong for long if we continue to consume renewable resources faster than they can be replenished, or nonrenewable resources faster than we can develop substitutes; America's fishing and timber-dependent communities will not survive for long if we destroy our fisheries and our forests. Whether the subject is deficit spending or the stewardship of our fisheries, the issue is the same: we should not pursue a strategy of short-term gain that will harm future generations.

Senators Henry Jackson and Ed Muskie, and Congressman JOHN DINGELL understood this back in 1969 when they joined together to work for passage of the National Environmental Policy Act. At its heart, the National Environmental Policy Act is about our relationship with the natural world, and about our relationship with future generations. For the first time, the National Environmental Policy Act made explicit the widely-held public sentiment that we should live in harmony with nature and make decisions that account for future generations as well as for today. It declared that the Federal Government should work in concert with State and local governments and the citizens of this great Nation "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Over the past 25 years, America has made great progress in protecting the environment. The air is cleaner in many places than it was, and we no longer have rivers that catch on fire. And yet, this year in Milwaukee, more than 100 people died from drinking contaminated water, and many of our surface waters are still not fit for fishing and swimming. One in four Americans still lives near a toxic dump and almost as many breathe air that is unhealthy.

In order to continue the progress that we have made and adequately provide for future generations, my Administration is ushering in a new era of common sense reforms. We are bringing together Americans from all walks of life to find new solutions to protect our health, improve our Nation's stewardship of natural resources, and provide lasting economic opportunities for ourselves and for our children. We are reinventing environmental programs to make them work better and cost less.

My Administration is ushering in a new era of environmental reforms in many ways. Following is a description of a few of these reforms, grouped into three clusters: first, stronger and smarter health protection programs such as my proposed Superfund reforms and EPA's New common sense approach to regulation: second, new approaches to resource management, such as our Northwest forest plan, that provide better stewardship of our natural resources and sustained economic opportunity; and third, the promotion of innovative environmental technologies, for healthier air and water as well as stronger economic growth now and in the future.

Stronger and Smarter Health Protection Programs.—Throughout my Administration, we have been refining Government, striving to make it work better and cost less. One of the best places to apply this principle in the environmental arena is the Superfund program. For far too long, far too many Superfund dollars have been spent on lawyers and not nearly enough have been spent on clean-up. I've directed my Administration to reform this program by cutting legal costs, increasing community involvement, and cleaning up toxic dumps more quickly. The reformed Superfund program will be faster, fairer and more efficient—and it will put more land back into productive community use.

Similarly, EPA is embarking on a new strategy to make environmental and health regulation work better and cost less. This new common sense approach has the potential to revolutionize the way we write environmental regulations. First, EPA will not seek to adopt environmental standards in a vacuum. Instead, all the affected stakeholders—representatives of industry, labor, State governments, and the environmental community—will be involved from the beginning. Second, we will replace one-size-fits-all regulations with a focus on results achieved with flexible means. And at last, we're taking a consistent, comprehensive approach. With the old piecemeal approach, the water rules were written in isolation of the air rules and the waste rules, and too often led to results that merely shuffled and shifted pollutants—results that had too little health protection at two great a cost. With its new common sense approach. EPA will address the full range of environmental and health impacts of a given industry—steel or electronics for example—to get cleaner, faster, and cheapter results.

Better Stewardship of our Natural Resources.—Just as representative of our new approach to the environment—and just as grounded in common sense—is the Administration's commitment to ecosystems management of the Nation's natural resources. For decades ecologists have known that what we do with one resource affects the others. For instance, the way we manage a forest has very real consequences for the quality of the rivers that run through the forest, very real consequences for the fishermen who depend on that water for their livelihood, and very real consequences for the health of the community downstream. But until recently, government operations failed to account adequately for such interaction. In many cases, several Federal agencies operated independently in the same area under different rules. In many cases, no one paused to ponder the negative consequences of their actions until it was too late.

Often, these consequences were catastrophic, leading to ecological and economic train wrecks such as the collapse of fisheries along the coasts, or the conflict over timber cutting in the Pacific Northwest. When I convened

the forest Conference earlier this year I saw the devastating effects of the Federal Government's lack of foresight and failure to provide leadership. Here, perhaps more than anywhere else, is a case study in how a failure to anticipate the consequences of our actions on the natural environment can be devastating to our livelihoods in the years ahead. Our forest plan is a balanced and comprehensive program to put people back to work and protect ancient forests and future generations. It will not solve all of the region's problems but it is a strong first step at restoring both the long-term health of the region's ecosystem and the regions economy.

Innovative Environmental Technologies—Environmental and health reforms such as EPA's common sense strategy and natural resource reforms such as the forest plan provide an opportunity, and an obligation, to make good decisions for today that continue to pay off for generations to come. In much the same way, sound investments in environmental technology can ensure that we leave to future generations a productive, livable world. Every innovation in environmental technology opens up a new expanse of economic and environmental possibilities, making it possible to accomplish goals that have eluded us in the past. From the very beginning, I have promoted innovative environmental technologies as a top priority. We've launched a series of environmental technology initiatives, issued a number of Executive orders to help spur the application of these technologies, and taken concrete steps to promote their export. Experts say the world market for environmental technology is nearly $300 billion today and that it may double by the year 2000. Every dollar we invest in environmental technology will pay off in a healthier environment worldwide, in greater market share for U.S. companies, and in more jobs for American workers.

Innovations in environmental technology can be the bridge that carries us from the threat of greater health crises and ecological destruction toward the promise of greater economic prosperity and social well-being. Innovation by innovation, we can build a world transformed by human ingenuity and creativity—a world in which economic activity and the natural environment support and sustain one another.

This is the vision that Jackson, Muskie, and DINGELL articulated more than two decades ago when they wrote in the National Environmental Policy Act that we should strive to live in productive harmony with nature and seek to fulfill the social and economic needs of future generations. We share a common responsibility to see beyond the urgent pressures of today and think of the future. We share a common responsibility to speak for our children, so that they inherent a world filled with the same opportunity that we had. This is the vision for which we work today and the guiding principle behind my Administration's environmental policies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 1995*.

MESSAGES FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1215. An Act to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs.

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 58. Concurrent Resolution providing for an adjournment of the two Houses.

The message further announced that the House has passed the following bill, without amendment:

S. 178. An Act to amend the Commodity Exchange Act to extend the authorization for the Commodity Futures Trading Commission, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1215. An Act to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 349. A bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program (Rept. No. 104–29).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs:

Dennis M. Duffy, of Pennsylvania, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD (for himself, Mr. SIMPSON, Mr. SIMON, Mr. STEVENS, Mr. INOUYE, Mr. WELLSTONE, Mr. KERREY, Mrs. BOXER, and Mr. COCHRAN):

S. 684. A bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 685. A bill to provide for the conveyance of certain lighthouses located in the State of Maine; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 686. A bill to establish a commission to examine the costs and benefits, and the impact on voter turnout, of changing the deadline for filing Federal income tax returns to the date on which Federal elections are held; to the Committee on Finance.

By Mr. PRYOR:

S. 687. A bill to improve and strengthen child support enforcement, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. GRASSLEY):

S. 688. A bill to provide for the minting and circulation of one-dollar silver coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY:

S. 689. A bill to amend the Solid Waste Disposal Act regarding the use of organic sorbents in landfills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. CAMPBELL, and Mr. DORGAN):

S. 690. A bill to amend the Federal Noxious Weed Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY (for himself, Mr. STEVENS, Mr. INOUYE, Mr. THURMOND, Mr. HEFLIN, and Mr. MACK):

S. 691. A bill to amend title XVIII of the Social Security Act to provide for coverage

of early detection of prostate cancer and certain drug treatment services under part B of the medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

By Mr. GREGG:

S. 692. A bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (by request):

S. 693. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL:

S. 694. A bill to prevent and punish crimes of sexual and domestic violence, to strengthen the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 695. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 696. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve school-to-work opportunities systems so that all students have an opportunity to acquire the knowledge and skills needed to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. MURRAY, Mr. BRADLEY, and Ms. MOSELEY-BRAUN):

S. 697. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 698. A bill to designate the Federal building at 33 College Avenue in Waterville, Maine, as the ''George J. Mitchell Federal Building'', and for other purposes; to the Committee on Environment and Public Works.

By Mr. COHEN (for himself and Mr. LEVIN):

S. 699. A bill to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for seven years, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. CONRAD, and Mr. GRAHAM):

S. 700. A bill to amend the Internal Revenue Code of 1986 to revise the tax rules on expiration, to modify the basis rules for nonresident aliens becoming citizens or residents, and for other purposes; to the Committee on Finance.

By Mr. SIMON:

S. 701. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations; to the Committee on Finance.

S. 702. A bill to amend the Internal Revenue Code of 1986 to treat certain private foundations in the same manner as educational institutions and pension trusts for purposes of the unrelated debt- financed income rules; to the Committee on Finance.

By Mr. HOLLINGS (by request):

S. 703. A bill to amend title 49, United States Code, to simplify and improve the organization of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 704. A bill to establish the Gambling Impact Study Commission; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. THURMOND):

S. 705. A bill to combat crime by enhancing the penalties for certain sex crimes against children; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. CAMPBELL, Mr. KENNEDY, Mr. HEFLIN, Ms. MIKULSKI, and Mr. LEVIN):

S. 706. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself and Mr. BROWN):

S. 707. A bill to shift financial responsibility for providing welfare assistance and medical care to welfare-related medicaid individuals to the States in exchange for the Federal Government assuming financial responsibility for providing certain elderly low-income individuals and nonelderly low-income disabled individuals with benefits under the medicare program under title XVIII of the Social Security Act and long-term care benefits under a new Federal program established under title XIX of such Act, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:

S. 708. A bill to repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. BRYAN):

S. 709. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY:

S. 710. A bill to promote interoperability in the evolving information infrastructure maximum competition, innovation, and consumer choice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. ABRAHAM, and Mr. GRASSLEY):

S.J. Res. 32. A joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 106. A resolution to authorize testimony by former Senate employee and representation by Senate Legal Counsel; considered and agreed to.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 107. A resolution to commend the Huskies of the University of Connecticut for capping a perfect season by winning the 1995 NCAA Women's Basketball Championship; considered and agreed to.

By Mr. WELLSTONE (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. DASCHLE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. AKAKA, Mr. REID, and Mr. LEAHY):

S. Res. 108. A resolution designating July 16, 1995, as ''National Atomic Veterans Day''; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself, Mr. SIMPSON, Mr. SIMON, Mr. STEVENS, Mr. INOUYE, Mr. WELLSTONE, Mr. KERREY, Mr. COCHRAN, and Mrs. BOXER):

S. 684. A bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes; to the Committee on Labor and Human Resources.

THE MORRIS K. UDALL PARKINSON'S RESEARCH ASSISTANCE AND EDUCATION ACT OF 1995

• Mr. HATFIELD. Mr. President, if you want to know more about Parkinson's disease all you have to do is read the newspaper or watch the nightly news. You don't even have to read the whole paper, the information is usually on page 1. Prestigious and international papers such as the New York Times and the Wall Street Journal believe that the news is worthy of front page coverage. ''Prime Time'' had a feature on Parkinson's, and our very own Washington Post devoted three pages to promising new developments. What has caused the media fervor is the exciting new and dramatic medical discoveries in the field of neurology and neurosurgery. As I speak, scientists are uncovering new important data on nerve cell function and repair. Our biomedical research teams are on the cusp of breaking the code to nerve regeneration.

In these times of exciting new developments, we are unfortunately encountering a financial impediment. Last year, the Federal funding for Parkinson's disease at the NIH was $26 million. To put that number in prospective, the annual Federal budget for Alzheimers is $300 million, $1 billion each for cancer and heart disease. Our commitment to eradicating Parkinson's disease is minuscule in comparison. I cannot understand the lack of financial support for a disease that affects over 1 million Americans and costs our society over $6 billion a year. This disease is so widespread that each one of us has a close friend or loved one who is facing the challenge of life with Parkinson's. We must change our message to the American public and declare that increased Federal funding for Parkinson's disease research is a worthy investment in the future health of our Nation.

Today, I am pleased to reintroduce legislation that accomplishes that goal. The Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995, increases the Federal investment in Parkinson's research to $100 million for fiscal year 1996. The bill establishes an Interagency Coordinating Council, composed of representatives from the relevant agencies and NIH, which will develop a strategic plan for Parkinson's research.

At the heart of the bill is the funding of Morris K. Udall Parkinson's Centers which will conduct basic and clinical research and patient care. Having these three individual areas of research and treatment linked in a center will assure that the research developments will be coordinated and the quality of patient care will be greatly improved. In addition, the centers may develop teaching programs for health professionals and dissemination programs for public information. To compile necessary data on patients and their families a clearinghouse will be established. Morris K. Udall Leadership and Excellence Awards will be granted to scientists who excel in Parkinson's research. Finally, a national Parkinson's Disease Education Program will be established to provide technical assistance to advocacy groups and facilitate public understanding of Parkinson's.

This important legislation honors Mo Udall, a dedicated Congressman from the Second District in Arizona. For 30 years, Mo represented his constituents with integrity, compassion, and humor. He is remembered for his stewardship of the public lands by setting aside millions of acres of wilderness. He also championed civil rights and political reform. In 1980, Congressman Udall was diagnosed with Parkinson's disease, and struggled with the neurologic decay for years. He resigned from Congress in 1991, his career prematurely and tragically ended. Other famous individuals such as Mohammed Ali and Harry S Truman have all succumbed to this disease which knows no boundaries and strikes without warning.

For Mo Udall and the millions of Americans who suffer from Parkinson's, we must enact this legislation now. By uniting the advocacy groups, the scientists, the caregivers, the patients and their families, we can become a solidified and cohesive group dedicated to alleviating the hardship of Parkinson's. We must give our world-respected researchers the funding and the time to combat this and other neurological diseases, and improve the future health of all Americans.

I ask unanimous consent that this bill, a section-by-section summary, various letters of support, and two newspaper articles appear in the RECORD.

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

S. 684

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 ''Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Parkinson's disease and related disorders (hereafter referred to in this Act as ''Parkinson's'') is a neurological disorder affecting as many as 1,500,000 Americans.

(2) Approximately 40 percent of persons with Parkinson's are under the age of 60.

(3) While science has yet to determine what causes the disease, research has found that cells that produce a neurochemical called dopamine inexplicably degenerate, causing uncontrollable tremors, muscle stiffness, and loss of motor function.

(4) Eventually, Parkinson's renders the afflicted individuals incapable of caring for themselves. In addition to causing disability and suffering for the afflicted individuals, Parkinson's places tremendous and prolonged physical, emotional, and financial strain on family and loved ones.

(5) It is estimated that the disease costs society nearly $6,000,000,000 annually.

(6) To date, the federally funded research effort has been grossly underfunded. Only $26,000,000 is allocated specifically for research on Parkinson's, or only about one dollar for every $200 in annual societal costs.

(7) In order to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(b) PURPOSE.—It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

SEC. 3. BIOMEDICAL RESEARCH ON PARKINSON'S DISEASE.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following section:

''PARKINSON'S DISEASE

''SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training, the dissemination of health information, and other programs with respect to Parkinson's disease.

''(b) INTERAGENCY COORDINATING COMMITTEE.—

''(1) IN GENERAL.—The Director of NIH shall establish a committee to be known as the Interagency Coordinating Committee on Parkinson's Disease (in this subsection referred to as the 'Coordinating Committee').

''(2) DUTIES.—With respect to Parkinson's, the Coordinating Committee shall—

''(A) provide for the coordination of the activities of the national research institutes; and

''(B) coordinate the aspects of all Federal health programs and activities relating to Parkinson's in order to assure the adequacy, effectiveness, and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

''(3) COMPOSITION.—The Coordinating Committee shall be composed of—

''(A) the directors of each of the national research institutes and other agencies involved in research with respect to Parkinson's;

''(B) one representative of the relevant Federal departments and agencies whose programs involve health functions or responsibilities relevant to such disease;

''(C) individuals with the disease and individuals who have a family history with the disease; and

''(D) health professionals or allied health professionals.

''(4) CHAIR.—The Coordinating Committee shall be chaired by the Director of NIH (or the designee of the Director). The Committee shall meet at the call of the chair, but not less often than once each year.

''(5) ANNUAL REPORT.—Not later than 120 days after the end of each fiscal year, the Coordinating Committee shall prepare and submit to the Secretary, the Director of NIH, and the directors specified in paragraph (3)(A) a report detailing the activities of the Committee in such fiscal year in carrying out paragraph (2).

''(c) MORRIS K. UDALL RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

''(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

''(ii) conduct basic and clinical research and provide patient care services.

''(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

''(i) conduct training programs for scientists and health professionals;

''(ii) conduct programs to provide information and continuing education to health professionals;

''(iii) conduct programs for the dissemination of information to the public; and

''(iv) develop and maintain, where appropriate, a brain bank to collect specimens related to the research and treatment of Parkinson's.

''(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(C).

''(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) DATA SYSTEM; INFORMATION CLEARINGHOUSE.—

''(1) DATA SYSTEM.— The Director of NIH shall establish the National Parkinson's Disease Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with such disease, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing the disease.

''(2) INFORMATION CLEARINGHOUSE.—The Director of NIH shall establish the National

Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of such disease on the part of health professionals, patients, and the public through the effective dissemination of information.

''(e) MORRIS K. UDALL LEADERSHIP AND EXCELLENCE AWARDS.—The Director of NIH shall establish a grant program to support scientists who have distinguished themselves in the field of Parkinson's research. Grants under this subsection shall be utilized to enable established investigators to devote greater time and resources in laboratories to conduct research on Parkinson's and to encourage the development of a new generation of investigators, with the support and guidance of the most productive and innovative senior researchers.

''(f) NATIONAL PARKINSON'S DISEASE EDUCATION PROGRAM.—The Director of NIH shall establish a national education program that is designed to foster a national focus on Parkinson's and the care of those with Parkinson's. Activities under such program shall include—

''(1) the bringing together of public and private organizations to develop better ways to provide care to individuals with Parkinson's, and assist the families of such individuals; and

''(2) the provision of technical assistance to public and private organizations that offer support and aid to individuals with Parkinson's and their families.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.

''(2) AVAILABILITY.—Of the amount appropriated under paragraph (1), the Secretary shall make available not to exceed $10,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000, to establish Morris K. Udall Centers under subsection (c).''.

THE MORRIS K. UDALL PARKINSON'S RESEARCH, EDUCATION AND ASSISTANCE ACT OF 1995—SECTION-BY-SECTION SUMMARY

Section 1—Short Title: Morris K. Udall Parkinson's Research, Assistance and Education, Act of 1995.

Section 2—Findings and Purpose: Parkinson's disease and related disorders affect as many as 1.5 million Americans, with costs to society of nearly $6 billion annually. To date, the federal research effort has been grossly underfunded, providing about $26 million a year for research on Parkinson's. It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for the afflicted individuals and family caregivers.

Section 3—Biomedical Research on Parkinson's Disease: Amends Title IV, Part B of the Public Health Service Act (42 U.S.C. 284 et seq.) with a new Section 409B—Parkinson's Disease Research—

A. EXPANSION OF BIOMEDICAL RESEARCH

1. Interagency Coordinating Committee—The Director of the National Institutes of Health (NIH) will establish a committee to coordinate Parkinson's research, composed of the directors of each of the national research institutes, representatives of other agencies, and patients and their families.

2. Annual Report—Not later than 120 days after the end of each fiscal year, the Coordinating Committee shall prepare and submit to the Secretary of Health and Human Services, the Director of the National Institutes of Health (NIH), and the directors of appropriate Federal programs a yearly report detailing the activities of the Committee.

3. Morris K. Udall Research Centers—The Director of NIH shall award Core Center Grants to provide funding for not more than 10 Parkinson's Research Centers, which will conduct basic and clinical research, and patient care. The Centers may disseminate clinical information, provide training for health care personnel, develop and maintain brain banks, and enhance community awareness concerning Parkinson's. Not more than $10 million.

Data System; Information Clearinghouse: The Director of NIH shall establish a clearinghouse for collecting patient and family data.

Udall Leadership and Excellence Awards: The Director of NIH shall establish grants for scientists who excel in Parkinson's research.

Natl. Parkinson's Disease Education Program: The Director of NIH shall establish a national education program to provide technical assistance to advocacy groups, establish a clearinghouse to disseminate information, and facilitate public understanding of Parkinson's Disease.

Authorization of Appropriations: The bill establishes a five-year authorization, and authorizes appropriations beginning in fiscal year 1996. Overall funding authorizations are: $100 million for FY1996, and such sums as necessary for FY1997 through FY2000. Not more than $10 million will be allocated in FY1996 for the funding of the Centers.

PARKINSON'S ACTION NETWORK,
Washington, DC, April 5, 1995.

Re Morris K. Udall Parkinson's Research and Education Act.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you from the bottom of our hearts for your great leadership in authoring the Morris K. Udall Parkinson's Research and Education Act.

The impact of Parkinson's disease on its victims and their loved ones is devastating. As Parkinson's neurologic devastation progresses, it leaves its targets with increasing difficulty with every simple motor function. That process changes forever the lives, the careers and the dreams of the million Americans who suffer from Parkinson's, and millions more loved ones.

Moreover, it causes Parkinson's victims and their families to drop out of public life, so consumed are they with the struggle to survive.

Scientists promise that the cure of Parkinson's is very near—as long as adequate support for research is available. Unfortunately, this great need for research support has been neglected by our government in the past.

Your legislation can end this deadlock, by giving the research community the support they need to deliver our cure.

Words are inadequate to express our profound gratitude for this bill. Equally profound is our determination to do whatever it takes to ensure swift enactment of this legislation, so that our suffering community can be rescued. We commit to you that we no longer will be an invisible community, so that our suffering will be recognized and ended.

Sincerely,

ANNE J. UDALL,
Chair.
JOAN I. SAMUELSON,
President.

THE AMERICAN PARKINSON DISEASE ASSOCIATION, INC.,
Washington, DC., April 1, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: The American Parkinson Disease Association and the more than 1 million people with Parkinson's and their families, commend and enthusiastically support the introduction of the Morris K. Udall Parkinson's Research, Education & Assistance Act to the 104th Congress.

Your introduction of this bill; the first legislative initiative to strengthen the federal Parkinson's research program, will ensure proper funding and coordination of Parkinson's research. The current science gives us hope that major breakthroughs are within reach. We can no longer ignore the tremendous scientific potential.

The Udall Bill will assure that scientific advances are able to move to the stage of treating and curing people with Parkinson's.

Thank you for your leadership and initiative embodied in this legislation, as we work together to achieve the ultimate goal—a cure for Parkinson's.

Sincerely,

SALVATORE J. ESPOSITO, JR.,
President, Board of Directors.
FRANK L. WILLIAMS,
Executive Director.

OREGON HEALTH SCIENCES UNIVERSITY,
PARKINSON CENTER OF OREGON,
Portland, OR, April 3, 1995.

Hon. MARK HATFIELD,
U.S. Senator,
Washington, DC.

DEAR SENATOR HATFIELD: Your introduction of the ''Morris K. Udall Parkinson's Research Assistance and Education Act'' could not have come at a more opportune time. Medical scientists need support to follow up on some very important clues into the cause and treatment of Parkinson's disease and related neurodegenerative disorders. We have a greater understanding of Parkinson's disease in comparison to other neurodegenerative disorders; medical scientists are closer to breakthroughs in the understanding of the cause and treatment of Parkinson's disease, which could serve as a model for similar approaches in the other disorders such as Alzheimer's disease and Lou Gehrig's disease.

I am particularly pleased that not only does the bill fund research centers but also productive biomedical researchers with good ideas who can train younger, promising investigators to continue the work. The data system and information and clearing house provided in the bill will be a valuable tool for facilitating the work of the scientists.

Because Parkinson's disease is a chronic disorder that consumes valuable family and community resources, the education program is also extremely important. We need to facilitate the delivery of education and assistance to the families and communities struggling with this debilitating disease.

Thank you again for providing the leadership to provide the much needed support to conquer Parkinson's disease and related degenerative disorders.

Sincerely yours,

JOHN P. HAMMERSTAD, M.D.,
Professor of Neurology.

WILL–COPE
(WILLIAMETTE COLUMBIA
PARKINSONIAN SOCIETY),
April 5, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We are delighted to learn of your intention to introduce a revised version of the Morris K. Udall Parkinson's Research and Education Act.

Parkinson's disease steals the golden years from many of us and is taking away the economic productive lives of younger-onset Parkinsonians. We know what causes our tremors and makes our bodies freeze but research has not yet provided the cause. Without this needed research, many fine people are trapped in bodies that limit their potential.

Nationwide there are approximately one million Parkinson's patients. U.S. support for research for research of this condition amounts to less than $30.00 per patient which is far less than the help other diseases receive.

Please continue with whatever actions are needed to secure additional Federal funds for continued research towards finding an early cure for this dreaded condition.

Our thanks for your attention, efforts and support.

Sincerely,

L.R. GREGER,
President.

UNIVERSITY OF COLORADO
HEALTH SCIENCES CENTER,
Denver, CO, March 29, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I wish you well with your bill, the Morris K. Udall Parkinson's Research and Education Act, which you will reintroduce to the Senate on April 6th. As a physician and scientist who has spent the last 20 years trying to improve the treatment of Parkinson's disease, I am delighted to see a proposal which recognizes that Parkinson's disease may be cured if adequate resources are devoted to the problem for the next few years.

Even with the current low level of Federal research support for Parkinson's disease, this disease is still the neurologic disorder most likely to be cured in the next decade. While neural transplantation with fetal tissue has already been shown to produce substantial clinical benefit in some patients, genetically engineered alternatives to fetal cells offer promise to supply a limitless amount of tissue for brain repair. These and other fundamental breakthroughs will certainly occur with accelerated research.

Your bill recognizes this unusual opportunity. If we can cure Parkinson's disease, the lessons that we learn will apply to many other disorders such as Alzheimer's disease, Huntington's disease, and epilepsy. Research in other areas such as diabetes will also be benefited.

Although we live in a time of fiscal constraint, I can assure you that money spent on research for Parkinson's disease will be repaid many times over by increased productivity and reduced medical costs. Research success will take people who are frozen invalids and give them back the freedom to move.

Yours sincerely,

CURT R. FREED, M.D.,
Professor and Head, Division of Clinical Pharmacology and Toxicology.

SPRINGFIELD, MO,
April 3, 1995.

Hon. MEL HANCOCK,
U.S. Congress,
Washington, DC.

DEAR CONGRESSMAN HANCOCK: On July 19, 1994 Senator Mark O. Hatfield and Congressman Henry Waxman introduced the Morris K. Udall Parkinson's Research, Education and Assistance Act of 1994. (S. 2294 & H. 4789) This bill is critical to the Parkinson's community. We are seeking strong support for this bill and would like your cosponsorship.

The Udall Bill would establish research and education centers, promote a coordinated research agenda, establish research and training grants and establish a national education program.

More than 1 million Americans are afflicted with Parkinson's disease. Approximately 50,000 Americans are diagnosed with Parkinson's each year. Parkinson's disease is estimated to cost the U.S. $6 billion a year in direct health-related expenses, lost productivity and indirect disability costs.

I am able to speak in regard to this matter with authority and experience. Three years ago my family was virtually torn apart when I received the diagnosis of Parkinson's Disease at the early age of 37. Four years prior to my diagnosis, I went through many emotional ups and downs, expensive tests and 4 different doctors. I was a hard-working career mom with two teenage daughters and a 10 year old son. Two weeks after my diagnosis my oldest daughter ran away. With increasing disability, I had to leave my job at the Prosecuting Attorneys Office 8 months ago which I truly loved and still miss every day. In a year and a half I will lose my benefits with my previous job and my family will be responsible to pick up the costs of skyrocketing prescription costs. At the present time my health care pays $418 for my drug treatment which will only increase with progression. We are scared, really scared and no longer make plans for our future. Do we even have a future?

I urge you to co-sponsor the Morris K. Udall Parkinson's Research, Education and Assistance Act of 1994 to give my family and so many families HOPE! I look forward to hearing your views on this subject.

Sincerely,

KAREN KIDWELL.

THE PARKINSON'S INSTITUTE,
Sunnydale, CA, March 29, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I strongly support and applaud your re-introduction of the "Morris K. Udall Parkinson's Research and Education Act" to the U.S. Senate. I am a neurologist who treats a large number of patients with Parkinson's disease and I know first hand of their suffering. In my view, passage of this bill would greatly bolster promising research efforts that are now in limbo because of reduced funding by NIH and others.

A few areas of research that would benefit if this bill were to pass include: 1) a project testing several compounds that have been shown to revive damaged dopamine producing neurons in several models of Parkinson's disease, 2) a project aimed at testing the possibility of inducing certain brain cells to produce dopamine by directly injecting specific genes into the brain, 3) several projects investigating possible genetic factors that might predispose to the disease, 4) a project aimed at discovering the underlying mechanisms of neuronal degeneration in Parkinson's disease. All of these projects are very promising, but are suffering because of insufficient funding.

I do hope that Congress will recognize the compelling arguments for this legislation. I commend your efforts as well as those of Ms. Samuelson and all who have supported this bill.

Sincerely,

JAMES W. TETRUD, M.D.

AMERICAN PARKINSON
DISEASE ASSOCIATION,
Salisbury, MD, March 30, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD AND OTHER MEMBERS OF THE SENATE: We, the Parkinsonians and the caregivers of the Delmarva Chapter/Support Group of the American Parkinson Disease Association, strongly support and encourage passage of the Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995 and hope that adequate funding will follow.

Parkinson's disease is stealing the "golden years" from many in our group, and, increasingly, is taking away the economic productive life of the young-onset Parkinsonians and many caregiver children. We know the thief who causes our tremors and makes our bodies writhe or freeze, but we do not know where he comes from or how to rid ourselves of him. Research does not guarantee our finding the cause or the cure, but, without medical research, we can be sure we will never know where Parkinson's disease comes from.

We want to help ourselves, but we can do only so much. I give financially in spite of an early unplanned Parkinson's induced retirement. I give my time as a local hospital volunteer worker; as president of the Delmarva Pakinson's chapter/support group; and as writer, editor, printer, and circulation manager of the monthly Parkinson's Newsletter with a complimentary circulation of 483 [March 1995] which carries chapter news, hints for coping with Parkinson's, and a synopsis of research. I give myself. Since 1991 I have been a "guinea pig" in two double blind Parkinson's experimental drug tests at Robert Wood Johnson Medical School in New Brunswick, New Jersey; been a subject in a PET scan Parkinson's diagnosis experiment at Johns Hopkins in Baltimore which resulted in a medical journal article; and participated in a Parkinson's olfactory test experiment at Graduate Hospital in Philadelphia. It is not enough.

We need help. A national investment now in finding the cause and cure for Parkinson's should pay off in better and more productive lives for us and future Parkinsonians.

Sincerely,

WILL JOHNSTON,
President,
Delmarva Chapter/Support Group.

UNIVERSITY OF MINNESOTA,
Minneapolis, MN, March 29, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I have recently learned that you will re-introduce the Morris K. Udall Parkinson's Research and Education Act. I am writing to show my strong support for this bill.

I am a Ph.D. candidate in Neuroscience at the University of Minnesota. My research work for my thesis is on the cellular mechanisms involved in the death of brain cells and novel protective therapies that can be utilized to prevent cell death. As you know, the hallmark of Parkinson's disease is the death of the dopamine-producing cells (neurons) in the brain.

This is an extremely exciting time in neuroscience research. Breakthroughs in our understanding of how the brain functions in normal and diseased states as well as new therapies to treat neurological disorders are occurring at an unprecedented pace. Research relating to Parkinson's disease (PD) is at an especially exciting crossroads, since we understand more about PD than many other neurological disorders. Novel therapies, such as neural tissue transplantation, selective neural ablation techniques, and protective drug therapies, are being aggressively studied in laboratories at the University of Minnesota, as well as in laboratories across the country. These important studies hold hope and promise for the more than 1 million people in the United States who have Parkinson's disease, as well as the many more people in the next generation destined to be struck down with this devastating disease.

I would like to make one additional point about this type of neuroscience research. The death of neurons in Parkinson's disease undoubtedly employs cellular mechanisms similar to that which occurs in many other neurodegenerative diseases. Therefore, advances made in Parkinson's disease research today will be applicable to many, many other neurological diseases. The knowledge gained will advance the research on diseases such as Alzheimer's and Huntington's diseases, as well as stroke and cerebral palsy, to name just a few. This bill promises to give a boost to so many areas of neuroscience research which affect each and every one of us.

Thank you for your attention and your support of these important efforts. Please contact me if there is anything that I might do to answer questions or to help facilitate the passage of this bill.

Sincerely,

ELIZABETH M. JANSEN.

AXION RESEARCH FOUNDATION,
Hamden, CT, April 4, 1995.

Hon. MARK O. HATFIELD,
Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Axion Research Foundation, its supporters, and researchers are most grateful to you and other supporters for the re-introduction of the Morris K. Udall Parkinson's Research and Education Act.

Our Foundation has played an important role in carrying out and funding important breakthroughs related to cellular and genetic brain circuit restorations as possible treatments for Parkinson's disease. We have recently helped to develop the first practical diagnostic test for Parkinson's disease, which should dramatically facilitate studies aimed at determining its cause. Other research areas also offer great promise at the present time. But it is clear that the combined efforts of the private sector and the federal government must increase to produce clinical benefits for patients and the reduction of health care costs which would result from a cure.

The Morris K. Udall Parkinson's Research and Education Act is a great step in the right direction and will be eagerly supported by patients, their families, and neuroscience researchers.

Sincerely,

D. EUGENE REDMOND, Jr., M.D.,
President.

YALE UNIVERSITY,
SCHOOL OF MEDICINE,
New Haven, CT, April 3, 1995.

Hon. MARK O. HATFIELD,
Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: As director of the Neural Transplant Program at Yale University, I am writing to thank you and other supporters for re-introducing the Morris K. Udall Parkinson's Research and Education Act to the 104th Congress.

This is a particularly exciting period of research in which novel treatments for Parkinson's disease are being developed and evaluated, and research is progressing to determine the cause of the disease. Although there is potential for incredible breakthroughs, such progress is not inevitable. Without funding, the breakthroughs might never happen. Techniques for cellular and genetic reconstruction of neural circuits which are being developed in our research and elsewhere may some day be applicable to other neurological and medical diseases as well.

I hope that you will be able to explain to your colleagues in the Congress that this investment in research will save money on health care and increase productivity from people who now become incapacitated over a period of many years.

This excellent legislation will not be helpful unless it actually adds dollars to the funding relevant to this disease, and does not shift funding from investigator-initiated basic science projects.

Sincerely,

D. EUGENE REDMOND, Jr., M.D.,
Director.

PARKINSON'S DISEASE FOUNDATION,
New York, NY, March 31, 1995.

Re Morris K. Udall Parksinson's Research and Education Act.

The Hon. MARK O. HATFIELD,
Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of my fellow directors of the Parkinson's Disease Foundation (PDF), I am writing to thank you and to support your introduction of this bill.

The authorization of funds to launch a Parkinson's research initiative, coordinating between the several institutes now conducting research in Parkinson's disease, would give added impetus to the efforts of scientists to improve their understanding of this debilitating illness. Although PDF scientists are working to improve our understanding of the brain, we still do not know what causes people to develop the illness, so we cannot develop a cure. The boost to the research effort that the establishment of the Morris K. Udall Research Centers would provide would allow for additional resources toward our goal: to find the cause and then the cure.

As our population ages, there is no doubt that the prevalence of Parkinson's disease will increase. It is, therefore, imperative to work together towards a breakthrough in Parkinson's disease. Only the federal government can provide sufficient financial support and leadership to sustain a coordinated approach to the search for the cause and cure.

Your leadership, and that of your Congressional supporters, are deeply appreciated by all of us who seek to improve the quality of life of those afflicted with Parkinson's and related disorders.

Most sincerely,

PAGE MORTON BLACK,
Chairman of the Board.

MOVERS & SHAKERS, YOUNG
PARKINSON'S SUPPORT NETWORK,
San Diego, CA, April 4, 1995.

The Morris K. Udall Parkisnon's Research and Education Act.

Senator MARK HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Parkinson's disease and related neurological disorders are said to cost society $6 billion annually. This monetary cost, although staggering, is minuscule when compared to the human suffering these disorders inflict on the patient and family. Research is needed to push ever closer to finding the cause and the cure for these disorders. In the mean time quality of life can be raised through education of patients, care givers and community support services.

The Morris K. Udall Parkinson's Research and Education Act allows Congress to embark on a major effort to increase the knowledge of the causes, treatments and cures for these disorders. It further sets patient, care giver, support services and community understanding as a priority in raising the quality of life of those affected by these disorders. The 1990's form the Decade of the Brain. It is only fitting that Congress move swiftly to enact this important legislative initiative for it symbolizes hope of major breakthroughs for the millions of Americans affected by these disorders.

I commend you for your leadership in this very important legislative initiative. Your leadership is much appreciated and supported by the Young Parkinson's Support Network of California.

Sincerely,

TOM G. BROWN,
President.

Sincerely,

ALAN L. BONANDER,
Past President.

[From the Washington Post, Apr. 4, 1995]

DISEASES THAT ATTACK THE BRAIN

(By Rick Weiss)

She was a retired Swedish lawyer, 69, and during the past eight years she had sunk into the foggy oblivion of Alzheimer's disease. Long gone were the details of case law and logic upon which she had built her career. Now she was housebound and confused, unable to survive without round-the-clock care.

He was a 45-year-old high school teacher and basketball coach in Wisconsin who began to notice a loss of strength in his hands—some difficulty unscrewing jars or turning house keys. Then he watched in despair over a period of months as the muscles in his arms and neck grew flaccid and weak. The diagnosis: amyotrophic lateral sclerosis, or Lou Gehrig's disease, the paralytic syndrome that stole the strength and ultimately the life of the baseball great.

The alzheimer analogy is apt. Viewed under a microscope, nerve cells look a lot like trees and shrubs, with bifurcating roots and boughs sprouting from either end of a stem or trunk. As every gardener knows, fertilizer is the key to growth, and scientists have long assumed that the body makes its own neural nutrients—in great quantities, no doubt, during embryo development, but perhaps in smaller maintenance doses throughout life.

The challenge faced by neuroscientists pursuing nerve regeneration was to identify those naturally occurring products and mass produce them in the laboratory so they could be given as drugs.

In their quest to discover such substances, researchers have gone to great and gory lengths.

Figuring the best place to look for a nerve nurturing compound was around nerve cells themselves, one team ground up 100 pig brains. They distilled from that mass less than a drop of a rare brain chemical called BDNF, which does indeed now show promise as drug to protect nerves in patients with Lou Gehrig's disease.

Another team teased thousands of sciatic nerves from the legs of rats, then ground the nerves up to get a smidgen of something they call CNTF, which is also now in clinical trials in Lou Gehrig's patients.

Yet another group isolated a potent nerve growth factor from the juices of hundreds of mouse salivary glands. Saliva, it turns out, is rich in natural healing compounds—a fact that may explain the propensity of animals to lick one's wounds. The salivary substance, known as NGF, is now being tested in diabetics with peripheral neuropathy and in a handful of patients with Alzheimer's disease.

Then there was the 63-year-old woman from Stockholm with Parkinson's disease. For the past 19 years her condition had gradually worsened, despite treatment with the best available drugs, like L-dopa. At times now her entire body would suddenly freeze up, becoming so rigid she would crash to the floor. At other times her hands trembled so severely and her head shook so much that she felt as though the whole world were crumbling.

Three patients with three very different diseases. But all of them have one thing in common: They are among the first to enter a radical new field of medicine, in which doctors are using a novel class of drugs to regenerate dying nerve cells in the brain and spinal cord.

No one can say yet whether the treatments will work. Preliminary results from about 1,000 patients getting a handful of different compounds for various neuro-degenerative diseases are a mix of encouragement and disappointment. In some cases, patients' symptoms subsided but were replaced by worrisome side effects.

But for each of these diseases the prognosis is so poor that even a sliver of improvement—or a brief reprieve from the otherwise inevitable decline—would be welcome.

''We are dealing with diseases that are uniformly fatal,'' said Ted Munsat, a neurologist and professor of neurology at Tufts University in Boston, ''so the hope and anticipation is more heightened than ever.''

It's almost impossible to get ailing nerve cells to grow, or to get injured ones to sprout new parts. Unlike most peripheral neuropathy (the painful nerve irritation that afflicts many people with advanced diabetes and some patients getting cancer chemotherapy), Huntington's disease (the dementia-inducing brain disease that strikes by surprise in the prime of life) or the paralysis that results from serious injuries to the spine or head.

But everyone has grown nerve cells at least once before. The central nervous system, which includes the brain and spinal cord, is one of the first organ systems to develop in a fertilized egg, its rudimentary structure already evident in the third week of gestation when the embryo is still less than 3 millimeters long. Nine months later more than a trillion neurons have settled into position, some of them almost six feet long.

If we can do it once, why not again?

For decades, the common wisdom was that it can't be done. But with a little help from some compounds called nerve growth factors, scientists are changing their minds.

''These are nerve fertilizers,'' said Steven Ringel, a professor of neurology at the University of Colorado Medical Center in Denver. ''We can make these neurons grow like grass. It's a remarkable tool and incredibly exciting.''

''Until growth factors were discovered there was no molecule known that could rescue dying neurons. When neurons died, they were gone forever,'' said Frank Baldino, president and CEO of Cephalon, a biotech company in West Chester, PA. ''When growth factors were discovered, everyone was thrilled.''

The newest nerve growth factor, recently purified from rat brain cells, may be the most promising of them all. The substance is called glial cell line-derived neurotrophic factor, or GDNF. In experiments with brain-injured animals published in January, researchers documented its ability to spur regeneration of the types of nerve cells that disappear in people with Parkinson's and Lou Gehrig's diseases.

''You can really get substantial regeneration of nerve fibers,'' said Frank Collins, a neuroscientist at Amgen in Thousand Oaks, Calif., speaking of GDNF's effects in animals. ''It suggests that the benefits in early-stage patients may be very profound. And that's very exciting.''

Exciting, yes, except for one problem: It's almost impossible to get GDNF—or any of the other nerve growth compounds—into the human brain, where the compounds are needed.

DELIVERY PROBLEMS

It turns out that every nerve growth factor so far discovered is, to put it plainly, a big fat protein. Proteins tend to break down quickly when taken as pills or injected into the blood. And even if these particular proteins could survive in the bloodstream and make it to a person's head, they are too large to diffuse through blood vessel walls and make their way into the brain.

This may not be a serious problem when it comes to treating peripheral neuropathy, where the problem is mostly limited to nerve cells in the fingers and toes that can be treated with injections beneath the skin. Simple injections may also work for Lou Gehrig's disease, since the motor neurons that are affected extend out from the brain, down the spine and all the way to every extremity. Studies have shown that CNTF and BDNF injected into the thigh, arm or elsewhere in the body are absorbed by nerve endings and travel up those cells into the spinal cord.

But when it comes to the most common and serious neurological diseases—Alzheimer's and Parkinson's—the neurons that are dying are deep within the brain, where no nerve growth factor can get on its own. So with the physiological potency of growth factors now well established, the challenge of making these compounds into useful drugs is actually more a problem of engineering and delivery than of medicine or biology.

In animal experiments, scientists have gotten around this problem by injecting doses directly into the creatures' brains. And though most researchers have been reluctant to try this in people, one team of scientists in Sweden is doing so.

The first patient to get such a treatment was the retired lawyer with Alzheimer's disease. Lars Olson and his colleagues at the Karolinska Institute in Stockholm surgically implanted a pump the size of a hockey puck into the woman's abdomen. They ran a thin plastic tube from the pump up through her torso and neck, all within her body, and underneath her scalp to the crown of her head. There they drilled a hole through her skull and fed the hidden tube through the opening and into a space in her brain near the area that degenerates in Alzheimer's patients. For three months, the pump supplied a constant low dose of NGF, the nerve growth factor isolated from mouse salivary glands.

It is still not clear whether the approach is worth the trouble. The researchers did note an increase in blood flow in the brain, a more normal electroencephalogram (EEG) and improvement in a word recognition test that is used to measure cognitive function. But the woman also experienced serious back pain, anxiety, sleeplessness and weight loss—symptoms the scientists think may be due to an unintended activation of nearby nerves in the brain. She also had a painful outbreak of shingles, which indicated that a herpes virus that normally stays dormant inside nerve cells had for some reason ''woken up.'' And in every cognitive test other than the word recognition test, the woman's performance stayed the same or declined.

The Swedish team is trying the technique on a few other patients, and researchers in the United States have proposed doing essentially the same thing, using plastic tubes, or cannulas, to get NGF into the brain. The Food and Drug Administration officials have so far rejected the approach, in part because animal studies suggest that the procedure can itself cause brain damage.

''Cannulas in the brain may be fine for animals, but not for 4 million Alzheimer's patients,'' said Baldino of Cephalon. ''It's a great way to show proof of concept—to show that growth factors can have an effect in the brain. But practically speaking, I don't think patients are going to be lining up at the clinic.''

MINI-FACTORIES

Another way to get bulky proteins into a person's gray matter is to first give a drug that temporarily pokes holes in the brain's blood vessels—that is, make those vessels leaky—and then infuse the nerve growth factor into such a vessel. Some scientists are already using this technique to get cancer drugs, some of which are molecular mammoths, to brain tumor. But the approach makes it difficult to aim the shot of growth factor to the precise part of the brain where it is needed, and so risks stimulating ''innocent bystander'' neurons better left alone.

''A good drug in the wrong place can give serious side effects,'' said Fred Gage, a neuroscientist at the University of California-San Diego.

Gage and others suggest that the best way to give the brain a healthy dose of growth factors is to arrange for those factors to be made on-site, in the brain itself. ''Instead of giving a drug,'' Gage said, ''you engineer some cells to make what's needed.''

The idea of implanting robust, hormone-secreting cells into the brain to nurse ailing nerve cells back to health has its roots in an older and more controversial strategy for Parkinson's disease. In the original approach, scientists took cells from the brains of aborted fetuses and transplanted them into the brains of people with Parkinson's disease. Fetal cells produce copious quantities of dopamine, the brain chemical lacking in Parkinson's patients.

Such transplants do seem to hold some potential. More than 40 patients with Parkinson's disease have been treated that way in the United States, and some patients are showing modest improvement. But 95 percent or more of the transplanted fetal cells generally die in the weeks or month after transplantation.

Olson and his colleagues in Sweden recently used nerve growth factors to better those odds. After transplanting healthy dopamine-producing cells into the brain of a patient with Parkinson's, they drenched the transplanted cells with NGF for 23 days, dripping the liquid fertilizer through a plastic tube inserted directly into her brain. Preliminary results suggest that the patient became less rigid and more mobile than did patients who got cell transplants without NGF, though it's difficult to tell much from a single patient. Two others have since been treated but results have not been published.

Gage, however, proposes a more elegant means of getting growth factors into the brain—a method that would make plastic tubes and fetal transplants completely unnecessary. He and others have put the genes for nerve growth factors like NGF into

hardy, laboratory-reared skin cells, instantly endowing those ordinary cells with the specialized ability to churn out the therapeutic factors. They have transplanted those cells into the brains of rodents with a condition resembling Alzheimer's disease, with the hope that these growth-factor mini-factories might revitalize failing nerve cells nearby.

Sure enough, the animals began to spout new and healthy neurons in the area around the nutrient-spewing transplants. While highly experimental, the approach is about to get its clinical debut. This month, Swiss researchers will insert CNTF genes into cells and inject the cells into the spines of patients with Lou Gehrig's disease, marking the first human test of cells engineered to produce a nerve growth factor. They hope that the locally made CNTF will revive ailing motor neurons there more effectively than if the substance were injected into the skin.

AVENUES OF HOPE

Even if researchers find a good way to administer nerve growth factors, there is no guarantee that patients will be able to tolerate the drugs. CNTF injections already have run into trouble in preliminary experiments in Lou Gehrig's patients, causing flu-like symptoms and weight loss serious enough to convince one company to give the research up. Another company is now trying smaller doses, and others are testing BDNF. Though side effects have been rare in these latter studies, it's too soon to say whether the more mellow regimens will be potent enough to stem the disease's progress.

Similarly, some of the early tests of NGF injections for peripheral neuropathy have been plagued by a serious side effect: A super-sensitivity to pain that makes normally innocuous stimuli unbearable. A lukewarm shower, for example, can become an excruciatingly painful experience in which drops of water feel like little burning arrows.

Ultimately, scientists said, a cocktail of different nerve growth factors—perhaps delivered by a variety of different routes—may work best of all. ''We now have a number of molecules looking good,'' said Ronald Lindsay, a neuroscientist at Regeneron, a Tarrytown, N.Y., biotech company developing nerve growth factors. ''It doesn't make sense to bet on a single horse.''

Unfortunately, the race is still far from the home stretch, and that's disappointing news for people already suffering from nervous system diseases. The lawyer with Alzheimer's disease, for example, has continued down the path of senility since receiving her experimental drizzle of nerve growth factor. And her counterpart with Parkinson's is again subject to freeze-ups and jitters.

On the other hand, the basketball coach with Lou Gehrig's disease has improved since getting treated with CNTF. ''He has more neck strength and breathing strength,'' said Benjamin Brooks, a professor of neurology and director of the University of Wisconsin's ALS Clinical Research Center in Madison. ''Now he's back at work one hour a day, which is something we never would have expected with this disease.''

BRAIN AND NERVE DISEASES FOR WHICH NERVE GROWTH FACTORS MAY HELP

Alzheimer's Disease—4 million patients in the United States.

Nerve growth factor (NGF) is being infused directly into the brains of a few patients in Sweden; potentially serious side effects have been reported, including extreme sensitivity to pain. NGF is also being given by injections under the skin in the United States as an experimental treatment for peripheral neuropathy, a loss of sensation in the extremities common among diabetics and patients getting cancer chemotherapy.

Parkinson's Disease—1 million patients in the United States.

One patient in Sweden has received brain infusions of NGF to enhance survival of healthy neurons that researchers had previously transplanted into his brain, with some possible benefits. A newly discovered nerve growth factor, called glial cell line-derived neurotrophic factor (GDNF), looks promising in animal studies and may enter human trials in the next year or two.

Amyotrophic Lateral Sclerosis (Lou Gehrig's disease) 5,000 new cases a year in the United States.

A nerve growth factor called ciliary neurotrophic factor (CNTF) is being injected into the skin, where it can be absorbed by nerves. Doses have recently been lowered, however, because of side effects. Swiss researchers are about to transplant the first genetically engineered versions of CNTF-secreting cells into the spines of ALS patients. Another growth factor, brain derived neurotrophic factor (BDNF), is also in clinical trials with apparently fewer side effects, Insulin-like growth factor-1 (IGF–1) is an injectable cell growth factor not specific for nerve cells but now being tested in patients with ALS. Results are expected this year.

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SCIENCE CLOSER TO A TREATMENT FOR PARKINSON'S

(By Michael Waldholz)

Researchers say experiments involving a powerful substance discovered in the human nervous system may lead to new drugs to slow the progress of Parkinson's disease and Lou Gehrig's disease.

Four separate research teams are reporting test-tube and animal experiments showing the new substance acts as a biological shield, protecting crucial nerve cells from damage that normally kills them. Death of these cells is the hallmark of Parkinson's and amyotrophic lateral sclerosis, also known as ALS or Lou Gehrig's disease.

The substance is perhaps most potent of a series of human proteins—discovered in recent years by scientists at biotechnology companies—that the body uses to spur nerve-cell growth. The new growth factor was uncovered by researchers working separately at Synergen Corp., now owned by Amgen Inc., a biotech company in Thousand Oaks, Calif.; and by scientists at Genentech Inc., of South San Francisco, Calif. All four research teams conducted their experiments in association with one of the two biotechnology companies.

It is unclear whether ownership rights for the substance will be disputed between Amgen and Genentech. But officials at both companies say that because of the promising results of the new experiment, they have decided to move forward to develop the substance as a potential treatment against Parkinson's and other nerve disorders.

The new factor is called glial cell-line derived neurotrophic factor, or GDNF. Its discovery is so recent that scientists don't know exactly how GDNF spurs cell growth, or how it protects neurons from lethal damage. But the new experiments provide persuasive evidence that the factor plays an important role in the life cycle of neurons, and that scientists may be able to exploit that role in their search for new medicines against degenerative nerve diseases.

GDNF ''is by far the most powerful nerve-growth factor we have tested yet,'' says Ronald Oppenheim, of Bowman Gray School of Medicine, Winston-Salem, N.C., who led one of the research teams. Dr. Oppenheim's experiments in laboratory mice showed the GDNF kept alive almost all the cells that normally would have died within three weeks after researchers damaged them. ''We were surprised because none of the other factors we've tested were that protective,'' he says.

Still, the researchers emphasize that the new results are preliminary, suggesting that many years of work will be needed before they know GDNF or some related chemical will be helpful.

Researchers say experiments involving a powerful substance discovered in the human nervous system may lead to new drugs to slow the progress of Parkinson's disease and Lou Gehrig's disease.

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Still, the researchers emphasize that the new results are preliminary, suggesting that many years of work will be needed before they know GDNF or some related chemical will be helpful to patients.

Indeed, a similar kind of nerve-growth factor called CNTF, developed by the biotech company Regeneron Pharmaceuticals Inc., Tarrytown, N.Y., produced troubling side effects when tested last year in ALS patients. Regeneron, Amgen, Genentech and several other biotech companies are researching other promising nerve-growth factors.

Even so, the new experiments, published today in the British journal Nature, provide several hints that in uncovering GDNF, scientists have found a new doorway to the treatment of nerve diseases that continue to defy adequate treatment. ''It's a fairly exciting set of results,'' says Ronald Lindsay, vice president for neurobiology research at

Regeneron, noting that ''it provides strong competition for the [factors] we've been working with.''

In several experiments using GDNF developed by Synergen and now owned by Amgen, researchers used the substance to protect nerve cells from destruction caused by a toxic substance called MPTP. When given to mice, MPTP produces symptoms similar to the debilitating muscle tremors caused by Parkinson's disease in humans.

In one surprising experiment by scientists at Karolinska Institute in Stockholm and at Synergen in Boulder, Colo., GDNF restored nerve activity to cells already damaged by the MPTP toxin.

GDNF was first isolated in 1990 by Frank Collins, a biologist working at Synergen. He identified it in glial cells, which provide nutrients to neurons. Dr. Collins didn't publish the discovery until 1993, when Synergen received a patient. About the same time, Dr. Collins was hired by Amgen. In an interview, Dr. Collins said that acquiring the rights to GDNF was one of the reasons Amgen bought Synergen several months ago.

''I've been given the green light to go full steam ahead in developing GDNF for use against Parkinson's disease,'' says Dr. Collins, senior director of neuroscience research at Amgen. He said it may be possible to begin testing the substance in humans within a year or two.

Currently, the symptoms of Parkinson's disease can be treated with several medicines, but their effectiveness wears off after time. Amgen hopes GDNF can protect nerve cells being relentlessly killed by the disease, thereby prolonging the existing treatments' usefulness. But GDNF will do nothing to stop the underlying cause of the illness, which is still unknown.

A significant hurdle facing GDNF is that cells under attack by Parkinson's are located in the brain. Because GDNF is a large molecule that can't get into the brain if ingested or injected into the bloodstream, it will have to be infused directly.●

By Ms. SNOWE:

S. 685. A bill to provide for the conveyance of certain lighthouses located in the State of Maine; to the Committee on Commerce, Science, and Transportation.

LIGHTHOUSE CONVEYANCE LEGISLATION

● Ms. SNOWE. Mr. President, today I am introducing legislation that would help to preserve historic lighthouses in the State of Maine and ensure that future generations will be able to appreciate these treasured landmarks.

The legislation, also known as the Maine Lights Program, authorizes the Secretary of Transportation to convey four lighthouses in Maine to the U.S. Fish and Wildlife Service, and (29) others to the Island Institute of Rockland, ME. Founded in 1983, the Island Institute is a nationally recognized nonprofit organization dedicated to the preservation and protection of Maine's coastal lights. This legislation was crafted in close coordination with the Island Institute, and it is an extraordinary opportunity to preserve the most obvious symbols of Maine's living maritime heritage.

The Maine Lights Program is strongly supported by the U.S. Coast Guard. The Coast Guard currently owns each of these lighthouses, and it is a strong proponent of preserving their historic character. But the cost of maintaining these historic structures is becoming particularly difficult for the Coast Guard in these times of tight budgetary constraints. These lighthouses were built in an age when they had to be manned continuously. Today's advanced technology has made it possible to build automated aids to navigation that do not require around-the-clock manning, and this technology has made these historic lighthouses expensive anachronisms for the Coast Guard. The Maine Lights Program would relieve the Coast Guard of the financial burden of maintaining these lighthouses.

The program also mandates continued Coast Guard maintenance of the active aids to navigation in these lighthouses—the lights and horns—and it ensures that each lighthouse will remain an effective marine navigational aid despite the conveyance. Maritime safety will not be sacrificed in the name of saving money. The Coast Guard will still be responsible for maintaining the aids to navigation themselves. Only the lighthouses and structures associated with them are impacted by this program.

By conveying these lighthouses to the Island Institute, the program ensures that the lighthouses will be preserved as an important part of our coastal maritime heritage. The Island Institute will never be allowed to sell these properties. The institute would be required to transfer the lighthouses to third parties without any compensation to itself within a 3-year period beginning on the date of the conveyance of the lighthouse to the institute by the Coast Guard. The Island Institute would be required to identify appropriate nonprofit corporations, educational agencies, community development organizations, and any Federal, State, or local government or other eligible entity that would assume responsibility for the lighthouse.

This legislation sets specific eligibility requirements for organizations and entities that wish to take the responsibility of a lighthouse. They must be financially able to maintain the lighthouse, and they must agree to regular inspections by the State historic preservation officer of the State of Maine in order to ensure that the lighthouses are being properly maintained in a manner that preserves their historic characteristics. Moreover, those receiving a lighthouse must also assure continued public access to the lighthouse.

This legislation also provides that if the Secretary of Transportation determined at any time that a lighthouse is not being used or maintained as required by the law, that the lighthouse would revert to the United States and then be transferred to other institutions or entities according to existing law.

Finally, the legislation requires the Secretary to report to Congress after 5 years about the effectiveness of the program in maintaining, preserving, and repairing historic lighthouse properties, maintaining public access, and finding and transferring lighthouse property to appropriate third parties.

The Island Institute has already identified suitable candidates for receiving many of these lighthouses. For example, the town of Camden will receive the Curtis Island Light, which is located in Camden Harbor. The town already owns Curtis Island and all of the buildings on it except for the light tower itself, and this program will appropriately convey the light tower to the town of Camden.

The Maine Lights Program is an innovative approach to historic maritime preservation. It will become a model for the conveyance of other lighthouses for historic preservation all across the country. At the same time it will save the Coast Guard hundreds of thousands, if not millions, of dollars a year in maintenance costs. I urge all of my colleagues to support this legislation, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 685

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

SECTION 1. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary of Transportation may convey, without consideration, to the Island Institute, Rockland, Maine (in this section referred to as the ''Institute''), all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) COVERED FACILITIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.
(B) Deer Island Thorofare (Mark Island) Light.
(C) Burnt Island Light.
(D) Rockland Harbor Breakwater Light.
(E) Monhegan Island Light.
(F) Eagle Island Light.
(G) Curtis Island Light.
(H) Moose Peak Light.
(I) Great Duck Island Light.
(J) Goose Rocks Light.
(K) Isle au Haut Light.
(L) Goat Island Light.
(M) Wood Island Light.
(N) Doubling Point Light.
(O) Doubling Point Front Range Light.
(P) Doubling Point Rear Range Light.
(Q) Little River Light.
(R) Spring Point Ledge Light.
(S) Ram Island Light (Boothbay).
(T) Seguin Island Light.
(U) Marshall Point Light.
(V) Fort Point Light.
(W) West Quoddy Head Light.
(X) Brown's Head Light.
(Y) Cape Neddick Light.
(Z) Halfway Rock Light.
(AA) Ram Island Ledge Light.
(BB) Mount Desert Rock Light.
(CC) Whitlock's Mill Light.

(3) LIMITATION ON CONVEYANCE.—The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(4) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place, if at all, not later than 5 years after the date of the enactment of this Act.

(5) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.

(B) Egg Rock Light.

(C) Libby Island Light.

(D) Matinicus Rock Light.

(b) CONDITIONS OF CONVEYANCE.—The conveyance of a lighthouse, and any real property and improvements associated therewith, under subsection (a) shall be subject to the following conditions:

(1) That the lighthouse and any such property and improvements be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses.

(2) That the lighthouse and any such property and improvements be maintained at no cost to the United States in a manner that ensures the use of the lighthouse by the Coast Guard as an aid to navigation.

(3) That the use of the lighthouse and any such property and improvements by the Coast Guard as an aid to navigation not be interfered with, except with the written permission of the Secretary.

(4) That the lighthouse and any such property and improvements be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) That public access to the lighthouse and any such property and improvements be ensured.

(c) RESERVATIONS.—In the conveyance of a lighthouse under subsection (a)(1), the Secretary shall reserve to the United States the following:

(1) The right to enter the lighthouse, and any real property and improvements conveyed therewith, at any time, without notice, for purposes of maintaining any aid to navigation at the lighthouse, including any light, antennae, sound signal, and associated equipment located at the lighthouse, and any electronic navigation equipment or system located at the lighthouse.

(2) The right to enter the lighthouse and any such property and improvements at any time, without notice, for purposes of relocating, replacing, or improving any such aid to navigation, or to carry out any other activity necessary in aid of navigation.

(3) An easement of ingress and egress onto the real property conveyed for the purposes referred to in paragraphs (1) and (2).

(4) An easement over such portion of such property as the Secretary considers appropriate in order to ensure the visibility of the lighthouse for navigation purposes.

(5) The right to obtain and remove any historical artifact, including any lens or lantern that the Secretary has identified pursuant to paragraph (3) of subsection (a).

(d) MAINTENANCE OF AIDS TO NAVIGATION.—The Secretary may not impose upon the Institute, or upon any entity to which the Institute conveys a lighthouse under subsection (g), an obligation to maintain any aid to navigation at a lighthouse conveyed under subsection (a)(1).

(e) REVERSIONARY INTEREST.—All right, title, and interest in and to a lighthouse and any real property and improvements associated therewith that is conveyed to the Institute under subsection (a)(1) shall revert to the United States and the United States shall have the right of immediate entry thereon if—

(1) the Secretary determines at any time that the lighthouse, and any property and improvements associated therewith, is not being utilized or maintained in accordance with subsection (b); or

(2) the Secretary determines that—

(A) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (g) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a)(1); or

(B) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(i) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(ii) the committee established under subsection (g)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(f) INSPECTION.—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this section at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsections (b)(4) and (b)(5). The United States Fish and Wildlife Service, the Institute, and any subsequent conveyee of the Institute under subsection (g), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(g) SUBSEQUENT CONVEYANCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a)(1), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) EXCEPTION.—The Institute, with the concurrence of the committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) agrees to permit the inspections referred to in subsection (f); and

(iii) agrees to comply with the conditions set forth in subsection (b) and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the ''Committee'').

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses referred to in subsection (a) are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 180 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse,

the Committee shall notify the Institute of such approval.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (e)(2)(B), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove of entities identified pursuant to the preceding sentence in accordance with this subparagraph.

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an entity for the conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (f).

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary.

(i) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (g).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with a conveyance under subsection (a) that the Secretary considers appropriate in order to protect the interests of the United States.●

By Mr. KYL (for himself and Mr. MCCAIN):

S. 686. A bill to establish a Commission to examine the costs and benefits, and the impact on voter turnout, of changing the deadline for filing Federal income tax returns to the date on which Federal elections are held; to the Committee on Finance.

THE VOTER TURNOUT ENHANCEMENT STUDY COMMISSION ACT

● Mr. KYL. Mr. President, I introduce the Voter Turnout Enhancement Study [VoTES] Commission Act, a bill to establish a temporary Commission to consider whether the deadline for filing Federal income tax returns should be changed to the date on which Federal elections are held.

Our constituents demonstrated last fall that they want real change. I can't think of anything that would change the Congress more than to move tax day to election day so the American people could vote as they pay. It would not only enhance voter turnout rates, but also give the American people an opportunity to vote at the same time they pay their taxes, thus holding politicians accountable to the people on the day they are most focused on the cost of their Government.

While just about every day of the year is celebrated by special interest groups around the country for the Government largesse they receive, the taxpayers—the silent majority—have only one day of the year to focus on what that largesse means to them—how much it costs them—and that is tax day.

The Voter Turnout Enhancement Study [VoTES] Commission Act would provide for a thoughtful and thorough analysis of the date change, its potential impact on voter turnout, as well as any economic impact it might have. The bill explicitly requires that an independent Commission conduct a cost-benefit analysis—a requirement that Congress would be wise to impose routinely on legislative initiatives to separate good ideas from the bad, and save taxpayers a lot of money in the process. A number of other cost-limiting provisions have been included to protect taxpayers' interests.

I invite my colleagues to cosponsor this important legislation.

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. 686

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 "Voter Turnout Enhancement Study Commission Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) Federal, State, and local governments have a duty to promote the exercise of the right to vote to the greatest extent possible;

(3) the power to tax is only guardedly granted to Federal, State, and local governments by the citizens of the United States;

(4) the only regular contact that most Americans have with their government consists of filing personal income tax returns and voting in Federal, State, and local elections;

(5) in 1992, almost 115,000,000 Federal income tax returns were filed by individuals and couples, but only approximately 104,000,000 votes were cast in the year's presidential election;

(6) an estimated 116 million Federal income tax returns will be filed by individuals and couples for 1994, but only about half that number of votes were cast in that year's congressional elections; and

(7) more closely tying the rights of individuals as voters to their obligations as taxpayers will provide additional incentives for individuals to both participate in the electoral process and scrutinize the costs and benefits of government policies.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Voter Turnout Enhancement Study Commission (in this Act referred to as the "Commission").

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed as follows:

(1) 3 members appointed by the President.

(2) 3 members appointed by the President pro tempore of the Senate, upon the joint recommendation of the majority leader and the minority leader of the Senate.

(3) 3 members appointed by the Speaker of the House of Representatives, upon the joint recommendation of the Speaker and the minority leader of the House of Representatives.

(b) POLITICAL AFFILIATION.—Not more than 2 of the 3 members of the Commission appointed under any 1 paragraph of subsection (a) may be of the same political party.

(c) TIME OF APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(d) TERMS.—Members of the Commission shall be appointed to serve for the life of the Commission.

(e) VACANCIES.— Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) COMPENSATION.—

(1) RATE OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission shall be entitled to receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold a hearing.

(h) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(i) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date on which all members of the Commission have been appointed.

SEC. 5. DUTIES.

(a) STUDY.—The Commission shall conduct a comprehensive study of all matters relating to the possibility of changing the filing date for Federal income tax returns to the 1st Tuesday after the 1st Monday in November. The study shall include an analysis of—

(1) the costs and benefits of the change in filing date; and

(2) the likelihood that establishment of a single date on which individuals can fulfill obligations of citizenship as both electors and taxpayers will increase participation in Federal, State, and local elections.

(b) CONSULTATION.—The Commission shall consult with Governors, Federal and State election officials, the Commissioner of Internal Revenue, and any other person, agency, or entity that the Commission determines to be appropriate.

SEC. 6. POWERS.

(a) HEARINGS.—The Commission may hold the hearings, sit and act at the times and places, take the testimony, and receive the information that the Commission considers advisable to carry out the purposes of this Act.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal department or agency.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(d) REQUESTS FOR OFFICIAL INFORMATION.—The Commission may request from a Federal department or agency information necessary to enable the Commission to carry out this Act. The head of the department or agency shall provide the information to the Commission unless release of the information to the public by the agency is prohibited by law.

SEC. 7. STAFF ASSISTANCE FROM FEDERAL AGENCIES.

Upon the request of the Commission or the Chairperson of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out this Act.

SEC. 8. REPORT.

Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to the President and the Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the study required by section 5; and

(2) recommendations of the Commission regarding any legislation or administrative action the Commission considers appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate upon the submission of the report required by section 8.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

By Mr. PRYOR:

S. 687. A bill to improve and strengthen child support enforcement, and for other purposes; to the Committee on Finance.

THE CHILD SUPPORT ENFORCEMENT ACT OF 1996

Mr. PRYOR. Mr. President, I rise today to introduce the Child Support Enforcement Act of 1995. This bill is modeled after the bipartisan approaches contained in child support enforcement legislative proposals of last year.

The problems that we currently face in this area have been well researched and analyzed in a recently released report, written at my request, by the General Accounting Office [GAO]. One of the most telling facts in the GAO report is that the national child support enforcement caseload grew 180 percent between 1980 and 1992. This statistic speaks volumes. In 1994, the 15 million support cases nationwide represent a significant portion of our neediest families. If the estimated $34 billion that is owed these families could be collected, the taxpayers would receive some much needed relief as a result of the corresponding reductions that would be possible in many welfare programs.

Mr. President, I held a hearing on child support enforcement last July to try to better understand why this money is not being collected. This hearing lead me to conclude that until we improve the way the system works at the local, State, and Federal levels we will never be able to ensure that children receive the financial support from their respective families to which they are entitled.

There were many issues raised in the hearing that are worthy of attention, but one I wish to especially highlight is the caseload of most of the State workers who are trying to help custodial parents collect their payments.

One witness, a caseworker from Virginia, testified that she could only spend about 12 minutes a month with any one client. Mr. President, 12 minutes a month is simply not enough time to effectively deal with all of the complex issues involved in these cases.

Another witness was Ms. Judy Jones Jordan, the administrator of the Child Support Enforcement Program in Arkansas. My State is indeed fortunate to have an outstanding administrator of such a critical program. She testified that the system had bogged down. Rather than having a clear mission, the State programs are subject to so much Federal oversight that getting the job done has become almost impossible. She said:

> The program has changed from one designed to assist families and reduce the cost of public assistance programs to one focused on passing audits and avoiding Federal penalties.

Mr. President, the legislation I am introducing today is an attempt to address the problem identified by Ms. Jordan. In a country where the default rate on used car loans is 3 percent and the default rate on child support orders is nearly 50 percent, we need to greatly improve the way that the partnership between the Federal Government and the States works.

This legislation that I am introducing addresses the key issues that I think will make a significant difference in the operation of the child support system. First, the Federal audit requirements will be revised so that they become a far less onerous burden on the States. In fact, I believe the new procedures will transform this process into a helpful and necessary evaluation that will provide the States with useful information on the effectiveness of their program while ensuring accountability of Federal dollars.

The second thing that my legislation would do, is the funding system will be modified to address the GAO's finding that the present system does not provide incentives to States for improving the performance of the program.

Third, the legislation will require States to suspend drivers licenses and other licenses, both professional and recreational, of parents who are delinquent in their child support payments. My State of Arkansas has found that this program is very effective in encouraging noncustodial parents to promptly pay their child support obligations.

Finally, the legislation attempts to address the difficult issue of the overburdened case workers in of the State child support offices. The Department of Health and Human Services and the States will sit down together and determine the level of staffing necessary for each State to effectively carry out its child support program. It is my hope that with the benefit of this joint effort, the State programs will then be able to at least partially address this critical area.

Mr. President, while personal responsibility is the key to taking care of children, it is my belief the Government has a limited but important role to ensure that it is easy for noncustodial parents to fulfill their duties, and difficult for them to avoid it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

TITLE I—ELIGIBILITY AND OTHER MATTERS CONCERNING CHILD SUPPORT ENFORCEMENT PROGRAM CLIENTS

Sec. 101. Cooperation requirement and good cause exception

Section 101 amends the CSE, AFDC, and Medicaid statutes to require that, effective 10 months after enactment (or earlier, at State option)—

The State CSE agency (rather than the AFDC and Medicaid agencies, as under current law) will make determinations of whether applicants for AFDC and Medicaid are cooperating with efforts to establish paternity and obtain child support, or have good cause not to cooperate;

The AFDC and Medicaid agencies must immediately refer applicants needing paternity establishment services to the CSE agency, and the CSE agency must make an initial cooperation or good cause determination within 10 days of such referral;

The mother or other custodial relative of a child born 10 months or more after enactment of these amendments will not be found to cooperate with efforts to establish paternity unless that individual names the putative father and supplies information that could assist the IV–D agency to identify him; and

Cooperation with initial efforts to establish paternity (except where good cause is found) is a precondition to eligibility for program benefits, except where the applicant is eligible for emergency assistance under title IV–A or is a pregnant woman presumptively eligible for Medicaid, where an appeal of a finding of lack of good cause is pending, or where the CSE agency has not made a timely determination.

Sec. 102. State obligation to provide paternity establishment and child support enforcement services

Section 102 requires State laws to require that—

Every child support order established or modified in the State on or after October 1, 1998 be entered in a central case registry to be operated by the IV–D agency (see section 301 of the bill);

Child support be collected (except where parents agree to opt out under limited circumstances) through a centralized collections unit to be operated by the IV–D agency or its contractor (see section 302 of the bill)—

On and after October 1, 1998, in all cases being enforced under the State plan; and

On and after October 1, 1999, in all cases entered in the central case registry.

Section 102 amends the IV–D State plan requirements to eliminate distinctions between welfare recipients and other applicants for IV–D services with respect to services available and fees for such services. Under these amendments—

No fees may be imposed on any custodial or noncustodial parent—

After September 30, 1998, for application for IV–D services; or

At any time, for inclusion in the central state registry;

No other fees (other than those specified in current law for genetic testing and tax refund offset) may be imposed on the custodial parent; and

Any other costs or fees may be imposed on the noncustodial parent (but any fees for support collections through the centralized collections unit must be added to and not deleted from the support award).

Sec. 103. Distribution of payments

Section 103 amends the provisions of title IV–D concerning the order of priority for distribution of child support collections, to provide that—

A family not receiving AFDC shall be paid the full amount of current support, plus arrearages for any period after the family ceased to receive AFDC, before any amount is retained by the State to reimburse AFDC;

The State would have the option, in the case of a family receiving AFDC, either to make distribution as under current law or to pay the family the full amount of current support due before retaining any amount to reimburse the AFDC agency;

Where the parent owing support marries (or remarries) the custodial parent, and the parents' combined income is less than twice the Federal poverty line, the State must, upon application by the parents, suspend or cancel any debts owed the State on account of AFDC paid to the family.

This section also requires the Secretary to promulgate regulations—

Under title IV–D, establishing a uniform national standard for distribution where a parent owes support to more than one family; and

Under title IV–A, establishing standards for States choosing the alternative distribution formula, to minimize irregular monthly payments to AFDC families.

Finally, this section, together with the corresponding amendment to title IV–A in title VII of this bill, increases the amount of monthly support to be paid to the family by the CSE agency and disregarded for purposes of AFDC eligibility and benefits. The new ''passthrough and disregard'' amount would be the current $50 increased by the CPI, or such greater amount as the State may choose.

Sec. 104. Due process rights

Section 104. requires State IV–D plans, effective October 1, 1997, to provide for procedures to ensure that—

Parties to cases in which IV–D services are being provided receive notice of all proceedings in which support obligations might be established or modified, and of any order establishing or modifying a support obligation within 10 days of issuance; and

Individuals receiving IV–D services have available to them fair hearing or other formal complaint procedure.

Sec. 105. Privacy safeguards

Section 105 requires State IV–D plans, effective October 1, 1996, to provide for safeguards to protect privacy rights with respect to sensitive and confidential information, including safeguards against unauthorized use of disclosure of information relating to paternity and support proceedings, and prohibitions on disclosing the whereabouts of one individual to another person who is subject to a protective order, or convicted of criminal assault or abuse against such individual, or against whom a proceeding is pending seeking such a protective order or conviction.

Sec. 106. Requirement to facilitate access to services.

Section 106 requires State IV–D plans, effective October 1, 1996, to include outreach plans to increase parents' access to CSE services, including plans responding to the needs of working parents and parents with limited proficiency in English.

TITLE II—PROGRAM ADMINISTRATION AND FUNDING

Sec. 201. Federal matching payments

Section 201 increases the basic eral matching rate for State IV–D programs (currently 66 percent) to 69 percent for FY 1997, 72 percent for FY 1998, and 75 percent for FY 1999 and thereafter.

Section 201 also adds a maintenance of effort requirement that—

Total State expenditures (other than for automated data processing systems development), after deducting Federal matching payments (but not incentive payments) not be less than such expenditures for FY 1996, and

Total State expenditures for FY 1997 and 1998, after deducting Federal matching payments and incentive payments, not be less than such expenditures for FY 1996.

Sec. 202. Performance-based incentives and penalties

Section 202 replaces the system of incentive payments to States under section 458 of the Act with a new program of incentive adjustments to the Federal matching rate. Under this program, States could receive increases of up to 5 percentage points based on Statewide paternity establishment, and increases of up to 10 percentage points based on overall CSE performance.

Section 202 also makes amendments (effective with respect to quarters beginning on and after the date of enactment) providing for a penalty reduction of AFDC matching payments where a State's CSE program does not meet specified performance standards:

Section 452(g) is amended to make minor and technical amendments to the formula for determining the paternity establishment percentage under the IV–D program (the amendments correct errors introduced by OBRA 1993).

Section 403(h) is amended (effective with respect to calendar quarters beginning one year or more after enactment) to simplify the penalty reduction procedure. The penalty is to be deferred for one year pending State corrective action, and to be canceled if all deficiencies are eliminated by the end of that year.

The Secretary would specify in regulations the levels of accomplishment (or improvement) needed to qualify for each incentive adjustment rate. States would report performance data after the end of FY 1995 and each succeeding year; the Secretary would determine the amount (if any) of adjustment due each State, based on State data determined by the Secretary to be reliable, and would apply the adjustment to matching payments for the succeeding fiscal year (beginning with FY 1997).

Sec. 203. Federal and State reviews and audits

Section 203 makes amendments, effective beginning one year after enactment, shifting the focus of title IV–D audits from the manner in which activities are conducted to performance outcomes, as follows:

A new State plan element requires the States annually—

To determine, and report to the Secretary concerning, conformity with State plan requirements; and

To extract from their ADP systems, and transmit to the Secretary, data and calculations concerning their compliance with Federal performance requirements.

The Secretary's responsibilities are revised to require—

Annual review of the State reports on plan conformity; determinations of amounts of penalty adjustments to States; and provisions of comments, recommendations, and technical assistance to the States);

Evaluation of elements of State programs in which significant deficiencies are indicated by the State reports; and

Triennial audits of State reporting systems and financial management, and for other purposes the Secretary finds necessary.

Sec. 204. Automated data processing

Section 204 recognizes and clarifies title IV–D State plan requirements concerning automated data processing, and adds requirements that the State agency ADP system (1) be used to calculate the State's performance for purposes of the incentive and penalty adjustments under sections 403(h) and 458; and (2) incorporate safeguards on information integrity and security.

This section also revises the statutory provisions for State implementation of all Federal ADP requirements (currently required by October 1, 1995), to provide that:

All requirements enacted on or before enactment of the Family Support Act of 1988 are to be met by October 1, 1996; and

All requirements (including those enacted in OBRA 1993 and this bill) are to be met by October 1, 1999.

Ninety percent Federal matching for ADP start-up costs remains available through FY 1996. For the next 5 years, the match rate for startup costs is the higher of (i) 80 percent or (ii) the matching rate generally applicable to the State IV–D program (including any incentive increases); total Federal payments to States are limited to $260,000,000, to be distributed among States on a formula set in regulations which takes into account the relative size of State caseloads and the level of automation needed to meet applicable ADP requirements.

Sec. 205. Director of CSE Program; training and staffing

Section 205—

Eliminates the requirement that the individual responsible for day-to-day operation of the Federal CSE program report directly to the Secretary;

Requires the Secretary to develop a national training program for State IV–D directors, and a core curriculum and training standards for State agencies, and authorizes the Secretary to charge States fees for such programs;

Requires State IV–D agencies to have training programs consistent with the national standards and curriculum, and to provide for initial standards and curriculum, and to provide for initial and ongoing training of all staff, and permits use of IV–D funds (with the Secretary's approval) for training of non-agency personnel with related responsibilities (including judges, law enforcement personnel, and social workers); and

Requires the Secretary to study and report to Congress on the staffing of each State's

CSE program (including a review of needs created by requirements for ADP systems, central case registries, and centralized support collections).

Sec. 206. Funding for secretarial assistance to State programs

Section 206 makes available to the Secretary, from annual appropriations for payments for State programs under title IV–D for FY 1995 and succeeding years—

An amount equal to 1 percent of the Federal share of child support collections on behalf of AFDC recipients for the preceding fiscal year, for use for assistance to State IV–D agencies through technical assistance, training, and related activities; projects of regional or national significance; and

An amount equal to 2 percent of the Federal share of such collections, for operation of the FPLS and the National Welfare Reform Information Clearinghouse established by section 305 (to the extent such costs are not recovered in user fees.)

Sec. 207. Data collection and reports by the Secretary

Section 207 amends data collection and reporting requirements, effective with respect to FY 1994 and succeeding fiscal years, to conform the requirements to the changes made by the bill, and to eliminate requirements for unnecessary or duplicative information.

Sec. 208. Coordination with income eligibility verification system

Section 208 amends the authority for the Income Eligibility Verification System (IEVS)—

To permit IEVS information furnished to state CSE programs to be used to assist in carrying out any title IV–D program purpose (rather than only for income eligibility verification); and

To require the state CSE agency to make information in the central State case registry available to State agencies administering the AFDC, Medicaid, Food Stamp, and unemployment compensation programs.

TITLE III—LOCATE AND CASE TRACKING

Sec. 301. Central State case registry.

Section 301 requires the State IV–D agency's ADP system—

To perform the functions of a single central registry containing records with respect to each case in which services are being provided by the State agency (including each case in which an order has been entered or modified on or after October 1, 1998);

For each case, to maintain and regularly update a complete payment record of all amounts collected and distributed; amounts owed or overdue (including interest or late payment penalties and fees); and the termination date of the support obligation;

Regularly to update and monitor case records on the basis of information on judicial and administrative actions, proceedings, and orders relating to paternity and support; information from data matches; information on support collections and distributions; and other relevant information; and

To extract data for purposes of sharing and matching with Federal, in-State, and interstate data bases and locator services, including the FPLS, the data bases created by this bill, other State IV–D agencies, and State agencies administering AFDC, Foster Care, and Medicaid.

Sec. 302. Centralized collection and disbursement of support payments

Section 302 requires State IV–D agencies, on and after October 1, 1997—

To operate a centralized, automated unit for collection and disbursement of child support which—

Is operated directly by the State IV–D agency or by a contractor responsible directly to the State agency;

Collects and disburses support in all cases being enforced by the State agency (including all cases under orders entered on or after October 1, 1998);

Uses automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical; and

Is coordinated with the State agency's ADP system;

To use the State agency ADP system to assist and facilitate the operations of the centralized collections unit, through functions including—

Generation of wage withholding notices and orders to employers;

Ongoing monitoring to promptly identify nonpayment; and

Automatic use of administrative enforcement mechanisms; and

To have sufficient State staff (including State employees and contractors) to carry out these monitoring and enforcement responsibilities.

Sec. 303. Amendments concerning income withholding

Section 303 requires State laws concerning income withholding to provide—

That all child support orders issued or modified before October 1, 1995, which are not otherwise subject to income withholding, will become subject to income withholding immediately if arrearages occur, without need for a judicial or administrative hearing;

That employers withholding wages must forward payments to the State centralized collections unit within 5 working days after the amount withheld would otherwise have been paid to the employee;

That the notice from the State to employers directing wage withholding must be in a standard format prescribed by the Secretary;

For the imposition of fines against employers who fail to withhold support from wages, or to make appropriate and timely payment to the State collections unit.

This section also makes amendments—

Conforming the income withholding requirements to the requirement for a centralized State collections unit; and

Requiring the Secretary to promulgate regulations defining income and other terms for purposes of title IV–D.

Sec. 304. Locator information from interstate networks and labor unions

Section 304 adds a requirement for State laws providing—

That the State will neither finance nor use any automated interstate locator system network for purposes relating to (i) motor vehicles or (ii) law enforcement unless all Federal and State IV–D agencies (including the FPLS and the new Federal data matching services) have access on the same basis as any other user of the system or network (but only, in the case of law enforcement data, where such access is otherwise allowed by State and Federal law); and

Requiring labor unions and their hiring halls to furnish to the IV–D agency, upon request, locator information (relating to residence and employment) on any union member against whom a paternity or support obligation is sought to be established or enforced.

Sec. 305. National Child Support Information Clearinghouse

Section 305 amends title IV–D to require the Secretary to establish and operate a National Child Support Information Clearinghouse (NCSIC).

The NCSIC would include Federal Parent Locator Service under section 453 of the Act, The Secretary is also required to establish within the NCSIC, by October 1, 1998, two new automated data matching services designed to locate individuals (and their assets) for CSE purposes:

The National Child Support Registry would contain minimal information (including names, social security numbers or other uniform identification numbers, and State case identification numbers) on each case in a State central case registry, based on information furnished and regularly updated by State IV–D agencies.

The National Directory of New Hires would contain identifying information—

Supplied by employers, within 10 business days of hiring (or, if the employer makes automated reports, 10 business days after the close of the corresponding payroll period), on each individual hired on or after October 1, 1998, and

Consisting of extracts from reports to the Secretary of Labor under the Federal Unemployment Tax Act, supplied by States either quarterly or on such more frequent basis as such reports are supplied to the Secretary of Labor, in such format and containing such information as the Secretary may require.

(An employer failing to make a timely report concerning an employee would be subject to a civil money penalty of the lesser of $500 or 1 percent of the wages paid to the employee.)

The Secretary is required to disclose or match data in the Clearinghouse as follows:

Data are to be shared with the Social Security Administration for the purpose of verifying the accuracy of identifying information reported.

The New Hire Directory and Child Support Registry are to be matched every 2 working days, and resulting information to be reported to State CSE agencies.

Other Clearinghouse registries are to be matched against each other, and resulting information is to be reported to State CSE and AFDC agencies, to the extent found effective.

Data in Clearinghouse registries are to be disclosed through the IEVS system to the AFDC, Medicaid, unemployment compensation, food stamp, and territorial cash assistance programs, for income eligibility verification and any other purpose permitted under section 1137 of the Act.

Registry data are to be disclosed to the Social Security Administration for use in determining the accuracy of supplemental security income payments under title XVI and in connection with benefits under title II of the Act.

Data in the New Hire Directory are to be disclosed—

To the Secretary of the Treasury, for administration of the earned income tax credit program and for verification of claims concerning employment on tax returns; and

To State agencies administering unemployment compensation and workers compensation programs, to assist determinations on the allowability of claims.

The Secretary may disclose Clearinghouse data, without personal identifiers, for research serving the purposes of specified programs under title IV of the Act.

This section provides for reimbursement by the Secretary to SSA and to State employment security agencies (SESAs) for their costs of carrying out this section; and for reimbursement to the Secretary by State and Federal agencies receiving information from the Clearinghouse. This section also include provisions designed to safeguard information in the Clearinghouse from inappropriate disclosure or use.

This section makes related amendments to the Federal Unemployment Tax Act and title III of the Social Security Act, requiring

SESAs to furnish wage and unemployment compensation information to the Directory of New Hires.

Sec. 306. Expanded locate authority

Section 306; makes various amendments to remove legal barriers and otherwise increase the effectiveness of electronic data matches for CSE purposes. The FPLS authority is amended—

To broaden the purpose of the FPLS to include locating information on wages and other employment benefits, and on other assets (or debts), for purposes of establishing or setting the amount of support obligations;

To require the FPLS to obtain information from consumer reporting agencies; and

To authorize the Secretary to set reasonable rates for reimbursement to other Federal agencies, State agencies, and consumer reporting agencies for the costs of providing information to the FPLS.

This section also makes complementary amendments to other laws, as follows:

Section 608 of the Fair Credit Reporting Act is amended to make available to the FPLS all information on individuals in the files of consumer reporting agencies (rather than only locate information, as under current law).

Section 6103(1) (6) and (8) of the Internal Revenue Code of 1986 (providing for IRS and Social Security Administration disclosures of tax return information to Federal, State, and local CSE agencies) are amended—

To eliminate the restriction that IRS may disclose return information only if the information is not reasonably available from any other source; and

To permit disclosures by the Social Security Administration to OCSE.

Sec. 307. Studies and demonstrations concerning parent locator activities

Section 307 requires the Secretary—

To study, report, and make recommendations to the Congress concerning issues involved in (1) making FPLS information available to noncustodial parents, and (2) operating electronic data interchanges between the FPLS and major consumer credit reporting bureaus; and

To fund State demonstrations testing automated data exchanges with other State data bases (using funds available to the Secretary for technical assistance to States under the provision added by section 616 of the bill).

Sec. 308. Use of Social Security numbers

Section 308 requires State laws requiring the recording of social security numbers of the parties on marriage licenses and divorce decrees, and of parents on birth records and child support and paternity orders.

This section also makes an amendment to title II of the Act, to clarify that social security numbers of parents must be recorded on children's birth records, but that this requirement authorizes release of social security numbers only for purposes related to child support enforcement.

TITLE IV—STREAMLINING AND UNIFORMITY OF PROCEDURES

Sec. 401. Adoption of uniform State laws

Section 401 requires States, by January 1, 1996, to adopt in its entirety the Uniform Interstate Family Support Act, with the following modifications and additions:

The State law is to apply in any case (1) involving an order established or modified in one State and for which a subsequent modification is sought in another State; or (2) in which interstate activity is required to enforce an order;

The State law shall provide that a tribunal in the State with jurisdiction over a child who is a resident of the State has jurisdiction over both parents;

The State law shall provide that the State may modify an order issued in another State if (1) all parties do not reside in the issuing State, and either reside in or are subject to the jurisdiction of the State in question; and (2) (if any other State is exercising or seeks to exercise jurisdiction), the conditions applicable to simultaneous proceedings are met to the same extent as required for proceedings to establish orders;

The State law shall permit consenting parties to permit the State which issued an order to retain jurisdiction which it would otherwise lose because the parties are no longer present in that State;

The State law shall recognize as valid service of process upon persons in the State by any means acceptable in the State which is the initiating or responding State in a proceeding;

The State must have procedures requiring all public and private entities in the State to provide promptly, in response to the request of the IV–D agency of that or any other State, information on employment, compensation, and benefits of any employee or contractor of such entity.

Section 401 provides for expedited appeal to the Supreme Court of any district court ruling on the constitutionality of the above provision concerning long-arm jurisdiction based on the child's residence.

This section also makes conforming amendments to authorities requiring States to give full faith and credit to other States' child support orders.

Sec. 402. State laws providing expedited proceedings

Section 402 requires State laws to give the State IV–D agency the authority (and recognize and enforce the authority of State agencies of other States), to take the following actions relating to establishment of paternity and establishment and enforcement of support orders without obtaining an order from a separate judicial or administrative tribunal (but subject to due process safeguards):

To establish the amount of support in any case being enforced by the State agency, and to modify any support order included in the central case registry, based on State guidelines;

To order genetic testing for paternity establishment where appropriate preconditions are met;

To enter a default order—

Establishing paternity (where a putative father refuses to submit to genetic testing); and

To establish or modify a support obligation, where an obligor or obligee fails to respond to notice to appear;

To subpoena financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to a subpoena;

To obtain access (including automated access, if available), subject to appropriate safeguards, to—

Records of other State and local government agencies, including records on vital statistics; tax and revenue; real and titled personal property; occupational and professional licenses; ownership and control of corporations and other business entities; employment security; public assistance; motor vehicles; and corrections;

Customer records of public utilities and cable television companies; and

Information held by financial institutions on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought);

To order wage or other income withholding;

To direct that the payee under an order be changed (in cases being enforced by the State agency) to the appropriate government entity;

For the purpose of securing overdue support—

To intercept and seize any payment to the obligor by or through a State or local government agency;

To attach and seize assets of the obligor held by financial institutions;

To attach retirement funds (where permitted by the Secretary);

To impose liens and, in appropriate cases, to force sale of property and distribution of proceeds; and

To increase monthly support payments to include amounts for arrearages.

To suspend drivers' licenses of individuals owing past-due support.

Section 402 also requires State laws to provide for the following substantive and procedural rules and authority, applicable to all proceedings to establish paternity or to establish, modify, or enforce support orders:

Procedures permitting presumptions of notice in child support cases, under which parties to a paternity or child support proceeding must file with the tribunal, and update, information on location and identity, which may be relied on in any subsequent child support enforcement action between the same parties for purposes of providing notice and service of process (if due diligence has otherwise been exercised in attempting to locate such party);

Procedures ensuring Statewide jurisdiction in child support cases, under which the IV–D agency and tribunals hearing child support and paternity cases have Statewide jurisdiction; their orders have Statewide effect; and (where orders in such cases are issued by local jurisidictions) a case may be transferred within the State without loss of jurisdiction.

This section would bar the Secretary from granting States exemptions from State law requirements under section 466 of the Act concerning procedures for paternity establishment; modification of orders; recording of orders in the central State case registry; recording of social security numbers; interstate enforcement; or expedited administrative procedures.

Finally, this section requires the IV–D agency's ADP system to be used, to the maximum extent feasible, to implement the above expedited administrative procedures.

TITLE V—PATERNITY ESTABLISHMENT

Sec. 501. State laws concerning paternity establishment

Section 501 amends the provisions concerning State laws on paternity establishment to require such laws—

To permit the initiation of proceedings to establish paternity before the birth of the child concerned;

To provide authority to order genetic testing upon request of a party when such request is supported by a sworn statement establishing a reasonable possibility of parentage;

To require the IV–D agency, when it orders genetic testing, to pay the costs (subject (at State option) to recoupment from the putative father if paternity is established), and to obtain additional testing (upon advance payment) where test results are disputed;

To require the State to admit into evidence results of any genetic test that is of a type generally acknowledged by accreditation bodies designated by the Secretary as reliable evidence of paternity, and performed by a laboratory approved by such an accreditation body;

To make cooperation by hospitals and other health care facilities in voluntary paternity acknowledgment procedures a condition of Medicaid participation;

To require any State that treats a voluntary acknowledgment as a rebuttable presumption to provide that the presumption becomes conclusive within one year (unless rebutted or invalidated);

To provide (at State option, notwithstanding the preceding provision) for vacating an acknowledgement of paternity, upon the request of a party, on the basis of new evidence, the existence of fraud, or the best interest of the child; and

To provide that no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgement of paternity;

To provide that parties to a paternity proceeding are not entitled to jury trial;

To require issuance of an order for temporary support, upon motion of a party, pending an administrative or judicial determination of parentage, where paternity is indicated by genetic testing or other clear and convincing evidence;

To provide that bills for pregnancy, childbirth, and genetic testing are admissible without foundation testimony;

To grant discretion to the tribunal establishing paternity and support to waive rights to amounts owed to the State (but not to the mother) for costs relating to pregnancy, childbirth, genetic testing, and child support arrears, where the father cooperates or acknowledges paternity;

To ensure that putative fathers have a reasonable opportunity to initiate paternity actions.

Sec. 502. Outreach for voluntary paternity establishment

Section 502 requires State IV–D plans, effective October 1, 1996, to provide that the State will publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

Will include distribution of materials at health care facilities and other locations, such a schools; and follow-up on each child for whom paternity has not been established discharged from a hospital after birth; and

May include programs to educate expectant couples on rights and responsibilities relating to paternity, in which all expectant IV-A recipients may be require to participate).

90 percent Federal matching would be available for the above outreach activities in quarters beginning on and after October 1, 1996.

Sec. 503. Penalty for failure to establish paternity promptly

Section 503 provides for reduction of Federal matching otherwise payable to a State IV-A program, for quarters beginning 10 months or more after enactment of this bill, for failure to establish paternity for children born 10 months or more after enactment who are receiving public assistance, whose mothers or custodial relatives have cooperated with State agency efforts for the entire preceding year, but for whom paternity has not been established. The reduction formula would be establish in regulations; it would equal the product of (1) the number of such children in the State (after making allowance for a tolerance level of a percentage of such children, ranging from 25 percent for FY 1998 to 10 percent for FY 2004 and succeeding fiscal years); (2) the average monthly AFDC payment; and (3) one-half the applicable Federal matching rate under title IV-A.

Sec. 504. Incentives to parents to establish paternity

Section 504 authorizes the Secretary to approve IV-D State plan amendments providing for incentive payments to families to encourage paternity establishment. State payments for this purpose would be matched as ordinary IV-D expenditures.

This section also requires the Secretary to authorize up to 3 States to conduct demonstrations providing financial incentives to families for establishment of paternity. 90 percent Federal matching would be available under title IV-D for State payments to families under these demonstrations, up to a $1 million cap on Federal expenditures.

TITLE VI—ESTABLISHMENT AND MODIFICATION OF SUPPORT ORDERS

Sec. 601. National Commission on Child Support Guidelines

Section 601 authorizes the Secretary to establish a National Commission on Child Support Guidelines to consider the advisability of a national child support guideline (or parameters for State guidelines) and, if appropriate, to develop a proposed guideline for congressional consideration. The Commission is to consider matters including the adequacy of State guidelines; the definition of income and circumstances under which income should be imputed; tax treatment of support; cases in which parents have obligations to more than one family, treatment of expenses for child care, health care, and special needs; the appropriate duration of support, and issues raised by shared custody.

The Commission would have 2 members appointed by the Chairman and 1 by the Ranking Minority Member of the Senate Finance Committee; 2 appointed by the Chairman and 1 by the Ranking Minority Member of the House Ways and Means Committee; and 6 appointed by the Secretary. Members would be appointed by March 1, 1996, and would make a final report to the President and the Congress within 2 years after appointment.

Appropriations are authorized of $1 million for each of FYs 1996 and 1997, to remain available until expended.

Sec. 602. State laws concerning modification of child support orders

Section 602 requires States, effective October 1, 2000, to have in effect laws concerning modification of child support order under which—

The IV–D agency modifies all support order (including judicial orders) included in the central case registry, in accordance with State guidelines on award amounts;

All orders in the central case registry are revised and adjusted at least every 36 months unless adjustment is not in the child's best interests, or unless both parents decline modification in writing.

Support orders must be reviewed upon the request of either parent whenever either parent's income has changed by more than 20 percent, or other substantial changes in circumstances have occurred, since the order was established or most recently reviewed.

This section also amends current due process provisions to eliminate specific Federal timetables and to require instead application of State due process safeguards.

Sec. 603. Study on use of tax return information for modification of child support orders

Section 603 requires the Secretaries of HHS and Treasury to conduct a study to determine how tax return information might be used to facilitate the process of modifying child support awards.

Sec. 604. Cost-of-living adjustment of child support awards

This section directs the States to include in their State plan procedures to ensure that child support orders shall be adjusted an annual basis in line with the Consumer Price Index.

TITLE VII—ENFORCEMENT OF SUPPORT ORDERS

Sec. 701 Revolving loan fund for program improvements to increase collections

Section 701 authorizes appropriation of a total of $100 million ($10 million each for FYs 1999 and 2000, and $20 million each for FYs 2001 through 2004), to establish in title IV-D a revolving fund for loans by the Secretary to States for short-term projects making operational improvements in State and local IV-D programs with the potential for achieving substantial increases in child support collections.

Loans from the fund could not exceed $5 million per State or $1 million per project (or $5 million for a single Statewide project in a large State); loan durations could not exceed 3 years. Loans would be repaid through offsets against the increase in State incentive payments, plus additional offsets against State IV-D payments as necessary to ensure full repayment in 3 years. Loan funds received by a State could be used by the State as the non-Federal share of expenditures under the State IV-D program.

Sec. 702. Federal income tax refund offset

Section 702 makes amendments, effective January 1, 1997, relating to the authority to offset child support arrearages against Federal income tax refunds, as follows:

The Internal Revenue Code of 1986 is amended to provide that offsets of child support arrears (whether owed to the family or assigned to the State) against income tax overpayments would take priority over debts owed Federal agencies (other than debts owed to HHS or the Department of Education for student loans);

Title IV-D is amended—

To eliminate disparate treatment of families not receiving public assistance, by repealing provisions (applicable only to support arrears not assigned to the State) that—

Make the offset available only for minor or disabled children who are still owed current support;

Set a higher threshold amount of arrears before tax offset is available; and

Permit higher fees to be charged for the offset service.

Sec. 703. Internal Revenue Service collection of arrears

Section 703 amends the provision of the Internal Revenue Code of 1986 which provides authority to collect child support arrears as if they were a tax owed by the obligor, upon certification of arrears by the Secretary of HHS, to bar imposition by IRS of additional fees for adjustment to the amount of arrears previously certified with respect to the same obligor.

Sec 704. Authority to collect support from employment-related payments by the United States

Section 704 amends title IV–D, effective 6 months after enactment, to eliminate the separate rules for withholding of child support from wages, pensions, and other employment-related compensation of Federal employees. These amendments treat U.S. employment income the same as income from any other employer for purposes of the income withholding provisions of title IV–D.

This section also amends 10 U.S.C. to remove barriers to availability of military retirees' compensation for payment of child support, by making clear that these funds can be reached by administrative as well as judicial orders, and to provide for payment through a designated governmental entity.

Sec. 705. Motor vehicle liens

Section 705 amends the title IV–D requirements for State laws concerning liens with

respect to child support arrears to require that States have and use procedures to place liens on titled motor vehicles owned by individuals owing child support arrears equal to two months of support. Such liens would take precedence over all other encumbrances on a vehicle title, other than a purchase money security interest, and could be used to force seizure and sale of the vehicle.

Sec. 706. Voiding of fraudulent transfers

Section 706 requires States to have in effect the Uniform Fraudulent Conveyance Act of 1981, the Uniform Fraudulent Transfer Act of 1984, or an equivalent law providing for voiding of transfers of income or property made to avoid payment of child support.

Sec. 707. State law authorizing suspension of licenses

Section 707 requires enactment of laws giving the State authority to withhold, suspend, or restrict use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing to respond to subpoenas or warrants relating to paternity or child support proceedings.

Sec. 708. Reporting arrearages to credit bureaus

Section 708 amends the requirement for a State law providing for the reporting of child support arrears to consumer credit bureaus (which currently must permit such reporting) to require such reporting when payment is one month overdue.

Sec. 709. Extended statute of limitation for collection of arrearages

Section 709 requires that State law provide a statute of limitations on child support arrears extending at least until the child reaches age 30. (This amendment would not require a State to revise any payment obligation which had lapsed on the effective date of the State law.)

Sec. 710. Charges for arrearages

Section 710 requires State laws to provide, not later than October 1, 1998, for assessment of interest or penalties for child support arrearages.

Sec,. 711. Visitation issue barred

Section 711 requires State laws to provide that failure to pay child support is not a defense to denial of visitation rights, and denial of visitation rights is not a defense to failure to pay child support.

Sec. 712. Denial of passports for nonpayment of child support

Section 712 amends 4 U.S.C., effective October 1, 1996, to provide that the Secretary of State, upon a certification by a State IV–D agency that an individual owes child support arrears of over $5,000, must refuse to issue a passport to the individual and may revoke or restrict a passport already issued.

Sec. 713. Denial of Federal benefits, loans, and guarantees

This section provides that no Federal agency may make a loan to, provide any guarantee for the benefit or, or provide any benefit to any person who has a child support arrearage exceeding $1,000 and who is not in compliance with a plan or an agreement to repay this obligation. This provision is designed to elevate the issue of child support in the operations of the Federal government. The Federal agencies determine, for example, if a contractor is on the suspension and debarment list before the agency awards a contract to the company. The purpose of this section is to create this type of screening system for child support obligations.

Sec. 714. Seizure of lottery winnings

This section provides that the distributor of lottery winnings, insurance settlements, judgments, and/or property seizures shall first seek a determination from the State child support enforcement agency as to whether the person owes a child support arrearage. If there is an arrearage, then there shall be a withholding of that amount which shall be sent to the Child Support agency for distribution.

Sec. 801. Child support enforcement and assurance demonstrations

Section 801 requires the Secretary to fund grants to 3 States for demonstrations, beginning in FY 1998 and lasting from 7 to 10 years, providing assured levels of child support for children for whom paternity and support have been established. The projects would be administered by the State IV-D agency or the State department of taxation and revenue. Annual benefit levels set by States could range from $1,500 to $3,000 for a family with one child, and from $3,000 to $4,500 for a family with four or more children. States could require absent parents with insufficient income to pay support to work off support by participating in work programs.

Ninety percent Federal matching would be available from appropriations for payments to States under title IV-D, but total Federal funds available for these demonstrations would be capped at $27,000,000 for FY 1998; $55,000,000 for FY 1999; $70,000,000 for each of FYs 2000 through 2003; and $55,000,000 for FY 2004. This section authorizes appropriation of $10 million for FY 1998, to remain available until expended, for the Secretary's costs for evaluating demonstrations under this section.

Sec. 802. Social Security Act demonstrations

Section 802 amends section 1115(c) of the Act (which currently requires that IV-D demonstrations not result in increased costs to the Federal Government under AFDC) to require instead that such demonstrations not result in an increase in total costs to the Federal Government.

TITLE IX—ACCESS AND VISITATION GRANTS

Sec. 901. Grants to States for access and visitation programs

Section 901 adds a new section 469A of the Act providing a new capped entitlement program of grants to States for programs to support and facilitate noncustodial parents' access to and visitation of their children. The program would be funded at $5 million for each of FYs 1997 and 1998, and $10 million per year thereafter; Federal funding would be available to match 90 percent of a State's expenditures up to the amount of its allotment under a formula based on the numbers of children living with only one biological parent. State programs could be administered by the CSE agency either directly or through courts, local public agencies, or nonprofit private entities, and could be Statewide or geographically limited.

TITLE X—EFFECT OF ENACTMENT

Sec. 1001. Effective dates

Section 1001 provides that, except as otherwise specified—

Provisions of this title requiring enactment of State laws or revision of State IV-D plans shall become effective October 1, 1996; and

All other provisions of this title become effective upon enactment,

subject to provisos—

Affording a State until after the end of the next State legislative session beginning after enactment, in the case of any provision of this title requiring enactment or amendment of State laws; and

Affording a State up to 5 years to comply if a State constitutional amendment is required to permit compliance.

Sec. 1002. Severability

Section 1002 provides that the provisions of this title are severable, and that any provision found invalid will not affect the validity of any other provision which can be given effect without regard to the invalid provision.

OFFICE OF CHILD SUPPORT ENFORCEMENT, DEPARTMENT OF FINANCE AND ADMINISTRATION,

Little Rock, AR, March 30, 1995.

Hon. DAVID PRYOR,
U.S. Senator, Russell Building,
Washington, DC.

DEAR SENATOR PRYOR: We share your concern regarding the future of the children and families of Arkansas and the nation. Congress is considering sweeping changes to reform the welfare system that will affect families struggling to support their children. An effective child support enforcement program is a essential part of that reform. Regular child support payments must be ensured if single parent families are to have financial security necessary for children to thrive and to be successful citizens and relieve the burden of taxpayers.

As child support enforcement professionals, we support the efforts of congress to improve the present program. We realize the importance of our role in empowering individuals to become self-sufficient and we embrace the challenges ahead. Our mission is to provide assistance to children and families in obtaining financial and medical support through locating parents, establishing paternity and support obligations, and enforcing those obligations. Our vision for the future is to put children first by helping parents assume responsibility for the social and economic well-being and health of their children.

To accomplish these goals we must have improved and uniform enforcement remedies that reach across state lines. We must also have improved operational support from both the state and federal government and increased funding. While other programs may lend themselves to block grants, nonpayment of child support transcends state lines and requires some uniformity in enforcement. Competing state interests affect state legislation more readily than at the federal level. Many state child support programs welcome federal mandates of proven enforcement and operational remedies to assist them in acquiring effective collection tools. Not all mandates are bad. Much of the progress in child support has come about through federal mandates and the resulting uniformity from state to state has been most beneficial.

Child support advocates and professionals agree on much of what is needed to improve the program nationwide. They include the following:

1. Central Registry of Child Support Orders—States should be required to develop and implement a central registry of all child support orders. State central registries should be formatted similarly to form a national central registry of child support orders.

2. Central Collection Systems—It is difficult to enforce child support orders because of the variety of collection points. To enforce an order, payments made or not made must be accounted for to determine past due support. With child support payments being paid directly to custodial parents, court clerks or local agencies it becomes a time consuming process to collect payment records from different sources in order to determine past due arrears. Central payment processing has proven to be effective and efficient where implemented. Central processing enables IV–D agencies to monitor delinquencies in child support cases and allows

for expedited enforcement remedies to be implemented immediately upon delinquency. Many of the IV–D agency's cases have been delinquent for months or years when they enter the caseload. Central monitoring is essential if we as a nation are to have an effective child support program. Collections should not become delinquent. If they do become delinquent, immediate enforcement actions must be taken.

3. New Hire Reporting—New hire reporting has proven effective in fifteen states. It is an effective tool to locate job hoppers. Employers report new hires to the state IV–D agency or in cooperation with state employment security agencies when a new employee is hired. At present, there is no good way to locate a job hopper for at least one quarter of the year when withholding is first reported. Custodial parents cannot wait that long to feed and clothe their children. There are those who feel that this is too heavy a burden upon employers. It need not be. It cold be as simple as forwarding a copy of a W–4 form. We have found employers to be responsive and concerned about child support issues. When new hire reporting was erroneously reported as having passed our legislature, employers called wanting to know how to report new hires. There was no opposition in the employer community but certain business interests presented strong opposition to the measure. It is difficult to win approval for such a measure on the local level and to do so requires federal leadership.

4. License Revocation—License suspension or revocation is a proven and effective administrative procedure to compel payment of past due arrears. It is somewhat controversial because of vested interest and licensing agencies reluctance to participate, but it has proven to be effective in Maine, California and Arkansas. Nineteen states have adopted some form of license suspension or revocation. To be an effective remedy all states need to have access to licensing revocation and suspension. For interstate enforcement a request to suspend a license in another state would be most beneficial and would be a deterrent to nonpayers to flee from one state to another to avoid paying child support.

In addition to new enforcement techniques, support from the federal government not just in dollars and cents but in cooperation is paramount if we are to solve the national nonsupport problem. Federal government agencies have information we need to locate nonpaying noncustodial parents and their assets. Yet, it is difficult to obtain that information, it is outdated or; if provided, cannot be used without additional verification.

1. Social Security Administration—We recommend that Congress pass laws that would require the Social Security Administration (SSA) to provide information to the child support agencies for the purpose of determining the location and the ability of the noncustodial parent to pay support. Currently, information from SSA is available through the Federal Parent Locator Service. However, the information that we receive is minimal and outdated. We need to know if a noncustodial parent has filed a claim for benefits, the amount of benefits paid to the noncustodial parent and the children, the amount of any lump sum payment to the noncustodial parent or the custodial parent. This information is vital in determining support obligations and arrearage.

2. IRS Locate and Asset Information—The IRS provides a valuable service in the form of the Federal Tax Offset program. Information on income is available from 1099 files. However, The Internal Revenue Service (IRS) has some concerns with regard to safeguarding the information it shares with state child support agencies and does not want the information shared with anyone who is not a state employee. Many states have contracted with local jurisdictions or private entities, since 1975 in some states, to provide child support services in their areas. After 20 years, the IRS has suddenly raised issues of safeguarding confidentiality. These contractors are agents or designees of the state and are entitled to the same level of information as state employees performing the same functions. Confidentiality is a high priority for all child support professionals and the information we gather is used solely to establish or enforce child support obligations. The Department of Defense has contractors that have access to secure information that could affect national security, certainly child support contractors should have access to all information needed to pursue a case. Something is very wrong when an agency of the federal government can throw up road blocks to obtaining information on delinquent noncustodial parents affecting the ability of a child to receive the support he deserves.

3. IRS Full Collection—The IRS full collection process could be a valuable enforcement tool. However, our experience has been that child support cases receive a low priority when referred to the IRS field office. We suggest that Congress provide funding for staff and resources to enhance the full collection process and require that child support cases receive priority over all other collection cases.

4. Automated Systems—The new child support data systems being developed nationwide are sorely needed to manage the growing number of delinquent child support cases. These systems will assist child support workers who have caseloads of 500 to 1000 cases to be more productive and enhance their ability to make child support collections. However, the resources of both the private vendors and states have been exhausted in their attempt to make fifty statewide systems operational by the deadline date. Few states will be up and running by October 1, 1995 and the rush to get ''something up'' by October 1 will produce inferior systems. There are numerous reasons why these projects are in trouble. One of the chief reasons for delay in implementation was that the final federal regulations were not issued until October 1992 and the certification requirements were not issued until June 1993. Both the state and the federal government have enormous sums of money invested. We should get our moneys worth. By extending the deadline for one more year to October 1, 1996 without approving any additional funds for furthering the project, state administrators will be allowed the opportunity to make these projects successful. If there is no extension, there is going to be mass confusion on or about October 1, when all states try to bring up these new systems nationwide. It does not make good sense to allow this to occur. We, therefore, recommend an extension to October 1, 1996 at the 90% FFP rate with no additional funding allowed other than those funds previously approved in the state's Advance Planning Documents.

The 1993 Amendments to the Omnibus Budget Reconciliation Act (OBRA) required states to establish programs that provide a simple civil process for unmarried parents to voluntarily acknowledge paternity for their children. In Arkansas, all 56 birthing centers are assisting parents by providing information on establishing paternity and completing the necessary forms. Since the program implementation date of January 25, 1994, over 4,500 acknowledgements have been signed. The acknowledgements are matched to the existing IV–D caseload on a continual basis. To date, twenty-five percent (25%) of the signed acknowledgements have been identified as IV–D cases. To be truly successful, the program should be extended to encompass postnatal follow-up to provide yet another opportunity for parents to acknowledge the paternity of their children. The IV–D agencies will follow-up with families that receive child support services. However, the Public Health agencies have an opportunity through public education, nutrition, immunization and home health services to reach the parents that are not served by the IV–D program. We suggest that Congress provide a funding mechanism for the public health agencies, Headstart and any other agencies concerned with the welfare of children and families, to provide paternity acknowledgement services to their clients.

Federal regulations require states to periodically review and adjust child support orders utilizing state guidelines. We agree that periodic review is essential to ensure that the children receive the support they deserve and that parents are ordered to pay a fair and reasonable amount. The process by which review and adjustment is accomplished is restrictive and incompatible with states' Rules of Civil Procedure. States should have more flexibility to determine the process by which review and adjustment is accomplished. One alternative might be the award of Cost of Living Allowances (COLA). This method could be automated and more evenly applied.

Arkansas has implemented an administrative process to revoke or suspend Commercial Driver's License of noncustodial parents who are six (6) months behind in their child support obligations. In less than six months of operation, we have collected over $106,000. A total of 107 commercial driver's licenses have been suspended, 12 licenses have been reinstated and 70 noncustodial parents have signed agreements to pay the delinquent accounts and avoid suspension of their licenses. One of the most difficult case for us to collect is the independent truck driver. With this program, drivers are detained in weigh stations throughout the nation or at their terminals until the child support issues are resolved. Arkansas has recently extended the license suspension for nonpayment of child support to all business and professional licenses, hunting and fishing licenses and permanent license plates. We recommend that all states be required to suspend licenses to include all professional/business licenses, regular drivers' licenses and personal vehicles, trucks, boats and airplanes registered in the state. States have found that the most successful programs are administrative and automated. Congress should consider requiring state IV–D agencies to implement such administrative programs and provide funding for licensing boards to become automated with electronic links to the IV–D agencies.

No one wants to discuss funding in today's environment. However, there is a direct relationship between the amount of child support collected and the ratio of child support workers per case. The more workers, the more child support is collected. At some point there would be diminishing returns, but this is not likely in the foreseeable future. Originally, states received 75% FFP plus incentives on collections. Only AFDC cases were mandated. Over the years since the program began, FFP has decreased to 66% plus 6–10% incentives on AFDC cases and 6–10% on non-AFDC cases. Incentives on non-AFDC collections are capped at 115% of AFDC collections, creating somewhat of a disincentive to work non-AFDC cases. During the same time period that federal financial participation was decreasing, Congress mandated services to non-AFDC clients and Medicaid recipients, increasing caseloads

dramatically. Caseloads, nationally, have increased by 128% with collections increasing by 345% during the same period, FFP has decreased by 5.7%. States are continually asked to do more with less funding, which has contributed to the growing problem of uncollected child support.

While the intent of the current proposal being considered is to provide some relief and to redistribute federal dollars among states, it is important to understand the effect of the proposed funding scheme. Under the proposed distribution rules, states will lose dollars in the form of retained AFDC collections which provide match dollars for half of the states. Currently, states can earn more than 100% funding. Some make a profit. Under the new scheme, the best a state can do is 90% FFP. Since many states pass incentives on to the contractors providing services in some local jurisdictions, many local offices will be asked to enter into contracts knowing that they will experience at least a 10% loss each year or state cost will increase. Once again, as Congress attempts to improve the nation's child support problem, a funding cut is proposed. We know that more dollars must be invested in caseworkers and automation if we are to work more cases and collect more child support. Why then reduce funding to state programs by at least 10% when you want them to do more? If we are to remove custodial parents from welfare and make parents financially responsible for their children, a strong child support program is essential. A return to the 75% FFP plus incentives would be helpful and we recommend that incentives by sufficient to allow for a 100% reimbursement. Any funds over 100% should be returned to the federal government.

We greatly appreciate your interest in child support enforcement. Thank you for the opportunity to express our views on these very important issues. We join in your commitment to assist the children and families of Arkansas and the nation to realize their full potential.

Sincerely,

JUDY JONES JORDAN,
Administrator.

By Mr. MURKOWSKI (for himself and Mr. GRASSLEY):

S. 688. A bill to provide for the minting and circulation of $1 silver coins; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. SILVER DOLLAR COIN ACT OF 1995

• Mr. MURKOWSKI. Mr. President, today I am introducing legislation that would permit the minting of a $1 silver-plated coin with a likeness of President Dwight D. Eisenhower on the front and a rendering of the Iwo Jima monument on the reverse side of the coin. I am pleased that Senator GRASSLEY is joining in this effort that will provide a boost to our domestic silver mining industry and could serve to reduce the Federal deficit.

Our currency system has not been significantly altered over the past century even though the economy has fundamentally changed. Not long ago, an individual could use one coin—a nickel, dime, or quarter—to purchase a coke from a vending machine or ride a bus. Today, that's just not possible. Vending machines require two, three, or four coins, or, even worse, a dollar bill. And you know how frustrating those dollar bill readers can be on vending machines and Metro fare machines. To make matters worse, a dollar bill reader on a vending machine costs $400 to $500—an utterly unnecessary cost if a dollar coin were available.

According to the Coin Coalition, processing dollar coins instead of dollar bills would save the mass transit industry alone more than $124 million a year. The Los Angeles County Metropolitan Transportation Authority would save $3.5 million a year if it did not have to expend the time and labor in processing—unwrinkling dollar bills. Those savings could be used too buy 24 new buses to move people instead of paper. The Chicago Transit Authority does its own bill-unfolding, at a cost of $22 per thousand. Processing coins costs just $1.64 per thousand.

In addition, many economists project that a dollar coin could save the Federal Government several million dollars. Although coins cost more to mint than dollar bills to print, coins last far longer. A bill wears out in an average of about 17 months while coins can last 30 years.

Since this is the 50th anniversary of the allied victory in World War II, I believe it is appropriate that the new coin present a likeness of President Eisenhower who also served as the Supreme Commander in Europe. The rendition of the raising of the flag on Mount Surabachi on Iwo Jima has become a symbol of the dedication and valor of our Armed Forces in restoring freedom in the Pacific.

I hope my colleagues will join me in getting this coin modernization enacted into law this year.

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. 688

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 ''United States Silver Dollar Coin Act of 1995''.

SEC. 2. ONE-DOLLAR COINS.

(a) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking ''The dollar,'' and inserting ''The''; and

(2) by inserting after the fourth sentence the following: ''The dollar coin authorized under subsection (a)(1) shall be silver in color, shall have a distinctive edge and have tactile and visual features that make the denomination of the coin readily discernible, shall be minted and fabricated in the United States, and shall have metallic and anti-counter-feiting properties similar to those of United States clad coinage, except that the dollar coin shall be a clad coin with 3 layers of metal, including 2 outer layers of silver. The dollar coin authorized under subsection (a)(1) shall contain not less than 1 gram of newly mined fine silver.''.

(b) ADJUSTMENTS TO SILVER CONTENT.—Section 5112(c) of title 31, United States Code, is amended by adding at the end the following: ''Notwithstanding subsection (b), the Secretary may prescribe the weight of silver in the dollar coin if the Secretary determines that such action is necessary to ensure an adequate supply of dollar coins to meet the needs of the United States.''.

(c) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended—

(1) in the fourth sentence, by striking ''the dollar, half dollar,'' and inserting ''the half dollar''; and

(2) by striking the fifth and sixth sentences and inserting the following: ''The obverse side of the dollar coin shall bear a likeness of President Dwight D. Eisenhower and the reverse side shall bear a rendering of the Iwo Jima Memorial.''.

(d) EFFECTIVE DATE.—Not later than 30 months after the date of enactment of this Act, the Secretary of the Treasury shall place into circulation the one-dollar coins authorized by section 5112(a)(1) of title 31, United States Code, in accordance with the amendments made by subsections (a), (b), and (c).•

By Mrs. MURRAY:

S. 689. A bill to amend the Solid Waste Disposal Act regarding the use of organic sorbents in landfills, and for other purposes; to the Committee on Environment and Public Works.

THE LANDFILL TECHNICAL IMPROVEMENTS ACT OF 1995

• Mrs. MURRAY. Mr. President, I am introducing today the Landfill Technical Improvement Act of 1995. This legislation will allow us to maximize technical advances of the last decade in carrying out our Nation's environmental protection strategy. It will also promote small business and entrepreneurship and help our Nation complete in the global market for new, environment driven technologies.

By passing the 1984 Hazardous and Solid Waste amendments, Congress required the Environmental Protection Agency [EPA] to issue regulations restricting the disposal of organic absorbents in hazardous waste landfills. In the past decade, however, developments in natural absorbent technologies show more efficiency than traditional sorbents produced for fossil fuels.

For example, a company in Bellingham, WA, manufactures organic sorbents from a local paper mill's sludge. Sludge recycled into productive use is kept out of landfills. This small company employs 20 to 30 Washingtonians and, with other similar companies across the country, seeks to expand in the marketplace with this new, recycled product.

Normal landfill conditions are anaerobic, and studies have shown that no biodegradtion takes place in the anaerobic environment of landfills. Thus, in this anaerobic environment of RCRA landfills, these sorbents will not degrade. These organic absorbents, made totally from reclaimed materials, may actually outperform current chemical absorbents. However, because of the 1984 amendments and subsequent EPA regulations, these absorbents have been effectively shut out from disposition in landfills.

This disposition issue threatens to undermine the existence of these new technologies, since that which cannot be disposed economically will not be

used. Moreover, innovative and environmentally conscious technologies, such as those developed by this small company in my State, are discriminated against.

The administration has clearly stated its preference for such recycled/reclaimed materials, but this flawed regulation has prejudiced the widespread availability and use of these products. This is to the detriment of our national environmental goals.

This bill remedies this situation, allowing the fullest use of environmentally sound landfill technologies.●

By Mr. AKAKA (for himself, Mr. CAMPBELL, and Mr. DORGAN):

S. 690. A bill to amend the Federal Noxious Week Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FEDERAL NOXIOUS WEED CONTROL IMPROVEMENT ACT OF 1995

● Mr. AKAKA. Mr. President, today I am introducing the Federal Noxious Weed Control Improvement Act of 1995. Senators CAMPBELL and DORGAN have joined me as cosponsors of this bill. The objective of this legislation is to curb the wave of noxious weeds that is sweeping over productive rangeland, agricultural land, and native ecosystems across America.

I hope my colleagues saw the article on invasive alien species that appeared in the New York Times magazine last November. It vividly described the threats to the tropical ecosystems of Hawaii posed by nonindigenous species. In Hawaii, gorse, ivy gourd, and the banana poka vine are ravaging native forest and rangeland. But Hawaii is not alone in facing this threat. Nearly 200 species of troublesome imported weeds infest the continental United States.

We see evidence of this problem within a few miles of the Capitol. Drive to the edge of the Potomac or through Rock Creek Park and you will see impenetrable mats of hydrilla and honeysuckle. Another weed, kudzu, topples grown trees and smothers shrubs and plants. In New England, Oriental bittersweet and porcelain berry vine cause similar damage. Purple loosestrife has decimated wetlands across the country from Maine to Washington.

Leafy spurge, spotted knapweed, cheatgrass, thistle, salt cedar, and Medusa-head cover millions of acres of grasslands in Montana, Idaho, Oregon, and Washington. All of these weeds are foreign to the United States. Some are toxic to livestock. Others are heavy consumers of water, or fuel forest and rangeland fires. These weeds ruin the grasslands for birds, elk, and grizzly bears. In Montana alone, cattlemen suffer millions of dollars of forage losses due to spotted knapweed. At its current rate of spread, Montana's projected losses due to spotted knapweed could exceed $100 million by the year 2000. Another weed, leafy spurge, occupies over 2.5 million acres in 30 States. Nationwide, $100 million in direct and indirect losses to livestock are attributable to leafy spurge.

The cost of weed control and losses due to weed infestation are estimated at over $20 billion per year, more than the combined losses for all other pests.

Nearly 16 million acres of Federal land are infested with noxious weeds. On Bureau of Land Management lands, weed infestation expands at a rate of 2,000 acres per day. If current trends continue, a quarter of BLM lands in the continental United States could be overrun with weeds by the turn of the century.

At least one hundred of our national parks face serious harm to their natural resources as a result of invasive foreign plants. Everglades National Park and Big Cypress National Preserve are overrun by the Australian melaleuca tree. More than 400,000 acres of the everglades are infested by this tree, and 50 additional acres are consumed each day. Wildlife habitat and water supplies are also threatened by maleleuca in the Loxahatchee National Wildlife Refuge. Another tree, the Brazilian pepper, is crowding out the mangroves along Florida's southwestern coast. Both of these alien trees make habitat unsuitable for native water birds.

Competition from 25 exotic plants threatens the habitat of rare plants in Great Smoky Mountains National Park. Among the damaging species are stink tree, multi-flora rose, and an imported grass with a scientific name I won't even attempt to pronounce.

River margins and rare desert springs in the beautiful slickrock parks of Utah, including Canyonlands and Zion National Parks, as well as in Death Valley National Park, have become overgrown with tamarisk, a tree which literally sucks the water out of the ground, depriving wildlife and native plants of precious water supplies.

Efforts to safeguard private and public land from these threats are grossly inadequate. In 1993, the Congressional Office of Technology Assessment called U.S. efforts to counter the effects of invasive exotic species ''a largely uncoordinated patchwork of laws, regulations, policies, and programs.''

The Secretary of Agriculture is responsible for preventing noxious weeds from entering the country either accidentally or as intentional imports, as well as for spearheading control efforts for those noxious weeds that have already become established. However, the Federal Noxious Weed Act of 1974 has not been an effective tool to address this problem.

Under current law, the Secretary of Agriculture must wait until a weed is an established, documented nuisance before action can be taken. That's like waiting until the cows have run away before you close the barn door.

For example, tropical soda apple, a plant in the nightshade family, was introduced from Brazil into pastures in Florida. It was first observed in 1987 and now occupies more than 400,000 acres in Florida. Although cattle cannot eat the plant because of its sharp spines, seeds from this invasive weed easily contaminate hay and other forages. Tropical soda apple presents a particularly difficult control problem because seeds are passed through cattle manure. In Mississippi, Alabama, and Georgia, more than 20 outbreaks have been linked to cattle purchased in Florida. Tropical soda apple can also be transported in commercially packaged manure used for gardening. Despite the danger and the relative ease of dealing with the original infestation, it took the U.S. Department of Agriculture 8 years to declare it a noxious weed. During that time, the problem has become so widespread that containment may be beyond hope.

To correct weaknesses in the Federal Noxious Weed Act of 1974, my bill would grant emergency authority to prohibit the entry of foreign weeds that have not been formally added to the Federal noxious weed list. Weeds could also be added to the list through a petition process. Also, the bill would prohibit the international movement of Federal noxious weeds across State lines except under permit. Finally, this legislation would establish a Noxious Weed Technical Advisory Group to evaluate weed species, develop appropriate classification criteria for noxious weeds, and make recommendations to implement the act.

As the hearings that I chaired during the 103d Congress clearly demonstrated, the lack of coordination between Federal agencies that are responsible for the control of alien weeds is a serious problem. Twenty-four Federal agencies located in 8 different Cabinet departments have responsibility for pest control. They enforce more than an dozen major laws, and a host of minor ones.

With so many statutes and so many agencies, Federal policy resembles a piece of swiss cheese, and noxious, foreign pests are streaming through the holes in policy and enforcement. Hawaii and other States suffer the consequences of piecemeal Federal enforcement.

I ask my colleagues to support the prompt passage of this bill. I hope that we can consider this legislation as part of the 1995 farm bill. All of our constituents will benefit from a stronger and more secure foundation for agriculture and conservation of our natural resources.

I ask unanimous consent that the text of the Federal Noxious Weed Control Improvement Act of 1995 be printed in the RECORD.

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

S. 690

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 ''Federal Noxious Weed Control Improvement Act of 1995''.

TITLE I—NOXIOUS WEEDS

SEC. 101. IMPROVEMENT IN THE EXCLUSION, ERADICATION, AND CONTROL OF NOXIOUS WEEDS IN THE UNITED STATES.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Foreign and Federal Noxious Weed Act'.

''(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Findings.
''Sec. 3. Definitions.
''TITLE I—MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES
''Sec. 101. Movement of Federal noxious weed into or through the United States.
''Sec. 102. Identification of Federal noxious weeds.
''Sec. 103. Quarantines.
''Sec. 104. Measures to prevent dissemination of foreign and Federal noxious weeds.
''Sec. 105. Search of persons, premises, and goods.
''Sec. 106. Penalties.
''Sec. 107. Cooperation with other Federal, State, and local agencies.
''Sec. 108. Authorization of appropriations.
''TITLE II—MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS
''Sec. 201. Definitions.
''Sec. 202. Federal agency involvement.
''Sec. 203. Authorization of appropriations.
''TITLE III—GENERAL PROVISIONS
''Sec. 301. Effect on inconsistent State and local laws.
''Sec. 302. Regulations.

''SEC. 2. FINDINGS.

''Congress finds that—

''(1) the importation or introduction in interstate commerce of foreign noxious weeds, except under controlled conditions, is detrimental to the environment, agriculture, and commerce of the United States and to the public health in that the growth and spread of weeds in the United States—

''(A) interfere with the growth of useful plants;

''(B) clog waterways and interfere with navigation;

''(C) cause disease or have other adverse effects on the environment; and

''(D) directly or indirectly interfere with natural resources, agriculture, forestry, native ecosystems, and the management of ecosystems;

''(2) uncontrolled distribution within the United States of foreign noxious weeds, after importation or introduction of the weeds, has similar detrimental effects;

''(3) the distribution of noxious weeds poses long-term problems for natural resources, agriculture, and native or natural ecosystems and ecosystem management, including—

''(A) economic injury to natural resources, agriculture, and the economy of the United States;

''(B) impedance of interstate and foreign commerce; and

''(C) diminishment of biodiversity in native ecosystems of the United States; and

''(4) in light of the adverse consequences of uncontrolled importation or distribution of foreign noxious weeds, the regulation of foreign noxious weeds as provided in this Act is necessary to protect interstate and foreign commerce and the public welfare.

''SEC. 3. DEFINITIONS.

''As used in this Act:

''(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Noxious Weed Technical Advisory Panel established under section 102(e).

''(2) AUTHORIZED INSPECTOR.—The term 'authorized inspector' means an employee of the Department, or an employee of any other agency of the Federal Government or of any State or other governmental agency that is cooperating with the Department in the administration of this Act, who is authorized by the Secretary to perform assigned duties under this Act.

''(3) DEPARTMENT.—The term ''Department'' means the United States Department of Agriculture.

''(4) EMERGENCY.—The term 'emergency' means an unforeseen combination of circumstances or the resulting state that calls for immediate action, as determined by the Secretary.

''(5) FEDERAL NOXIOUS WEED.—The term 'Federal noxious weed' means a foreign noxious weed that is identified as appropriate for control under this Act and included in the Federal noxious weed list established pursuant to a regulation issued under section 102(b).

''(6) FEDERAL NOXIOUS WEED LIST.—The term 'Federal noxious weed list' means the list prepared by the Secretary that contains the names of all Federal noxious weeds.

''(7) FOREIGN NOXIOUS WEED.—The term 'foreign noxious weed' means a plant species, including all reproductive parts of the species, that the Secretary determines—

''(A) is of foreign origin;

''(B) can directly or indirectly interfere with an agroecosystem, native ecosystem, or the management of an ecosystem, or cause injury to public health; and

''(C)(i) has not been introduced into the United States;

''(ii) is determined by the Secretary to be likely to be introduced into the United States;

''(iii) is new to the United States; or

''(iv) has not expanded beyond susceptibility to containment within a geographic region or ecological range of the United States.

''(8) INTERFERE.—The term 'interfere' means to injure, harm, or impair an agroecosystem or native or natural ecosystem in the environment or commerce.

''(9) INTERSTATE MOVEMENT.—The term 'interstate movement' means movement from any State into or through any other State.

''(10) MOVE.—The term 'move' means deposit for transmission in the mails, ship, offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport.

''(11) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture or a designee of the Secretary.

''(12) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

''(13) UNITED STATES.—The term 'United States', when used in a geographic sense, means all of the States and territories and possessions.

''TITLE I—MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES

''SEC. 101. MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES.

''(a) PERMIT REQUIRED.—No person shall knowingly move any Federal noxious weed, into or through the United States or interstate, unless the movement is—

''(1) authorized under a general or specific permit from the Secretary; and

''(2) made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as the Secretary may issue under section 302 to prevent the dissemination into or within the United States, or interstate, of the Federal noxious weed.

''(b) REFUSAL TO ISSUE PERMIT.—

''(1) IN GENERAL.—The Secretary may refuse to issue a permit under subsection (a) for the movement of a Federal noxious weed if the Secretary determines that the movement would involve a danger of dissemination of the Federal noxious weed into or within the United States or interstate.

''(2) REASON FOR REFUSAL.—If the Secretary refuses to issue a permit under paragraph (1), the Secretary shall publish the reasons for the refusal in the Federal Register.

''(c) PROHIBITIONS.—No person shall knowingly sell, purchase, barter, exchange, give, deliver, or receive any Federal noxious weed that has been moved in violation of subsection (a).

''SEC. 102. IDENTIFICATION OF FEDERAL NOXIOUS WEEDS.

''(a) FEDERAL NOXIOUS WEEDS LIST.—The Secretary shall maintain a Federal noxious weed list containing the names of all Federal noxious weeds identified by the Secretary under subsection (b).

''(b) INCLUSION BY REGULATION.—

''(1) REGULATION PROCESS.—

''(A) IN GENERAL.—Except as provided in paragraph (2), a plant species may be identified as a Federal noxious weed and included in the Federal noxious weed list only pursuant to a regulation issued by the Secretary.

''(B) NOTICE AND HEARING.—The regulation shall be issued only after publication of a notice of the proposed regulation and, when requested by any interested person, a public hearing on the proposed regulation.

''(C) BASIS.—The regulation shall—

''(i) be based on the information received at any such hearing, comments, and other information available to the Secretary; and

''(ii) require a determination by the Secretary that—

''(I) the plant is a foreign noxious weed (within the meaning of section 3(7)); and

''(II) the dissemination of the weed in the United States may reasonably be expected to interfere with natural resources, agriculture, forestry, or a native ecosystem or the management of an ecosystem, or cause injury to public health.

''(2) EMERGENCY DESIGNATION.—

''(A) IN GENERAL.—In an emergency, the Secretary may temporarily designate a plant species as a Federal noxious weed if the Secretary determines that the plant species meets the definition of a foreign noxious weed.

''(B) DURATION.—The temporary designation shall remain in effect until the Secretary initiates and completes the regulation process in accordance with paragraph (1).

''(C) NOTICE.—The Secretary shall provide notice of the temporary designation to interested parties, including importers, State agencies, and the general public, at the time the emergency is declared.

''(c) ADDITIONS TO AND REMOVALS FROM NOXIOUS WEED LIST.—

''(1) PETITION PROCESS.—

''(A) IN GENERAL.—Any interested person may petition the Secretary to add a plant species to, or remove a plant species from, the Federal noxious weed list.

''(B) DETERMINATION.—To the maximum extent practicable, not later than 90 days after receiving a petition, the Secretary shall determine whether the petition presents an assessment of potential damage based on scientific information indicating that the plant species involved should be added to or removed from the Federal noxious weed list.

''(C) PUBLICATION.—The Secretary shall publish each determination made under this paragraph in the Federal Register.

''(2) REVIEW BY ADVISORY PANEL.—If the Secretary determines that a petition presents scientific information described in paragraph (1)(B), the Secretary shall forward the petition to the Advisory Panel for the review and advice of the panel.

''(3) FINDINGS.—Not later than 1 year after receiving a petition under paragraph (1) determined to present scientific information described in paragraph (1)(B), and after considering the advice of the Advisory Panel, the Secretary shall make 1 of the following findings:

''(A) The petitioned action is not warranted.

''(B) The petitioned action is warranted, in which case (except as provided in subparagraph (C)) the Secretary shall commence the procedure described in subsection (b)(1) to add the plant species involved to, or remove the plant species from, the Federal noxious weed list.

''(C) The petitioned action is warranted, except that—

''(i) immediate promulgation of a regulation implementing the petitioned action is precluded by pending proposals to identify Federal noxious weeds; and

''(ii) expeditious progress is being made to add the plant species to the Federal noxious weed list.

''(4) PUBLICATION.—The Secretary shall publish a finding made under paragraph (3) in the Federal Register, with a description and evaluation of the reasons and data on which the finding is based.

''(d) CLASSIFICATION SYSTEM AND INTEGRATED MANAGEMENT PLAN.—

''(1) CLASSIFICATION SYSTEM.—The Secretary shall develop a classification system to describe the status and action levels for foreign noxious weeds and Federal noxious weeds. The classification system shall include, for each foreign noxious weed or Federal noxious weed, the current geographic distribution, relative threat, and actions initiated to prevent introduction or distribution.

''(2) INTEGRATED MANAGEMENT PLAN.—The Secretary shall develop an integrated management plan for each foreign noxious weed or Federal noxious weed introduced into the United States for the geographic region or ecological range where the weed is found in the United States. The plan may include the use of a permanent or temporary quarantine established under section 103.

''(3) CONSULTATION.—The Secretary shall develop the classification system and integrated management plans in consultation with the Advisory Panel.

''(e) NOXIOUS WEED TECHNICAL ADVISORY PANEL.—

''(1) ESTABLISHMENT.—The Secretary shall appoint a Noxious Weed Technical Advisory Panel consisting of 6 individuals to—

''(A) assist the Secretary in—

''(i) the identification of foreign noxious weeds for inclusion on the Federal noxious weed list;

''(ii) the development of integrated management plans; and

''(iii) other matters relating to the administration of this Act; and

''(B) recommend to the Secretary any foreign noxious weed that should be added to or deleted from the Federal noxious weed list.

''(2) MEMBERS.—The members of the Advisory Panel shall be appointed by the Secretary from among persons who have professional or working knowledge of agroecosystems or native or natural ecosystems management. In appointing the members, the Secretary shall ensure that there is 1 representative from each of the North Central, Northeastern, Southern, Southwestern, Northwestern, and Western regions of the United States, and that each of following entities is represented:

''(A) An environmental organization.

''(B) A State agency with weed management responsibility.

''(C) A land grant college or university.

''(D) A weed science society.

''(E) A trade association.

''(F) An ecologist.

''(3) EX OFFICIO MEMBERS.—The Advisory Panel shall also include a representative of each of the following agencies, who shall serve as exofficio members of the Advisory Panel:

''(A) The Animal and Plant Health Inspection Service of the Department.

''(B) The Agricultural Research Service of the Department.

''(C) A Representative of the Federal Interagency Committee for the Management of Noxious and Exotic Weeds.

''(D) A Federal agency with land management responsibilities.

''(4) COMPENSATION.—A member of the Advisory Panel who is not a Federal employee shall receive compensation while on official business in the form of reimbursement for travel and per diem expenses, to be paid by the Secretary in accordance with subchapter I of chapter 57 of title 5, United State Code.

''(5) ANNUAL REPORT.—The Advisory Panel shall submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the activities of the Advisory Panel during the preceding year.

''SEC. 103. QUARANTINES.

''(a) IN GENERAL.—The Secretary may establish by regulation such quarantines as are necessary to prevent the importation or introduction, or control the distribution, of a Federal noxious weed.

''(b) TEMPORARY QUARANTINE.—

''(1) AUTHORIZED.—If the Secretary has reason to believe that an infestation of a foreign noxious weed exists in any State, the Secretary may by order—

''(A) temporarily quarantine the State or a portion of the State; and

''(B) restrict or prohibit the interstate movement from the quarantined area of any products and articles of any character, and means of conveyance, capable of carrying the foreign noxious weed.

''(2) TIME PERIOD OF QUARANTINE.—A temporary quarantine ordered under paragraph (1) may not extend for more than 1 year after the date on which the order is issued, unless the order is renewed by the Secretary.

''(3) EXPEDITED CONSIDERATION FOR LISTING.—Not later than the end of the 1-year period referred to in paragraph (2), the Secretary shall determine whether or not the foreign noxious weed involved should be added to the Federal noxious weed list established pursuant to section 102(b). The Secretary shall make the determination in consultation with the Advisory Panel.

''(c) PROHIBITION.—It shall be unlawful for any person to move interstate or intrastate from a quarantined area any product, article, or means of conveyance specified in the regulation or order establishing the quarantine, except in accordance with the regulation or order.

''(d) RELATIONSHIP OF QUARANTINES TO OTHER ACTIVITIES.—The establishment of a quarantine shall not be required in order for the Secretary to regulate the interstate movement, sale, or distribution of a foreign noxious weed.

''SEC. 104. MEASURES TO PREVENT DISSEMINATION OF FOREIGN AND FEDERAL NOXIOUS WEEDS.

''(a) EMERGENCY DISPOSAL.—

''(1) DISPOSAL AUTHORITY.—Subject to subsection (c), if the Secretary determines that action under this paragraph is necessary as an emergency measure to prevent the dissemination of any foreign noxious weed or Federal noxious weed, the Secretary may seize, quarantine, treat, destroy, or otherwise dispose of any product or article of any character, or means of conveyance, that—

''(A) is moving into or through the United States or interstate, with bond or otherwise; and

''(B) the Secretary has reason to believe is infested by the foreign noxious weed or Federal noxious weed, in violation of this Act or any regulation issued under this Act.

''(2) METHOD OF DISPOSAL.—Subject to subsection (c), the Secretary may dispose of a product, article, or means of conveyance seized under this subsection in such manner as the Secretary considers appropriate.

''(b) ORDERS REQUIRING DISPOSAL.—

''(1) DISPOSAL ORDERS.—

''(A) IN GENERAL.—Subject to subsection (c), the Secretary may order the owner (or agent of the owner) of any product, article, or means of conveyance contaminated with a foreign noxious weed or Federal noxious weed subject to disposal under subsection (a) to treat, destroy, or otherwise dispose of the product, article, or means of conveyance of a foreign noxious weed or Federal noxious weed, without cost to the Federal Government and in such manner as the Secretary considers appropriate.

''(B) ENFORCEMENT.—The Secretary may apply to the United States District Court or the judicial district in which the owner or agent resides or transacts business or in which the product, article, means of conveyance of a foreign noxious weed or Federal noxious weed is found, for enforcement of the order by injunction.

''(C) PROCESS.—Process in the case may be served in any judicial district in which the defendant resides or transacts business or may be found. A subpoena for a witness who is required to attend a court in any judicial district in such a case may be served in any other judicial district.

''(c) DESTRUCTION, EXPORT, OR RETURN AS THE LEAST DRASTIC ACTION.—No product, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section, unless in the opinion of the Secretary there is no less drastic action that would be adequate to prevent the dissemination of a foreign noxious weed or Federal noxious weed within the United States or interstate.

''(d) CIVIL ACTION AGAINST UNITED STATES BY OWNER.—

''(1) IN GENERAL.—The owner of any product, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under this section may bring an action against the United States in a Federal district court, not later than 1 year after the

destruction or disposal, to recover just compensation for the destruction or disposal (other than compensation for loss due to delays incident to determining the eligibility of the product, article, or conveyance for movement under this Act), if the owner establishes that the destruction or disposal was not authorized under this Act.

''(2) PAYMENT OF JUDGMENT.—Any judgment rendered in favor of the owner shall be paid out of sums in the Treasury of the United States appropriated for the administration of this Act.

"SEC. 105. SEARCH OF PERSONS, PREMISES, AND GOODS.

''(a) WARRANTLESS SEARCHES.—An authorized inspector, if properly identified, shall have the authority, without a warrant, to stop any person or means of conveyance moving into or through the United States, and to inspect any product or article of any character moving into or through the United States, if the authorized inspector has probable cause to believe that the person or means of conveyance is moving a foreign noxious weed or Federal noxious weed regulated under this Act, or a product or article containing a foreign noxious weed or Federal noxious weed regulated under this Act.

''(b) WARRANT SEARCHES.—

''(1) IN GENERAL.—An authorized inspector shall have authority, with a warrant, to enter any premises in the United States for purposes of an inspection or other action necessary to carry out this Act.

''(2) ISSUANCE OF WARRANTS.—A judge of the United States or of a court of record of any State, or a United States magistrate judge, may within the jurisdiction of the judge or magistrate judge, on proper oath or affirmation showing probable cause to believe that there are on certain premises any product, article, or means of conveyance contaminated with a foreign noxious weed or Federal noxious weed plant regulated under this Act, issue a warrant for the entry of the premises for purposes of any inspection or other action necessary to carry out this Act, except as otherwise provided in section 107.

''(3) EXECUTION OF WARRANTS.—The warrant may be executed by any authorized inspector or any United States marshal.

"SEC. 106. PENALTIES.

''(a) IN GENERAL.—Any person who knowingly violates section 101 or 103, or any regulation issued to carry out section 101 or 103, shall be fined not more than $100,000 or imprisoned not more than 1 year, or both.

''(b) PECUNIARY GAIN OR LOSS.—If any person derives pecuniary gain from an offense described in subsection (a), or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than an amount that is the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the imposition of a fine or sentence under subsection (a).

"SEC. 107. COOPERATION WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES.

''(a) COOPERATION AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall cooperate with other Federal agencies, agencies of States and political subdivisions of States, agriculture producer associations and similar organizations, and individuals in carrying out operations or measures in the United States to prevent, retard, eradicate, suppress, control, or manage the spread of a foreign noxious weed or Federal noxious weed.

''(2) COOPERATORS.—The Secretary may appoint employees of other Federal agencies, and employees of agencies of any State or political subdivision of the State, to assist in the administration of this Act, pursuant to cooperative agreements with the agencies, if the Secretary determines that the appointments would facilitate administration of this Act.

''(b) CONDITIONS ON COOPERATION.—In performing an operations or measure authorized by subsection (a), the cooperating State or other governmental agency shall be responsible for the authority necessary to carry out the operation or measure on all lands and properties, subject to coordination with landowners and land managers within the State or other jurisdiction involved.

"SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title.

''(b) LIMITATION.—Unless specifically authorized in other laws or provided for in appropriations, no part of sums made available under subsection (a) shall be used to pay the cost or value of property disposed of under section 104.

"TITLE II—MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS

"SEC. 201. DEFINITIONS.

''As used in this title:

''(1) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means a written agreement between a Federal agency and a State agency entered into pursuant to this title.

''(2) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the Federal Government responsible for administering or managing Federal lands under the jurisdiction of the department, agency, or bureau.

''(3) FEDERAL LAND.—The term 'Federal land' means land managed by or under the jurisdiction of the Federal Government.

''(4) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means a system for the planning and implementation of a program, using an interdisciplinary approach, to comprehensively manage an undesirable plant species or group of species using all available methods, including—

''(A) education;

''(B) preventive measures;

''(C) physical or mechanical methods;

''(D) biological agents;

''(E) herbicide methods;

''(F) cultural methods; and

''(G) general land management practices, such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

''(5) INTERDISCIPLINARY APPROACH.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, that—

''(A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

''(B) includes consideration of—

''(i) the most efficient and effective method of containing or controlling the undesirable plant species over the long term;

''(ii) scientific studies and current technologies;

''(iii) the physiology and habitat of a plant species and the associated environment of the plant species; and

''(iv) the economic, social, ecological, and human health consequences of carrying out the approach.

''(6) STATE AGENCY.—The term 'State agency' means a State department of agriculture, or other State agency or political subdivision of a State, responsible for the administration or implementation of laws of the State regulating undesirable plants.

''(7) UNDESIRABLE PLANT.—The term 'undesirable plant' means a plant species that is classified as undesirable, noxious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law. A species listed as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be designated as an undesirable plant under this paragraph and the term shall not include a plant indigenous to an area where control measures are to be taken under this title.

"SEC. 202. FEDERAL AGENCY INVOLVEMENT.

''(a) DUTIES OF AGENCIES.—The head of each Federal agency shall—

''(1) designate an office and person adequately trained in the management of undesirable plants to develop and coordinate an undesirable plant management program for the control of undesirable plants on Federal land under the jurisdiction of the agency;

''(2) establish and adequately fund an undesirable plant management program through the budgetary process of the agency;

''(3) complete and carry out cooperative agreements with State agencies regarding the management of undesirable plants on Federal land under the jurisdiction of the agency; and

''(4) establish integrated management systems to control or contain undesirable plants targeted under cooperative agreements.

''(b) ENVIRONMENTAL IMPACT STATEMENTS.—If an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to carry out an integrated management system to manage undesirable plants under this section, a Federal agency shall complete the assessment or statement not later than 1 year after the requirement for the assessment or statement is determined.

''(c) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

''(1) IN GENERAL.—A Federal agency shall enter into a cooperative agreement with a State agency to coordinate the management of undesirable plants on Federal land under the jurisdiction of the Federal agency.

''(2) CONTENTS OF PLAN.—A cooperative agreement entered into pursuant to paragraph (1) shall—

''(A) prioritize and target undesirable plants or groups of undesirable plants to be controlled or contained within a specific geographic area;

''(B) describe the integrated management system to be used to control or contain the targeted undesirable plants or group of undesirable plants; and

''(C) detail the means of carrying out the integrated management system, define the duties of the Federal agency and the State agency in carrying out the system, and establish a timeframe for the initiation and completion of the tasks specified in the system.

''(d) EXCEPTION.—A Federal agency shall not be required to carry out programs on Federal land under this section unless similar programs are being carried out generally on State or private land in the same area.

''(e) COORDINATION.—

''(1) IN GENERAL.—The Secretary of Agriculture, Secretary of Defense, Secretary of Energy, Secretary of the Interior, and Secretary of Transportation, acting through the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, shall take such actions as are necessary to coordinate Federal agency programs for control, research, and educational efforts associated with Federal, State, and locally designated noxious weeds.

''(2) DUTIES.—The Federal Interagency Committee for the Management of Noxious

and Exotic Weeds, in consultation with the appropriate Assistant Secretaries, shall—

''(A) identify regional priorities for noxious weed control in cooperation with the appropriate States;

''(B) incorporate into technical guides regionally appropriate technical information; and

''(C) disseminate the technical information to interested State, local, and private entities.

''(3) COST SHARE ASSISTANCE.—The Secretary may provide cost share assistance to State and local agencies to manage noxious weeds in an area if a majority of landowners in the area agree to participate in a noxious weed management program.

''SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as are necessary for fiscal years 1995 through 1999.

''TITLE III—GENERAL PROVISIONS

''SEC. 301. EFFECT ON INCONSISTENT STATE AND LOCAL LAWS.

''This Act shall not invalidate the law of any State or political subdivision of a State relating to foreign noxious weeds or Federal noxious weeds, except that a State or political subdivision of a State may not permit any action that is prohibited under this Act.

''SEC. 302. REGULATIONS.

''The Secretary may issue such regulations as are necessary to carry out this Act.''.

SEC. 102. EFFECT OF AMENDMENT ON PREVIOUS LISTING OF NOXIOUS WEEDS.

(a) DEFINITION OF NOXIOUS WEED.—In this section, the term ''noxious weed'' has the meaning given the term in section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)), as in effect on the day before the date of enactment of this Act.

(b) INCLUSION ON NEW FEDERAL LIST OF NOXIOUS WEEDS.—Each noxious weed identified by the Secretary of Agriculture in a regulation issued before the date of enactment of this Act shall be considered to be a Federal noxious weed and included on the Federal noxious weed list for purposes of the Foreign and Federal Noxious Weed Act (as amended by section 101).

TITLE II—STATE TERMINAL INSPECTION

SEC. 201. INSPECTION OF ANIMALS AND OTHER ORGANISMS.

The matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(1) in the second paragraph—

(A) by striking ''plants and plant products'' each place it appears and inserting ''plants, plant products, animals, and other organisms'';

(B) by striking ''plants or plant products'' each place it appears and inserting ''plants, plant products, animals, or other organisms'';

(C) by striking ''plant-quarantine law or plant-quarantine regulation'' each place it appears and inserting ''plant-quarantine or other law or regulation''; and

(D) in the last sentence, by striking ''be forward'' and inserting ''be forwarded''; and

(2) in the third paragraph, by striking ''plant or plant product'' and inserting ''plant, plant product, animal, or other organism''.

SEC. 202. INSPECTION OF ITEMS ON STATE LISTS.

The second sentence of the second paragraph of the matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(1) by striking ''Upon his approval of said list, in whole or in part, the Secretary of Agriculture'' and inserting ''On the receipt of the list by the Secretary of Agriculture, the Secretary''; and

(2) by striking ''said approved lists'' and inserting ''the list''.

SEC. 203. WARRANTS.

The second paragraph of the matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended by inserting after the second sentence the following: ''On the request of a representative of a State, a Federal agency shall act on behalf of the State to obtain a warrant to inspect mail to carry out this paragraph.''.●

By Mr. SHELBY (for himself, Mr. STEVENS, Mr. INOUYE, Mr. THURMOND, Mr. MACK, and Mr. HEFLIN):

S. 691. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans' Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

THE PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1995

Mr. SHELBY. Mr. President, today I am introducing the Prostate Cancer Diagnosis and Treatment Act of 1995. Prostate cancer is the leading cancer and the second leading cause of cancer death among American men. Over 215,000 Americans will be diagnosed with the disease this year and over 40,000 men will die from it.

Despite recent advances in the early detection and treatment of prostate cancer, the number of cases and the number of deaths continue to rise. Prostate cancer is as common today in men as breast cancer is in women, and the death rates for the two diseases are similar as well. Over this decade, prostate cancer cases and deaths are expected to continue their rapid rise—with cases increasing by 37 percent and deaths by 90 percent between 1985 and 2000.

Early detection has been greatly improved with the development of the prostate specific antigen [PSA] test—a simple and inexpensive blood test for the presence of prostate cancer. As a result, the American Urological Association and the American Cancer Society now recommend that men ago 50 and over get an annual screening with the PSA test. Treatment has been improved through new surgical techniques that remove the cancer without disastrous side effects, and through new drug therapy that can extend life expectancy and improve patient comfort for patients with advanced stage cancer.

These improvements have meant the difference between life and death for many men. The ability to detect prostate cancer in the first stage of the disease has made it possible to surgically remove the cancer when it is still confined to the prostate. Over 70 percent of patients treated in this way never have a recurrence of the disease. Waiting until the second stage or later, which was necessary under previous techniques, greatly increases the risk that the cancer has spread, with small hope for a cure.

I know how important it is to get screening and early treatment for prostate cancer—I am a prostate cancer survivor. I had a PSA test—I had a positive score—I had my prostate removed—and I am here to tell about it as a result. A number of my colleagues in this Chamber—Senator DOLE, Senator STEVENS, among them—are here with us today because their prostate cancer was spotted early and treated effectively. General Schwarzkopf, the hero of the gulf war, is another man nearly felled by prostate cancer, but saved through screening and surgery. General Schwarzkopf has become a national spokesman for prostate cancer detection. General Schwarzkopf and all of us in Congress are lucky to have the kind of insurance coverage we do through the Military and Federal Employees Health Benefit plans and the access we have to the finest medical facilities and doctors at Walter Reed Hospital among other places.

We can all be sure we get our annual PSA test and any treatment we may need.

The tragedy is that 13 million American men who are at the highest risk for this disease do not have health insurance coverage for the best early detection methods and drug therapies. They do not have it because we, the Congress, have not seen fit to provide it for them through the Medicare and Veterans Health programs. Medicare covers the old diagnostic test but does not provide for an annual PSA test. The Veterans Health services could provide annual tests for their resident and in-patient populations, but rarely do the tests or the follow-on surgery. Both of these programs cover part of the hormonal drug therapy for treatment of advanced prostate cancer, but leave out the oral drug which is particularly effective when given in combination therapy. These omissions are particularly troubling because these programs cover the overwhelming majority of men who have the disease.

Finally, it is remarkable that we have had these breakthroughs in detection and treatment given that we have so completely neglected funding for prostate cancer research. Prostate cancer is a disease that has a similar incidence and death rate to breast cancer

yet receives one-fourth as much research money. This is a serious oversight that we should correct to increase the pace of research and develop conclusive evidence on what really works and does not work in treating prostate cancer.

The Prostate Cancer Diagnosis and Treatment Act of 1995 would take three important steps to halt the progression of this disease. First, it would nearly double spending on research to develop more effective treatments of the disease. Second, it would make PSA tests available under the Medicare and Veterans Health programs. Third, it would extend Medicare and Veterans Health coverage for prostate cancer drugs to cover the advanced combination therapy including oral drugs that can significantly extend and improve the lives of prostate cancer victims.

Mr. President, it is important that we increase our efforts to combat this deadly form of cancer and address these deficiencies in our Federal health coverage and research programs. I urge my colleagues to join me in sponsoring the legislation that could make a difference for thousands of men who might otherwise have suffered greatly or died an untimely death from prostate cancer.

By Mr. KYL:

S. 694. A bill to prevent and punish crimes of sexual and domestic violence, to strengthen the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

THE SEXUAL VIOLENCE PREVENTION AND VICTIMS RIGHTS ACT

• Mr. KYL. Mr. President, I ask unanimous consent that the summary of the Sexual Violence Prevention and Victims Rights Act be printed in the RECORD.

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

PROVISIONS OF THE SEXUAL VIOLENCE PREVENTION AND VICTIM'S RIGHTS ACT OF 1995

TITLE I—EQUAL PROTECTION FOR VICTIMS

Sec. 101. Right of the victim to restitution.

Makes issuance of a full order of restitution for the victim mandatory in all cases under the federal criminal code, and adopts other reforms to strengthen restitution for victims.

Sec. 102. Right of the victim to an impartial jury.

Protects the right of victims to an impartial jury by equalizing the number of peremptory challenges afforded to the defense and the prosecution in jury selection. (Current law affords defendants 10 peremptory challenges, but affords the prosecution only 6, in felony cases.)

Sec. 103. Right of the victim to fair treatment in legal proceedings.

Establishes higher standards of professional conduct for lawyers in federal cases to protect victims and other witnesses from abuse, and to promote the effective search for truth. Specific measures include prohibition of: harassing or dilatory tactics, knowingly presenting false evidence or discrediting truthful evidence, willful ignorance of matters that could be learned from the client, and concealment of information necessary to prevent violent or sexual abuse crimes.

Sec. 104. Rebuttal of attacks on the victim's character.

Provides that if a defendant presents negative character evidence concerning the victim, the government's rebuttal can include negative character evidence concerning the defendant.

Sec. 105. Use of notice concerning release of offender.

Repeals provision that notices to state and local law enforcement concerning the release of federal violent and drug trafficking offenders can only be used for law enforcement purposes. This removes an impediment to other legitimate uses of such information, such as advising victims or potential victims that the offender has returned to the area.

Sec. 106. Balance in the composition of rules committees.

Provides for equal representation of prosecutors with defense lawyers on committees in the judiciary that make recommendations concerning rules affecting criminal cases.

Sec. 107. Victim's right of allocution in sentencing.

Extends the right of victims to address the court concerning the sentence to all criminal cases. Current law provides such a right for victims only in violent crime and sexual abuse cases, though the offender has the right to make an allocutive statement in all cases.

TITLE II—SEXUAL VIOLENCE, DOMESTIC VIOLENCE, AND OFFENSES AGAINST THE FAMILY

Sec. 201. Implementation of evidence rules for sexual assault and child molestation cases.

Provides that F.R.E. 413–15, which establish general rules of admissibility for similar crimes evidence in sexual assault and child molestation cases, will take effect immediately.

Sec. 202. HIV testing of defendants in sexual assault cases.

Provides effective procedures for HIV testing of defendants in sexual assault cases, with disclosure of test results of the victim.

Sec. 203. Clarifying amendment to extraterritorial child pornography offense.

Clarifies that the extraterritorial child pornography offense, like the domestic child pornography offenses, covers cases involving the transmission of child pornography by computer.

Sec. 204. Evidence of defendant's disposition towards victim in domestic violence cases and other cases.

Clarifies that evidence of a defendant's disposition towards a particular individual—such as the violent disposition of a domestic violence defendant towards the victim—is not subject to exclusion as impermissible evidence of ''character.''

Sec. 205. Battered women's syndrome evidence.

Clarifies that ''battered women's syndrome'' evidence is admissible under the federal expert testimony rule, to help courts and juries understand the behavior of victims in domestic violence cases and other cases.

Sec. 206. Death penalty for fatal domestic violence offenses.

Authorizes capital punishment under the federal interstate domestic violence offenses, for cases in which the offender murders the victim.•

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 695. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes; to the Committee on Energy and Natural Resources.

THE TALLGRASS PRAIRIE NATIONAL PRESERVE ACT

Mrs. KASSEBAUM. Mr. President, I rise today with my colleague from Kansas, Senator DOLE, to introduce legislation to create a tallgrass prairie preserve in the Flint Hills of Kansas.

At a time when some in Congress are asking hard questions about the cost and role of some units in the national park system, one may wonder why I am proposing the addition of another preserve to an already overburdened system. I am aware and sympathetic to those who complain that some members of Congress have taken a parochial interest in the park system, passing bills to create parks and historical sites more for their economic benefits to neighboring communities than because the area is nationally significant, either naturally or historically.

James Ridenour, former director of the National Park Service under President Bush, calls this the ''thinning of the blood'' of park system and points out that we are spreading limited personnel and scarce funds too thin. As a consequence, we have been spending an increasing percentage of Federal dollars on sites with questionable significance and devoting less to protecting our Nation's naturally significant resources. However, Mr. Ridenour strongly supports the bill being introduced today as a unique solution to the creation of an important addition to the park system.

This legislation was crafted in response to these concerns. It creates for the first time a private-public partnership, where capital from a private conservation organization is combined with limited funds from the Federal Government to create a national preserve open to the American public. We will be doing this at a fraction of the cost that the Federal Government would otherwise spend if it were to purchase the property for preservation. By taking this approach, we will be preserving for the first time an ecosystem that is found nowhere in the park service system. The approach taken in this bill is the kind of new thinking we in Congress must explore if we are to wisely spend scarce Federal dollars to protect important natural and historic areas in the future.

For those who have never been to the Flint Hills of Kansas, let me explain why this area is so unique and special. From Nebraska to Oklahoma there remains a narrow swath of tallgrass prairie—the remnants of a once vast tallgrass prairie ecosystem that covered 400,000 square miles from Ohio to the Rocky Mountains, from Canada to Texas. Today, less than 1 percent of this ecosystem remains, much of it in the Flint Hills, which are too steep and too rocky to farm.

There is no better example of this tallgrass prairie ecosystem in the Flint Hills than the 10,894-acre Spring Hill Ranch in Chase County. Hundreds of species of native plants and grasses grow on the ranch. Nearly 200 kinds of

birds, 29 species of reptiles and amphibians, and 31 species of mammals can be found on the property. The National Park Service, after an extensive survey of the property in 1991, concluded the property was nationally significant became of its natural resources and said it deserved conservation as a unit of the national park system.

Beyond the natural splendor of the ranch, the property includes a house, barn, and several outbuildings listed on the National Register of Historic Places because of their unique second empire architectural style. Each of these buildings was built in the 1880s from hand-cut cottonwood limestone quarried in the area. They illustrate the elegance and style of the ranch's first owner, a local cattle baron. A mile way from the house, over a rise in the land, also sets a one-room prairie school built in 1882.

For the past 4 years, I have been involved in efforts to preserve this ranch and open it to the public. Last year, the National Park Trust, a private conservation organization, purchased the ranch and has been working with members of the Kansas congressional delegation and officials with the Department of the Interior to develop legislation to preserve the ranch through a private-public partnership. The results, which have come only after painstaking negotiations with the Trust, Interior officials, and representatives of Kansas' agricultural and conservation groups, is reflected in the legislation I am introducing today.

The Tallgrass Prairie National Preserve Act will allow the National Park Service to purchase or accept donations of up to 180 acres, or less than 2 percent of the ranch. In meetings I have had with Secretary of the Interior Bruce Babbitt, he has stated that he would like to see the National Park Service own, maintain, and operate this historic core area, which includes the house, barn, and outbuildings.

The rest of the ranch will continue in private ownership, but the Secretary of the Interior is given the authority in this bill to enter into a cooperative agreement with the National Park Trust to provide interpretative and resource management assistance for the rest of the ranch, as well as police and emergency services.

What is different about this proposal and why it makes such sense from the standpoint of the Federal Government is that the American people will have access to and use of the 10,894-acre ranch for the cost of operating a 180-acre site. The National Park Trust, in a letter that I will ask be printed in the RECORD following my statement, has committed to donating to the Federal Government at no cost up to the 180 acres of the ranch's historic core. This donation, estimated by the trust to exceed $2 million in value, was one of the elements we negotiated to make this bill a true private-public partnership.

Mr. President, as Congress looks for innovative ways to make Government work better, I believe the approach taken in this bill signals departure from the way the Federal Government has protected important natural and historic areas in the past. I am pleased officials with the Department of the Interior have been so willing to work with me to explore this partnership. They have gone to great lengths to ensure the quality of this Park Service unit will not be compromised, while remaining open to suggestions to new ways of approaching issues. As former Director Ridenour says in a letter endorsing the legislation, this bill ''represents the kind of creative thinking that will have to take place to guarantee that we take care of our great parks in the future.''

In addition to the care that was taken to draft this private-public partnership, equal care was given to address the legitimate concerns of area ranchers. In this bill, National Park Service ownership is limited to 180 acres, and no further expansion is permitted. Language was incorporated into the bill to address concerns regarding fence maintenance and to require compliance with State noxious weed, pesticide, animal health, and water laws. The bill establishes an advisory committee consisting of conservationists, landowners, local community officials, and range management specialists to help determine how the ranch should be managed. The bill also incorporates language that requires the Federal Government to be a good partner with neighboring communities and work cooperatively to deliver emergency and other services.

Mr. President, we have a wonderful opportunity to protect for future generations a portion of the tallgrass prairie—the only ecosystem not currently represented in the National Park System. Passage of this bill will give the American public an opportunity to enjoy and explore this beautiful area and grow to appreciate its history and importance.

I ask unanimous consent that a letter from the National Park Trust and a letter from James Ridenour be included in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill and other material be printed in the RECORD.

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

S. 695

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 ''Tallgrass Prairie National Preserve Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas.

(2) In 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas.

(3) Such study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a) which represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System.

(4) The National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to purchase a portion of the ranch, as specified in this Act; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such manner, and by such means, as will leave such scenery, natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas.

(2) To preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Advisory Committee established under section 7.

(2) PRESERVE.—The term ''Preserve'' means the Tallgrass Prairie National Preserve established under section 4.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRUST.—The term ''Trust'' means the National Park Trust, Inc. (which is a District of Columbia nonprofit corporation), or any successor-in-interest, subsidiary, affiliate, trustee, or legal representative of the National Park Trust, Inc. that possesses legal or equitable ownership or management rights with respect to land and improvements on land that constitutes any portion of the Preserve.

SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) IN GENERAL.—In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is hereby established the Tallgrass Prairie National Preserve.

(b) DESCRIPTION.—The Preserve shall consist of the lands, waters, and interests therein, including approximately 10,894 acres, generally depicted on the map entitled ''Boundary Map, Flint Hills Prairie National Monument'' numbered NM–TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. of June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L–106 at pages 328 through 339, inclusive. In the case of any difference between such map and legal description, such legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map or legal description, the Secretary is directed to make such minor changes. The map shall be on file

and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the Preserve in accordance with this Act, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) APPLICATION OF REGULATIONS.—The regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply within the boundaries of the Preserve.

(c) FACILITIES.—For purposes of carrying out the duties of the Secretary under this Act relating to the Preserve, the Secretary may, with the consent of the landowner—

(1) directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve; and

(2) maintain and operate programs in connection with the Preserve.

(d) LIABILITY.—

(1) LANDOWNERS.—Notwithstanding any other provision of law, no person who owns any land or interest in land within the Preserve shall be liable for injury to, or damages suffered by, any other person who is injured or damaged while upon the land within the Preserve if—

(A) such injury or damages result from any act or omission of the Secretary or any officer, employee, or agent of the Secretary; or

(B) such liability would arise solely by reason of the ownership by the defendant of such land or interest in land and such injury or damages are not proximately caused by the wanton or willful misconduct of the defendant.

(2) LIABILITY OF UNITED STATES AND OFFICERS AND EMPLOYEES OF THE UNITED STATES.—(A) Nothing in this subsection or in any other provision of this Act may be construed to exempt the Federal Government, or any officer or employee of the Federal Government, from any liability for any act or omission for which the Federal Government, or such officer or employee, as the case may be, would otherwise be liable under any applicable provision of law.

(B) Nothing in this subsection or in any other provision of this Act may be construed to impose on the Federal Government, or any officer or employee of the Federal Government, any liability for any act or omission of any other person or entity for any act or omission of such other person or entity for which the Federal Government, or such officer or employee, as the case may be, would otherwise not be liable under any applicable provision of law.

(e) FEES.—Notwithstanding any other provision of law, the Preserve shall be considered a designated unit of the National Park System, including for the purposes of charging entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a).

(f) AGREEMENTS AND DONATIONS.—

(1) AGREEMENTS.—The Secretary is authorized to expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use. The Secretary may enter into one or more cooperative agreements with public or private agencies, organizations, and institutions to further the purposes of this Act (as specified in section 2(b)), including entering into a memorandum of understanding with the appropriate official of the county in which the Preserve is located to provide for such services as law enforcement and emergency services.

(2) DONATIONS.—Notwithstanding any other provision of law, the Secretary may solicit, accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the termination date of the third full fiscal year beginning after the date of establishment of the Preserve, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A)(i) appropriate officials of the Trust; and

(ii) the Advisory Committee established under section 7; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, and the Kansas Historical Society, and other interested parties.

(3) CONTENT OF PLAN.—The general management plan shall provide for the following:

(A) Maintaining and enhancing the tallgrass prairie ecosystem within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch, lands of adjoining landowners, and surrounding communities.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable Federal and State water laws and waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 4(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 4(b)).

SEC. 6. LIMITED AUTHORITY TO ACQUIRE.

(a) IN GENERAL.—The Secretary is authorized and directed to acquire, by donation or purchase with donated or appropriated funds, at fair market value—

(1) not more than 180 acres of real property within the boundaries of the Preserve (as described in section 4(b)) and the improvements thereon; and

(2) rights-of-way on roads that are not owned by the State of Kansas within the boundaries of the Preserve.

(b) PAYMENTS IN LIEU OF TAXES.—For the purposes of payments made pursuant to chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(c) PROHIBITIONS.—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

SEC. 7. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the ''Tallgrass Prairie National Preserve Advisory Committee''.

(b) DUTIES.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out such duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan required by section 5(g).

(c) MEMBERSHIP.—The Advisory Committee shall consist of the following 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4) Three members, who shall be appointed as follows:

(A) One member shall be selected from a list of nominations submitted to the Secretary by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of nominations jointly submitted to the Secretary by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of nominations submitted to the Secretary by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

(2) REAPPOINTMENT.—Each member may be reappointed to serve for a subsequent term.

(3) EXPIRATION.—Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) VACANCIES.—A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) CHAIRPERSON.—The Secretary shall appoint one of the members who is a representative from the Trust appointed under subsection (c)(1) to serve as Chairperson.

(f) MEETINGS.—Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

(h) COMPENSATION.—Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the Advisory Committee.

SEC. 8. RESTRICTION ON AUTHORITY.

Nothing in this Act shall give the Secretary authority to regulate lands outside the boundaries of the Preserve.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out this Act.

NATIONAL PARK TRUST,
Washington, DC, April 6, 1995.

Hon. Senator KASSEBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR KASSEBAUM: It is a privilege for the National Park Trust to endorse the legislation you are introducing to establish a Tallgrass Prairie National Preserve in Kansas. We commend you for your leadership in recognizing the importance of America's tallgrass prairie, which once covered more than 140 million acres across our nation's heartland, but today only survives in remnant swatches.

The Spring Hill/Z Bar Ranch encompasses a magnificent unspoiled swath of the Flint Hills. Its rolling, nearly treeless landscape with grasses, sometimes reaching ten feet in height, sustains the biological riches of a vanishing American landscape. Nearly 200 kinds of birds, 29 species of reptiles and amphibians, and 31 species of mammals can be found on the property. Its distinctive century-old limestone buildings, looming large amid ocean-like waves of prairie, give enduring voice to local traditions and can serve as an appropriate setting to tell the story of Native Americans and pioneers and our nation's westward expansion. Because of its outstanding natural and cultural resources, the National Park Service's 1991 special resource study concluded that the property met the standards as a unit of the National Park System.

The National Park Trust acquired the Spring Hill/Z Bar Ranch last June as a first important step toward ensuring that this country's tallgrass heritage is preserved and interpreted for all Americans. The Trust is a 501(c)(3) non-profit educational and charitable corporation which is celebrating more than ten years as the land conservancy of the national parks. Its mission is to assist the National Park Service in the acquisition of inholdings from willing sellers, and to acquire and protect properties, such as the Spring Hill/Z Bar Ranch, that merit protection as units of the National Park System.

Now more than ever, the acquisition of properties for inclusion in the National Park System is limited by shrinking federal funds. In view of the condition of the federal budget and because inclusion of a tallgrass prairie unit is believed by many to be the highest priority for the National Park System, the Trust will consider as its May meeting a proposal to donate up to 180 acres of the historic core area of the ranch, with a value of more than $2 million, to the national Park Service. The property would be donated once the federal designation has occurred and the National Park Service has completed its study to determine the amount of acreage that is needed. It is our hope that this potential donation indicates the strength of our conviction that the Spring Hill/Z Bar Ranch is of great national significance and deserves to be part of the National Park System.

We also continue our pledge to manage the remainder of the property not under the direct control of the National Park Service in a manner that is compatible with the preserve's general management plan—a plan that will be developed by the National Park Service in cooperation with a citizen advisory committee.

We welcome this opportunity to support this legislation and look forward to its completion so that this deserving resource can be part of the National Park System.

Sincerely,

J. PAUL DUFFENDACK,
Chairman, Tallgrass Prairie Interim Management Committee, Member, National Park Trust Board of Trustees.

INDIANA UNIVERSITY,
Bloomington, IN, April 3, 1995.

DEAR SENATOR KASSEBAUM: This is a letter in support of your efforts to set aside a tall grass prairie in Kansas. You may recall that I was Director of the National Park Service in the Bush Administration.

In lectures I have been giving around the country, I have been saying that the last great natural park to be purchased is a tall grass prairie park. We may have some trades between various federal agencies from time to time, but the tall grass park is one in which private ownership will be involved.

You have reached a unique solution to creating the park. Private ownership has been recognized and respected while the core area of 180 acres would become the management responsibility of the NPS. This represents the kind of creative thinking that will have to take place to guarantee that we take care of our great parks in the future.

A tall grass prairie is a missing link in our system. This statement comes from a former director who in leery of creating additional parks. In my book, National Parks Compromised, I talk of the concern I have with ''thinning the blood'' of our system with parks with little or no national significance. A tall grass addition to the system would not be a ''Thinning of the blood'', especially in the creative manner you are bringing it into the system.

Good luck and thank you for your efforts.

Sincerely,

JAMES M. RIDENOUR,
Director, Eppley Institute for Parks and Public Lands.

Mr. DOLE. Mr. President, for several years there have been attempts to create a national tall grass prairie preserve on nearly 11,000 acres in Kansas, known as the Z-Bar Ranch. Proposals for this preserve have faced valid opposition from concerned citizens and landowners in the area. Today, Senator KASSEBAUM is introducing legislation which I expect will establish a successful public/private partnership.

I commend Senator KASSEBAUM's leadership efforts to establish a prairie park in Kansas. In January 1992, she organized the Spring Hill/Z-Bar Ranch Foundation to raise money for the purchase of the ranch. This private foundation also addressed many of the concerns of local residents and landowners.

Last summer, the Z-Bar Ranch was sold to a private trust. But establishing Z-Bar as a national preserve requires legislation. Senator KASSEBAUM has worked diligently to strike a balance which is acceptable to all parties. This bill authorizes the Federal Government to purchase or to accept a donation of up to 180 acres of the Z-Bar Ranch.

I have always supported Senator KASSEBAUM's efforts to encourage private participation in the establishment of a national prairie preserve. With a private/public partnership, we can officially recognize the tall grass prairie while limiting the involvement of the Federal Government.

This year, the National Park Trust, who currently owns the ranch, offered to donate the core area of land to the Federal Government. This will minimize the cost of establishing the preserve. In my view, a compromise which includes minimal Federal ownership and continued local input sets this proposal apart from other efforts.

The tall grass prairie is a vital part of the natural environment and heritage of the high plains. We must protect and preserve it. Anyone who has driven through the Flint Hills of Kansas appreciates the beauty of this prairie. I am pleased to join Senator KASSEBAUM today in cosponsoring this legislation. Her success in creating a partnership between public and private efforts will help preserve the history of the Midwest.

By Mr. KENNEDY:

S. 696. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve school-to-work opportunities systems so that all students have an opportunity to acquire the knowledge and skills needed to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for

other purposes; to the Committee on Labor and Human Resources.

THE CAREER PREPARATION EDUCATION REFORM ACT

Mr. KENNEDY. Mr. President, it is a privilege, on behalf of the Clinton administration, to introduce the Career Preparation Education Reform Act. This measure will reform vocational education and contribute to the development of school-to-work opportunities. This legislation represents major change. It consolidates more than 20 current Perkins Act programs and gives states an increased role and increased flexibility.

The legislation ensures that funds for in-school youth are administered at the local level by local schools, and that federal funds are allocated by a more effective needs-based formula.

This legislation adopts a new approach. It stresses high performance for all students. It places greater emphasis on outcomes and the reporting of results. It links outcomes with corrective actions, including sanctions and rewards. It requires each State's plan to describe how the state will serve at-risk students. And it uses a local allocation formula which targets funds to the neediest communities.

The report of the National Assessment of Vocational Education found that at-risk and special education students are too often concentrated in programs that do not adequately prepare them for careers or higher education. By raising performance for all students and ensuring that planning, reporting and evaluation reflect this priority, these students will be better served.

At-risk students should have a greater opportunity to receive the quality services and assistance they need to be successful. We intend to pay close attention to this issue as this legislation moves through Congress.

This bill encourages States to use their vocational education, elementary and secondary education, and second-chance programs to develop comprehensive, integrated, and effective school-to-work systems.

It proposes two funding streams—a State grant and a national program authority. It increase the amount of the state grant distributed to schools and colleges under the formula.

It calls on vocational education to support development of the in-school part of school-to-work systems.

It takes a new approach to meeting the needs of special populations by emphasizing quality for all students.

It no longer requires separate State Boards for Vocational Education or separate State Advisory Councils.

It gives States the waivers necessary to develop comprehensive education systems.

It proposes a performance partnership with the states in cooperation with the Secretary of Labor, in order to develop a system to measure performance, that ensures accountability and provides information on program success.

This legislation closely parallels other education reform initiatives on education reform and career preparation. I look forward to working closely with other Senators to achieve the bipartisan support we need in order to do a better job of preparing students for the world.

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. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Career Preparation Education Reform Act of 1995''.

ORGANIZATION OF THE ACT

SEC. 2. This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

TITLE II—EFFECTIVE DATES; TRANSITION

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

AMENDMENT TO THE ACT

SEC. 101. The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.*; hereinafter referred to as ''the Act'') is amended in its entirety to read as follows:

''SHORT TITLE; TABLE OF CONTENTS

''SECTION 1. (a) Short Title.—This Act may be cited as the 'Carl D. Perkins Career Preparation Education Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''TABLE OF CONTENTS

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''Sec. 2. Declaration of policy, findings, and purpose.
''Sec. 3. Authorization of appropriations.
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''Sec. 101. Priorities.
''Sec. 102. State leadership activities.
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''DECLARATION OF POLICY, FINDINGS, AND PURPOSE

''Sec. 2. (a) DECLARATION OF POLICY.—The Congress declares it to be the policy of the United States that, in order to meet new economic challenges brought about by changing technologies and increasing international economic competition, the Nation must put in place a system that enables all students to obtain the education needed to pursue productive and adaptable careers.

''(b) DECLARATION OF FINDINGS.—The Congress finds that—

''(1) although employment and earnings increasingly depend on educational attainment and the ability to acquire and transfer skills among jobs in broad clusters of occupations or industry sectors, a majority of high school graduates in the United States lack sufficient curriculum focus to prepare them for completing a two-year of four-year college degree or for entering careers with high-skill, high-wage potential;

''(2) enactment of the Goals 2000: Educate America Act has helped to establish a new framework for education reform, based on challenging State academic standards and industry-based skill standards for all students;

''(3) enactment of the School-to-Work Opportunities Act of 1994 has helped to catalyze the development, in all States, of statewide system offering opportunities for all students to participate in school-based, work-based, and connecting activities leading to postsecondary education, further learning, and first jobs in high-skill, high-wage careers;

''(4) the GI Bill for America's Workers, of which this Act is a key component, will further strengthen the capacity of States, schools, and businesses, working together, to upgrade the skills of youth and to prepare them for high-wage careers;

''(5) local, State, and national programs supported under the Carl D. Perkins Vocational and Applied Technology Education Act have assisted many students in obtaining occupational and academic skills, as well as employment, but not these programs must become part of the larger reforms taking place under the School-to-Work Opportunities Act of 1994;

''(6) when properly aligned with related Federal statutes and the broader reforms that States and localities carry out under the Goals 2000: Educate America Act, this Act can enhance the capacity of States to establish school-to-work opportunities systems that serve all students, enable a greater number of students to achieve to challenging State academic standards and industry-based skill standards, and contribute to enabling all Americans to prosper in a highly competitive, technological economy;

''(7) certain individuals (including students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, incarcerated youth, migrant children, foster children, school dropouts, and women) often face great challenges in acquiring the academic knowledge and occupational skills needed for successful employment and thus may need special assistance and services to allow them to participate fully in career preparation activities;

''(8) Federal resources currently support a maze of employment-related education and training programs that are often focused on specific content areas or populations, have conflicting or overlapping requirements, and

are not administered in an integrated manner, thus inhibiting the capacity of State and local administrators to implement programs that meet the needs of individual States and localities;

''(9) the Federal Government can—through a performance partnership with States and localities based on clear programmatic goals, increased State and local flexibility, improved accountability, and performance goals, indicators, and incentives—provide to States and localities financial assistance for the expansion of school-to-work opportunities systems in all States, as well as for services and activities that ensure that all students, including students with special needs, have full access to the programs offered through those systems; and

''(10) the Federal Government can also assist States and localities by carrying out nationally significant research, development, demonstration, dissemination, evaluation, capacity-building, data collection, training, and technical assistance activities that support State and local efforts to implement successfully services and activities that are funded under this Act, as well as to implement State and local career preparation activities that are supported with their own resources.

''(c) DECLARATION OF PURPOSE.—The purpose of this Act is to assist all students, through a performance partnership with States and localities, to acquire the knowledge and skills they need to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers. This purpose shall be pursued through support for State and local efforts that—

''(1) build on the efforts of States and localities under the School-to-Work Opportunities Act, as well as the Goals 2000: Educate America Act and other legislation;

''(2) integrate reforms of vocational education with overall State reforms of academic preparation in schools;

''(3) promote, in particular, the development of activities and services that integrate academic and occupational instruction, link secondary and postsecondary education, link school-based and work-based learning, coordinate efforts for in-school and out-of-school youth, and enable students to complete career majors in broad occupational clusters;

''(4) increase State and local flexibility in providing services and activities designed to develop, implement, and improve school-to-work opportunities systems, as well as integrating these services and activities with services and activities supported with other Federal, State, and local funds, such as those under the Job Training Partnership Act, in exchange for clear accountability for results;

''(5) provide all students, including students who are members of special populations, with the opportunity to participate in the full range of career preparation services and activities; and

''(6) benefit from national research, development, demonstration, dissemination, evaluation, capacity-building, data collection, training, and technical assistance activities supporting the development, implementation, and improvement of school-to-work opportunities systems.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 3. (a) STATE AND LOCAL ACTIVITIES.—There are authorized to be appropriated to carry out title I, section 201, section 206(a), and section 206(d) of this Act $1,141,088,000 for the fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2005.

''(b) NATIONAL ACTIVITIES.—There are authorized to be appropriated to carry out title II, except sections 201, 206(a), and 206(d) of this Act, $37,000,000 for the fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2005.

''TITLE I—PREPARING STUDENTS FOR CAREERS

''PART A—IMPROVING STATE AND LOCAL PROGRAMS

''PRIORITIES

''SEC. 101. In order to prepare students for a wide range of opportunities in high-skill, high-wage careers, funds under this title shall be used to support the development, implementation, and improvement of school-to-work opportunities systems in secondary and postsecondary schools, as set forth in title I of the School-to-Work Opportunities Act of 1994. State and local recipients shall give priority to services and activities designed to—

''(1) ensure that all students, including students who are members of special populations, have the opportunity to achieve to challenging State academic standards and industry-based skill standards;

''(2) promote the integration of academic and vocational education;

''(3) support career majors in broad occupational clusters or industry sectors;

''(4) effectively link secondary and postsecondary education;

''(5) provide students, to the extent possible, with strong experience in, and understanding of, all aspects of the industry they are preparing to enter;

''(6) combine school-based and work-based instruction, including instruction in general workplace competencies;

''(7) provide school-site and workplace mentoring; and;

''(8) provide career guidance and counseling for students at the earliest possible age, including the provision of career awareness, exploration, and guidance information to students and their parents that is, to the extent possible, in a language and form that the students and their parents understand.

''STATE LEADERSHIP ACTIVITIES

''SEC. 102. Each State that receives a grant under this title shall, from amounts reserved for State leadership activities under section 112(c), conduct services and activities that further the development, implementation, and improvement of its statewide school-to-work opportunities system and that are integrated, to the maximum extent possible, with broader educational reforms underway in the State as well as activities the State carries out under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, title II of the Job Training Partnership Act, and the Elementary and Secondary Education Act of 1965, including such activities as—

''(1) providing comprehensive professional development for vocational teachers, academic teachers, and career guidance personnel that—

''(A) will help such teachers and personnel to meet the goals established by the State under section 108; and

''(B) reflects the State's assessment of its needs for professional development, as determined under section 2205(b)(2)(C) the Elementary and Secondary Education Act of 1965, and is integrated with the professional development activities that the State carries out under title II of that Act;

''(2) developing and disseminating curricula that are aligned, as appropriate, with challenging State academic standards and industry-based skill standards;

''(3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this Act;

''(4) promoting equity in secondary and postsecondary education and, to the maximum extent possible, ensuring opportunities for all students, including students who are members of special populations, as well as single parents and single, pregnant women, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers;

''(5) improving career guidance and counseling for students, including use of one-stop career centers;

''(6) expanding and improving the use of educational technology;

''(7) supporting partnerships of local educational agencies, institutions of higher education, and, as appropriate, other entities, such as employers, labor organizations, and community-based organizations, to provide models, such as youth development partnerships as described in section 202(a)(3) and tech-prep education, for enabling all students, including students who are members of special populations, to achieve to challenging State academic standards and industry-based skill standards;

''(8) promoting the dissemination and use of occupational information, including use of one-stop career centers;

''(9) providing financial incentives or awards to one or more local recipients in recognition of exemplary quality or innovation in education services and activities, or exemplary services and activities for students who are members of special populations, as determined by the State through a peer review process, using performance goals and indicators described in section 108 or other appropriate criteria;

''(10) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

''(11) serving special populations and individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities.

''LOCAL ACTIVITIES

''SEC. 103. (a) GENERAL REQUIREMENTS.—Each local recipient that receives a subgrant under this title shall use funds to—

''(1) conduct services and activities that further the development, implementation, and improvement of the school-to-work opportunities system in the State;

''(2) provide services and activities that are of sufficient size, scope, and quality to be effective; and

''(3) focus assistance under this title on schools or campuses that serve the highest numbers or percentages of students who are members of special populations.

''(b) AUTHORIZED ACTIVITIES.—Each local recipient that receives a subgrant under this title may use funds to—

''(1) provide services and activities that promote the priorities described in section 101, such as—

''(A) developing curricula, including establishing and expanding career majors;

''(B) acquiring and adapting equipment, including instructional aids;

''(C) providing professional development activities;

''(D) providing services, directly or through community-based organizations, such as curriculum modification, equipment modification, classroom modification, supportive personnel, instructional aids and devices, guidance, career information, English language instruction, and child care, to meet the education needs of students who are members of special populations;

''(E) providing tech-prep education services and activities;

''(F) carrying out activities that ensure active and continued involvement of business and labor in the development, implementation, and improvement of a school-to-work opportunities system in the State;

''(G) matching students with the work-based learning opportunities of employers; and

''(H) providing assistance to students who have participated in services and activities under this Act in finding an appropriate job and continuing their education and training; and

''(2) carry out other services and activities that meet the purpose of this Act.

''(c) EVALUATION ACTIVITIES.—In order to improve educational practices and performance of all students, including students who are members of special populations, each local recipient that receives a subgrant under this title may use such funds to carry out the evaluation under section 109(a)(1) or 109(a)(2).

''(d) EQUIPMENT.—Equipment acquired or adapted with funds under this title may be used for other instructional purposes when not being used to carry out this title if such acquisition or adaptation was reasonable and necessary for providing services or activities under this title and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this title.

''COMBINATION OF FUNDS

''SEC. 104. (a) IN GENERAL.—In order to develop, implement, and improve school-to-work opportunities systems, States and local recipients that are assisted under this Act may combine funds from programs listed in subsection (e) in accordance with subsections (b) through (d).

''(b) STATE LEADERSHIP ACTIVITIES.—A State may combine funds authorized under section 112(c) with funds available for State leadership activities under one or more of the programs listed in subsection (e) in order to carry out State leadership activities that are authorized under this title as well as under such other program or programs.

''(c) LOCAL ACTIVITIES.—A local recipient may combine funds authorized under section 112(a) with funds available for services and activities related to the development, implementation, or improvement of school-to-work opportunities systems in one or more of the programs listed in subsection (e) in order to provide services and activities that are authorized under this title as well as under such other program or programs.

''(d) ADMINISTRATION.—Nothing in this section shall be construed to—

''(1) require a State or local recipient under this Act to maintain separate records tracing any services or activities conducted with funds combined under this section to the individual program or programs listed in subsection (e) under which funds were authorized; or

''(2) waive or amend any requirement of the programs listed in subsection (e), except as authorized in section 301.

''(e) INCLUDED PROGRAMS.—Funds may be combined for programs, services, or activities authorized under—

''(1) this Act;

''(2) the School-to-Work Opportunities Act of 1994;

''(3) the Goals 2000: Educate America Act;

''(4) the Elementary and Secondary Education Act of 1965; and

''(5) the Job Training Partnership Act.

''STATE PLANS

''SEC. 105. (a) STATE PLAN.—Any State desiring to receive a grant under section 111(f) for any fiscal year shall submit to, or have on file with, the Secretary a five-year State plan in accordance with this section. The State may submit its State plan as part of a comprehensive plan that may include State plan provisions under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, section 14302 of the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and any other Federal education and training program. If the State has an approved State plan under section 213(d) of the School-to-Work Opportunities Act of 1994, it shall base its plan under this section on that plan. If the State does not have an approved plan under section 213(d) of the School-to-Work Opportunities Act of 1994, it shall base its plan under this section on an objective assessment of its progress in developing, implementing, and improving its school-to-work opportunities system and in meeting the priorities described in section 101.

''(b) APPROVALS.—(1) Notwithstanding the designation of the responsible agency or agencies under section 112, the agencies that shall approve the State plan under subsection (a) are—

''(A) the State educational agency; and

''(B) each of the State agencies responsible for higher education (including community colleges) that the State chooses.

''(2) The Secretary shall approve a State plan under subsection (a) if the plan meets the requirements of this section and is of sufficient quality to meet the purpose of this Act. The Secretary shall establish a peer review process to make recommendations regarding approval of the State plan and revisions to the plan. The Secretary shall not finally disapprove a State plan before giving the State reasonable notice and an opportunity for a hearing.

''(c) CONSULTATION.—(1) In developing and implementing its plan under subsection (a), and any revisions under subsection (f), the State shall consult widely with individuals, employers, and organizations in the State that have an interest in education and training, such as those described in section 213(d)(5) of the School-to-Work Opportunities Act of 1994, and individuals, employers, and organizations that have an interest in education and training for students who are members of special populations.

''(2) The State educational agency shall submit the State plan under this section, and any revisions to the State plan under subsection (f), to the Governor for review and comment and shall ensure that any comments the Governor may have are included with the State plan or revision when the State plan or revision is submitted to the Secretary.

''(d) CONTENTS.—(1) Each State plan under subsection (a) shall describe how the State will use funds under this title to—

''(A) develop, implement, or improve the statewide school-to-work opportunities system and address the priorities described in section 101;

''(B) ensure that all students, including students who are members of special populations, have the opportunity to achieve to challenging State academic standards and industry-based skill standards and will be prepared for postsecondary education, further learning, and entrance into high-skill, high-wage careers;

''(C) establish performance goals and indicators described in section 108;

''(D) further the State's approved State plan under section 213(d) of the School-to-Work Opportunities Act of 1994 or address the needs identified in the State's objective assessment of its progress in developing, implementing, and improving its school-to-work opportunities system; and

''(E) carry out State leadership activities under section 102.

''(2) Each State plan under subsection (a) shall also describe how the State will integrate its services and activities under this title with broad educational reforms in the State, including those under the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1994, as well as related services and activities under the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and relevant employment, training, and welfare programs carried out in the State.

''(e) ASSURANCES.—Each State plan under subsection (a) shall contain assurances that the State will—

''(1) comply with the requirements of this Act and the provisions of the State plan; and

''(2) provide for the fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State under this Act.

''(f) REVISIONS.—When changes in conditions or other factors require substantial revision to an approved State plan under subsection (a), the State shall submit revisions to the State plan to the Secretary. State plan revisions shall be approved by the State educational agency and each of the State agencies responsible for higher education (including community colleges) that approved the State plan.

''STATE ADMINISTRATION

''SEC. 106. (a) RESPONSIBLE AGENCY OR AGENCIES.—Any State desiring to receive a grant under section 111(f) shall, consistent with State law, designate an education agency or agencies that shall be responsible for the administration of services and activities under this Act, including—

''(1) the development, submission, and implementation of the State plan;

''(2) the efficient and effective performance of the State's duties under this Act; and

''(3) consultation with other appropriate agencies, groups, and individuals that are involved in the development and implementation of services and activities assisted under this Act, such as business, industry, parents, students, teachers, labor organizations, community-based organizations, State and local elected officials, and local program administrators.

''(b) SPECIAL ACTIVITIES.—Any State that receives a grant under section 111(f) shall—

''(1) gather and disseminate data on the effectiveness of services and activities related to the State's school-to-work opportunities system in meeting the educational and employment needs of women and students who are members of special populations;

''(2) review proposed actions on applications, grants, contracts, and policies of the State to help to ensure that the needs of women and students who are members of special populations are addressed in the administration of this title;

''(3) recommend outreach and other activities that inform women and students who are members of special populations about their education and employment opportunities;

''(4) advise local educational agencies, postsecondary educational institutions, and other interested parties in the State on expanding career preparation opportunities for women and students who are members of special populations and helping to ensure that the needs of men and women in training for nontraditional jobs are met; and

''(5) work to eliminate bias and stereotyping in education at the secondary and postsecondary levels.

''LOCAL APPLICATIONS

''SEC. 107. (a) ELIGIBILITY.—Schools and other institutions or agencies eligible to apply, individually or as consortia, to a State for a subgrant under this title are—

''(1) local educational agencies;

''(2) area vocational education schools that provide education at the postsecondary level;

''(3) institutions of higher education; and

''(4) postsecondary educational institutions controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934.

''(b) APPLICATION REQUIREMENTS.—Any applicant that is eligible under subsection (a) and that desires to receive a subgrant under this title shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 106. In addition to including such information as the State may require and identifying the results the applicant seeks to achieve, each application shall also describe how the applicant will use funds under this title to—

''(1) develop, improve, or implement a school-to-work opportunities system in secondary and postsecondary schools and address the priorities described in section 101, in accordance with section 103;

''(2) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 108;

''(3) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this title with broad educational reforms in the State, including those under the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1994, as well as related services and activities under the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and relevant employment, training, and welfare programs carried out in the State; and

''(4) consult with students, their parents, and other interested individuals or groups, in developing their services and activities.

''PERFORMANCE GOALS AND INDICATORS

''SEC. 108. (a) IN GENERAL.—(1) Any State desiring to receive a grant under section 111(f) shall—

''(A) establish performance goals to define the level of performance to be achieved by students served under this title and to evaluate the quality and effectiveness of services and activities under this title;

''(B) express such goals in an objective, quantifiable, and measurable form;

''(C) establish performance indicators that the State and local recipients will use in measuring or assessing progress towards achieving such goals; and

''(D) provide biennial reports to the public and to the Secretary, in accordance with section 109(c), on the State's progress in achieving its goals, including information on the progress of students who are members of special populations.

''(2) Any State may also use amounts it receives for State leadership activities under section 112(c) to evaluate its entire school-to-work opportunities system in secondary and postsecondary schools and to carry out activities under paragraph (1)(D).

''(b) PERFORMANCE INDICATORS.—The Secretary shall, in collaboration with the Secretary of Labor, work with States to ensure that their performance goals under this section are consistent with challenging State academic standards and industry-based skill standards and their State goals established under the School-to-Work Opportunities Act of 1994 and title II of the Job Training Partnership Act. Performance goals established under paragraph (1)(A) of subsection (a) shall be in accord with the National Education Goals and with the purpose of this Act. Performance indicators established under paragraph (1)(C) of subsection (a) shall include at least—

''(1) achievement to challenging State academic standards, such as those established under Goals 2000: Educate America Act, and industry-based skill standards;

''(2) receipt of a high school diploma, skills certificate, and postsecondary certificate or degree; and

''(3) job placement, retention, and earnings, particularly in the career major of the student.

''(c) TRANSITION.—Before it establishes performance goals and indicators under subsection (a), each State receiving funds under this title shall use the system of standards and measures developed under section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect prior to the enactment of this Act. A State shall use its performance goals and indicators established under subsection (a) not later than July 1, 1997.

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States regarding the development of the State's performance goals and indicators under subsection (a). Notwithstanding any other provision of law, the Secretary may use funds appropriated for title II to provide technical assistance under this section.

''EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

''SEC. 109. (a) LOCAL EVALUATION.—(1) Each local recipient of a subgrant under this title shall biennially evaluate, using performance goals and indicators described in section 108, and report to the State regarding, its use of funds under this title to develop, implement, or improve a school-to-work opportunities system at the local level and the effectiveness of its services and activities supported under this title in achieving the priorities described in section 101, including the progress of students who are members of special populations.

''(2) Such local recipient may evaluate portions of its school-to-work opportunities system that are not supported with funds under this title, including its entire system. If such recipient does so, it need not evaluate separately that portion of its school-to-work opportunities system supported with funds under this title.

''(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation under subsection (a) and applicable performance goals and indicators established under section 108, that a local recipient is not making substantial progress in achieving the purpose of this Act in accordance with the priorities described in section 101, the State shall work jointly with the local recipient to develop a plan, in consultation with teachers, parents, and students, for improvement for succeeding school years. If, after three years of implementation of the improvement plan, the State determines that the local recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued career preparation education services and activities for the recipient's students.

''(c) STATE REPORT.—The State shall, once every two years on a schedule determined by the Secretary, report to the Secretary on the quality and effectiveness of its services and activities provided through its grant under title I, based on the performance goals and indicators established under section 108.

''(d) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act or carrying out services and activities that are in accord with the priorities described in section 101, based on the performance goals and indicators established under section 108, the Secretary shall work with the State to implement improvement activities.

''(e) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after the implementation of the improvement activities described in subsection (d), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators established under section 108, the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this title. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services activities within the State that meet the purpose of this Act and are in accord with the priorities described in section 101.

''PART B—ALLOCATING STATE AND LOCAL RESOURCES

''ALLOTMENTS

''SEC. 111. (a) AWARDS FOR EXCELLENCE.—In each fiscal year after the fiscal year 1998, from the amount made available under section 3(a) for title I, the Secretary may reserve not more than 10 percent for carrying out section 201.

''(b) ALLOTMENT FOR INDIANS AND NATIVE HAWAIIANS.—In each fiscal year, from the amount made available under section 3(a) for title I, the Secretary shall reserve 1.50 percent of which—

''(1) 1.25 percent shall be for carrying out section 206(a); and

''(2) 0.25 percent shall be for carrying out section 206(d).

''(c) ALLOTMENT TO STATES.—(1) Subject to paragraph (2), from the remainder of the sum available for title I, the Secretary shall allot to each State for each fiscal year—

''(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

''(B) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States.

''(2)(A) Notwithstanding any other provision of law and subject to subparagraph (B), for any fiscal year through the fiscal year 1998 no State shall receive for services and activities authorized by title I of this Act less than 90 percent of the sum of the payments made to the State for the fiscal year 1995 for programs authorized by title II and parts A, B, and E of title III of the Carl D. Perkins Vocational and Applied Technology Education Act.

''(B) If for any fiscal year the amount appropriated for services and activities authorized by title I and available for allotment

under this section is insufficient to satisfy the provisions of subparagraph (A), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

''(C) Notwithstanding any other provision of law, the allotment for this title for each of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands shall not be less than $200,000.

''(d) ALLOTMENT RATIO.—The allotment ratio of any State shall be 1.00 less the product of—

''(1) 0.50; and

''(2) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands), except that—

''(A) the allotment ratio shall in no case be more than 0.60 or less than 0.40; and

''(B) the allotment ratio for American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands shall be 0.60.

''(e) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (c) for any fiscal year will not be required for carrying out the services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

''(f) STATE GRANTS.—From the State's allotment under subsection (c), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan under section 105.

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

''(1) allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available;

''(2) the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year; and

''(3) population shall be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

''WITHIN-STATE ALLOCATION

''SEC. 112. (a) IN GENERAL.—(1) For each of the fiscal years 1996 and 1997, the State shall award as subgrants to local recipients at least 80 percent of its grant under section 111(f) for that fiscal year.

''(2) For each of the fiscal years 1998 through 2005, the State shall award as subgrants to local recipients at least 85 percent of its grant under section 111(f) for that fiscal year.

''(b) STATE ADMINISTRATION.—(1) The State may use an amount not to exceed five percent of its grant under section 111(f) for each fiscal year for administering its State plan, including developing the plan, reviewing local applications, supporting activities to ensure the active participation of interested individuals and organizations, and ensuring compliance with all applicable Federal laws.

''(2) Each State shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds used for State administration under paragraph (1).

''(c) STATE LEADERSHIP.—The State shall use the remainder of its grant under section 111(f) for each fiscal year for State leadership activities described in section 102.

''DISTRIBUTION OF FUNDS

''SEC. 113. (a) DISTRIBUTION OF FUNDS AT THE SECONDARY LEVEL.—(1) Except as provided in subsections (c), (d), and (e), each State shall, each fiscal year, distribute to local educational agencies, or consortia of such agencies, within the State funds under this title available for secondary school education services and activities that are conducted in accordance with the priorities described in section 101. Each local educational agency or consortium shall be allocated an amount that bears the same relationship to the amount available as the local educational agency or consortium was allocated under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such subpart by all the local educational agencies in the State in such fiscal year.

''(2) In applying the provisions of paragraph (1), the State shall—

''(A) distribute those funds that, based on the distribution formula under paragraph (1), would have gone to a local educational agency serving only elementary schools, to the local educational agency that provides secondary school services to secondary school students in the same attendance area;

''(B) distribute to a local educational agency that has jurisdiction over secondary schools, but not elementary schools, funds based on the number of students that entered such secondary schools in the previous year from the elementary schools involved; and

''(C) distribute funds to an area vocational education school in any case in which—

''(i) the area vocational education school and the local educational agency or agencies concerned have an agreement to use such funds to provide services and activities in accordance with the priorities described in section 101; and

''(ii) the area vocational education school serves an equal or greater proportion of students with disabilities or economically disadvantaged students than the proportion of these students under the jurisdiction of the local educational agencies sending students to the area vocational education school.

''(b) DISTRIBUTION OF FUNDS AT THE POSTSECONDARY LEVEL.—(1) Except as provided in subsections (c), (d), and (e), each State shall, each fiscal year, distribute to eligible institutions, or consortia of such institutions, within the State funds under this title available for postsecondary school education services and activities that are conducted in accordance with the priorities described in section 101. Each such eligible institution or consortium shall be allocated an amount that bears the same relationship to the amount of funds available as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled by such institution or consortium in the preceding fiscal year bears to the number of such recipients enrolled in such programs within the State in such fiscal year.

''(2) For the purpose of this section—

''(A) the term 'eligible institution' means—

''(i) an institution of higher education;

''(ii) a local educational agency providing education at the postsecondary level;

''(iii) an area vocational education school providing education at the postsecondary level; and

''(iv) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934; and

''(B) the term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

''(c) ALTERNATIVE DISTRIBUTION FORMULA.—The State may distribute funds under subsection (a) or (b) using an alternative formula if the State demonstrates to the Secretary's satisfaction that such alternative formula better meets the purpose of this Act, is in accord with the priorities described in section 101, and that—

''(1) in the case of funds distributed to secondary schools—

''(A) the formula described in subsection (a) does not result in a distribution of funds to the local educational agencies or consortia that serve secondary school students with the greatest need for services and activities under this title, including students who are members of special populations; and

''(B) the alternative formula would better serve the needs of these students; and

''(2) in the case of funds distributed to postsecondary schools—

''(A) the formula described in subsection (b) does not result in a distribution of funds to the eligible institutions or consortia that have the highest numbers or percentages of economically disadvantaged students, as described in subsection (g); and

''(B) the alternative formula would result in such a distribution.

''(d) MINIMUM SUBGRANT AMOUNTS.—(1)(A) Except as provided in subparagraph (B), no local educational agency shall be eligible for a subgrant under this title unless the amount allocated to that agency under subsection (a) or (c) equals or exceeds $15,000.

''(B) The State may waive the requirement in subparagraph (A)) in any case in which the local educational agency—

''(i) enters into a consortium with one or more other local educational agencies to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $15,000; or

''(ii) is located in a rural, sparsely-populated area and demonstrates that the agency is unable to enter into a consortium for the purpose of providing services and activities conducted in accordance with the priorities described in section 101.

''(2)(A) Except as provided in subparagraph (B), no eligible institution shall be eligible for a subgrant under this title unless the amount allocated to that institution under subsection (b) or (c) equals or exceeds $50,000.

''(B) The State may waive the requirement in subparagraph (A)) in any case in which the eligible institution—

''(i) enters into a consortium with one or more other eligible institutions to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $50,000; or

''(ii) is a tribally controlled community college.

''(e) SECONDARY-POSTSECONDARY CONSORTIA.—The State may distribute funds available in any fiscal year for secondary and postsecondary schools, as applicable, to one or more local educational agencies and one or more eligible institutions that enter into a consortium in any case in which—

''(1) the consortium has been formed to provide services and activities conducted in accordance with the priorities described in section 101; and

''(2) the aggregate amount allocated and awarded to the consortium under subsections (a), (b), and (c) equals or exceeds $50,000.

''(f) REALLOCATIONS.—The State shall reallocate to one or more local educational

agencies, eligible institutions, and consortia any amounts that are allocated in accordance with subsections (a) through (e), but that would not be used by a local educational agency or eligible institution, in a manner the State determines will best serve the purpose of this Act and be in accord with the priorities described in section 101.

''(g) ECONOMICALLY DISADVANTAGED STUDENTS.—For the purposes of this section, the State may determine the number of economically disadvantaged students on the basis of—

''(1) eligibility for free or reduced-price meals under the National School Lunch Act, the program for aid to dependent children under part A of title IV of the Social Security Act, or benefits under the Food Stamp Act of 1977;

''(2) the number of children counted for allocation purposes under title I of the Elementary and Secondary Education Act of 1965; or

''(3) any other index or disadvantaged economic status if the State demonstrates to the satisfaction of the Secretary that the index is more representative of the number of low-income students than the indices described in paragraphs (1) and (2).

''TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

''AWARDS FOR EXCELLENCE

''SEC. 201. The Secretary may, from the amount reserved under section 111(a) for any fiscal year after the fiscal year 1998, and through a peer review process, make performance awards to one or more States that have—

''(1) exceeded in an outstanding manner the performance goals set in section 108;

''(2) implemented exemplary school-to-work opportunities systems in secondary and postsecondary schools in accordance with the priorities described in section 101; or

''(3) provided exemplary education services and activities for students who are members of special populations.

''NATIONAL ACTIVITIES

''SEC. 202. (a) GENERAL AUTHORITY.—(1) In order to carry out the purpose of this Act, the Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation, capacity-building, and technical assistance activities with regard to the services and activities carried out under this Act. The Secretary shall coordinate activities carried out under this section with related activities under the School-to-Work Opportunities Act of 1994, the Goals 2000: Educate America Act, the Job Training Partnership Act, and the Elementary and Secondary Education Act of 1965.

''(2) Research and development activities carried out under this section may include support for States in their development of performance goals and indicators established under section 108. The Secretary shall broadly disseminate information resulting from research and development activities carried out under this Act, and shall ensure broad access at the State and local levels to the information disseminated.

''(3) Activities carried out under this section may include support for youth development partnerships that are promoted by the Secretary and the Secretary of Labor, working with other agencies and entities such as the Corporation for National and Community Service, and that facilitate innovative arrangements at the State and local level among business, community-based organizations, labor organizations, and educational institutions.

''(4) Activities carried out under this section may include support for occupational and career information systems.

''(5) The Secretary shall coordinate technical assistance activities carried out under this section with related technical assistance activities carried out under the Job Training Partnership Act and title XIII of the Elementary and Secondary Education Act of 1965.

''(b) PROFESSIONAL DEVELOPMENT.—(1) The Secretary may, directly, or through grants, contracts, or cooperative agreements, support professional development activities for educators (including teachers, administrators, and counselors) to help to ensure that all students receive an education that enables them to enter high-skill, high-wage careers. Entities eligible to receive funds under this subsection are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

''(2)(A) Professional development activities supported under this subsection shall—

''(i) be tied to challenging State academic standards and industry-based skill standards;

''(ii) take into account recent research on teaching and learning;

''(iii) be of sufficient intensity and duration to have a positive and lasting impact on the educator's performance;

''(iv) include strong substantive and pedagogical components; and

''(v) be designed to improve educators' skills in such areas as integrating academic and vocational instruction, articulating secondary and postsecondary education, combining school-based and work-based instruction, and using occupational and career information.

''(B) Funds under this subsection may be used for such activities as pre-service and in-service training and support for development of local, regional, and national educator networks that facilitate the exchange of information relevant to the development of school-to-work opportunities systems.

''(3) In supporting activities under this subsection, the Secretary shall give priority to designing and implementing new models of professional development for educators, and preparing educators to use innovative forms of instruction, such as worksite learning and the integration of academic and occupational instruction. The Secretary shall coordinate the professional development activities carried out under this subsection with related activities carried out under the Job Training Partnership Act and title II of the Elementary and Secondary Education Act of 1965, as well as with other related professional development activities supported by the Department.

''NATIONAL ASSESSMENT

''SEC. 203. (a) GENERAL AUTHORITY.—(1) The Secretary shall conduct a national assessment of services and activities assisted under this Act, through independent studies and analyses, including, when appropriate, studies based on data from longitudinal surveys, that are conducted through one or more competitive awards.

''(2) The Secretary shall appoint an independent advisory panel, consisting of administrators, educators, researchers, and representatives of business, industry, labor, and other relevant groups, as well as representatives of Governors and other State and local officials, to advise the Secretary on the implementation of such assessment, including the issues to be addressed, the methodology of the studies, and the findings and recommendations. The panel, at its discretion, may submit to the Congress an independent analysis of the findings and recommendations of the assessment.

''(b) CONTENTS.—The assessment required under subsection (a) shall examine the extent to which services and activities assisted under this Act have achieved their intended purposes and results, including the extent to which—

''(1) State and local services and activities have developed, implemented, or improved systems established under the School-to-Work Opportunities Act of 1994;

''(2) services and activities assisted under this Act succeed in preparing students, including students who are members of special populations, for postsecondary education, further learning, or entry into high-skill, high-wage careers;

''(3) students who participate in services and activities supported under this Act succeed in meeting challenging State academic standards and industry-based skill standards; and

''(4) the systems improvement, participation, local and State assessment, and accountability provisions of this Act, including the performance goals and indicators established under section 108, are effective.

''(c) REPORT.—The Secretary shall submit to the Congress an interim report on or before July 1, 2000, and a final report on or before July 1, 2004.

''NATIONAL RESEARCH CENTER

''SEC. 204. (a) GENERAL AUTHORITY.—(1) The Secretary may, through a grant or contract, establish one or more national centers in the areas of applied research, development, and dissemination. The Secretary shall consult with the Secretary of Labor and with States prior to establishing one or more such centers.

''(2) Entities eligible to receive funds under this section are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

''(3) The national center in existence on the date of the enactment of the Career Preparation Education Reform Act of 1995 shall continue to receive assistance under this section in accordance with terms of its current award.

''(b) ACTIVITIES.—(1) The applied research, development, and dissemination activities carried out by the national center or centers shall include—

''(A) activities that assist recipients of funds under this Act to meet the requirements of section 103; and

''(B) such other activities as the Secretary determines to be appropriate to achieve the purpose of this Act.

''(2) The center or centers conducting the activities described in paragraph (1) shall annually prepare a summary of key research findings of such center or centers and shall submit copies of the summary to the Secretaries of Education, Labor, and Health and Human Services. The Secretary shall submit that summary to the Committee on Labor and Human Resources of the Senate, and the Committee on Economic and Educational Opportunities of the House of Representatives.

''DATA SYSTEMS

''SEC. 205. (a) IN GENERAL.—The Secretary shall maintain a data system to collect information about, and report on, the condition of school-to-work opportunities systems and on the effectiveness of State and local services and activities carried out under this Act in order to provide the Secretary and the Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career preparation education activities and services. The Secretary shall periodically report to the Congress on the Secretary's analysis of performance data collected each year pursuant to this Act.

''(b) CONTENTS.—The data system shall—

''(1) provide information to evaluate, to the extent feasible, the participation and performance of students, including students who are members of special populations;

''(2) include data that are at least nationally representative;

''(3) report on career preparation in the context of education reform; and

''(4) be based, to the extent feasible, on data from general purpose data systems of the Department or other Federal agencies, augmented as necessary with data from additional surveys focusing on career preparation education.

''(c) COORDINATION.—(1) The Secretary shall consult with a wide variety of experts in academic and occupational education, including individuals with expertise in the development and implementation of school-to-work opportunities systems, in the development of data collections and reports under this section.

''(2) In maintaining the data system, the Secretary shall—

''(A) ensure that the system, to the extent practicable, uses comparable information elements and uniform definitions common to State plans, performance indicators, and State and local assessments; and

''(B) cooperate with the Secretaries of Commerce and Labor to ensure that the data system is compatible with other Federal information systems regarding occupational data, and to the extent feasible, allow for international comparisons.

''(3) The Secretary and the Secretary of Labor shall jointly define common terms and definitions that all State grantees and local applicants shall use in program administration, data collection and reporting, and evaluation at all levels for programs supported under this Act and the Job Training Partnership Act.

''(d) ASSESSMENTS.—(1) As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on career preparation at the secondary school level for a nationally representative sample of students, including students who are members of special populations, which shall allow for fair and accurate assessment and comparison of the educational achievement of students in the areas assessed. Such assessment may include international comparisons.

''(2) The Commissioner of Education Statistics may authorize a State educational agency, or consortium of such agencies, to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to services and activities under title I, if the Commissioner has determined in writing that such use will not—

''(A) result in the identification of characteristics or performance of individual schools or students;

''(B) result in the ranking or comparing of schools or local educational agencies;

''(C) be used to evaluate the performance of teachers, principals, or other local educators for reward or punishment; or

''(D) corrupt the use or value of data collected for the National Assessment.

''CAREER PREPARATION FOR INDIANS AND NATIVE HAWAIIANS

''SEC. 206. (a) ASSISTANCE TO TRIBES OR BUREAU-FUNDED SCHOOLS.—(1)(A) From funds reserved under section 111(b)(1) for each fiscal year, the Secretary shall make grants to, or enter into cooperative agreements with, tribal organizations of eligible Indian tribes or Bureau-funded schools to develop and provide services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

''(B) Any tribal organization or Bureau-funded school that receives assistance under this subsection shall—

''(i) establish performance goals and indicators to define the level of performance to be achieved by students served under this subsection;

''(ii) evaluate the quality and effectiveness of services and activities provided under this subsection; and

''(iii) help to ensure that students served under this subsection achieve to challenging academic and skill standards, receive high school diplomas, skill certificates, and post-secondary certificates or degrees, and enter employment related to their career major.

''(2)(A) The Secretary shall make such a grant or cooperative agreement—

''(i) upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for programs under the Indian Self-Determination Act or the Act of April 16, 1934; or

''(ii) upon the application (filed under such conditions as the Secretary may require) of any Bureau-funded school that offers secondary programs.

''(B)(i) A grant or cooperative agreement under this subsection with any tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act, and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 that are relevant to the services and activities administered under this subsection.

''(ii) A grant or cooperative agreement under this subsection with any Bureau-funded school shall not be subject to the requirements of the Indian Self-Determination Act or the Act of April 16, 1934.

''(C) Any tribal organization or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another tribal organization or school.

''(D) The Secretary may not place upon such grants or cooperative agreements any restrictions relating to programs or results other than those that apply to grants or cooperative agreements to States under this Act.

''(3) Any tribal organization or Bureau-funded school receiving assistance under this subsection may provide stipends to students who are undertaking career preparation education and who have acute economic needs that cannot be met through work-study programs.

''(4) In making grants or cooperative agreements under this subsection, the Secretary shall give special consideration to awards that involve, are coordinated with, or encourage, tribal economic development plans.

''(b) ASSISTANCE TO TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.—(1) The Secretary may make five-year grants to tribally controlled postsecondary vocational institutions to provide basic support for educating Indian students, including support for the operation, maintenance, and capital expenses of such institutions.

''(2) To be eligible for assistance under this subsection, a tribally controlled postsecondary vocational institution shall—

''(A) be governed by a board of directors or trustees, a majority of whom are Indians;

''(B) demonstrate adherence to stated goals, a philosophy, or a plan of operation that fosters individual Indian economic self-sufficiency;

''(C) have been in operation for at least three years;

''(D) hold accreditation with, or be a candidate for accreditation by, a nationally recognized accrediting authority for postsecondary vocational education;

''(E) offer technical degrees or certificate-granting programs; and

''(F) enroll the full-time equivalent of not less than 100 students, or whom a majority are Indians.

''(3) The Secretary shall, based on the availability of appropriations, distribute to each tribally controlled vocational institution having an approved application an amount based on full-time equivalent Indian students at each such institution.

''(c) ACCOUNTABILITY.—The Secretary shall require from each institution assisted under this section such information regarding fiscal control and program quality and effectiveness as is reasonable.

''(d) ASSISTANCE TO NATIVE HAWAIIANS.—From the funds reserved under section 111(b)(2) for each fiscal year, the Secretary shall make one or more grants to, or enter into one or more cooperative agreements with, organizations, institutions, or agencies with experience providing educational and related services to Native Hawaiians to develop and provide, for the benefit of Native Hawaiians, services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

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

''(1) The term 'Bureau-funded school' has the same meaning given 'Bureau funded school' in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3)).

''(2) The term 'full-time equivalent Indian students' means the sum of the number of Indian students enrolled full time at an institution, plus the full-time equivalent of the number of Indian students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at each institution.

''(3) The terms 'Indian' and 'Indian tribe' have the meaning given such terms in section 2 of the Tribally Controlled Community College Assistance Act of 1978.

''TITLE III—GENERAL PROVISIONS

''WAIVERS

''SEC. 301. (a) REQUEST FOR WAIVER.—Any State may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary or the Secretary of Labor, as appropriate, of one or more statutory or regulatory provisions described in this section in order to carry out more effectively State efforts to reform education and develop school-to-work opportunities systems in the State.

''(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of any statute listed in subsection (c), or of the regulations issued under that statute, and the Secretary of Labor may waive any statutory or regulatory requirement under the Job Training Partnership Act, for a State that requests such a waiver—

''(A) if, and only to the extent that, the Secretary or the Secretary of Labor determines that such requirement impedes the ability of the State to carry out State efforts to reform education and develop school-to-work opportunities systems in the State;

''(B) if the State waives, or agrees to waive, any similar requirements of State law;

''(C) if, in the case of a statewide waiver, the State—

''(i) has provided all local recipients of assistance under this Act in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

''(ii) has submitted the comments of such recipients to the appropriate Secretary; and

''(D) if the State provides such information as the Secretary or the Secretary of Labor

reasonably requires in order to make such determinations.

''(2) The Secretary or the Secretary of Labor, as appropriate, shall act promptly on any request submitted under paragraph (1).

''(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary or the Secretary of Labor may extend such period if the Secretary or the Secretary of Labor determines that the waiver has been effective in enabling the State to carry out the purpose of this Act.

''(c) PROGRAMS.—(1) The statutes subject to the waiver authority of the Secretary under this section are—

''(A) this Act;

''(B) part A of title I of the Elementary and Secondary Education Act 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

''(C) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

''(D) title IV of the Elementary and Secondary Education Act of 1965 (Safe and Drug-Free Schools and Communities Act of 1994);

''(E) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

''(F) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program); and

''(G) the School-to-Work Opportunities Act of 1994.

''(2) The Secretary may not waive any requirement under paragraph (1)(G) without the concurrence of the Secretary of Labor.

''(d) Waivers Not Authorized.—The Secretary or the Secretary of Labor may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

''(1) the basic purposes or goals of the affected programs;

''(2) maintenance of efforts;

''(3) comparability of services;

''(4) the equitable participation of students attending private schools;

''(5) parental participation and involvement;

''(6) the distribution of funds to States or to local recipients;

''(7) the eligibility of an individual for participation in the affected programs;

''(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

''(9) prohibitions or restrictions relating to the construction of buildings or facilities.

''(e) Termination of Waivers.—The Secretary or the Secretary of Labor, as appropriate, shall periodically review the performance of any State for which that Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

''EFFECT OF FEDERAL PAYMENTS

''Sec. 302. (a) Student Financial Assistance.—(1) The portion of any student financial assistance received under this Act that is made available for attendance costs described in paragraph (2) shall not be considered as income or resources in determining eligibility for assistance under any program of welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children, that is funded in whole or in part with Federal funds.

''(2) For purposes of this subsection, attendance costs are—

''(A) tuition and fees normally assessed a student carrying the same academic workload, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

''(B) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for student attending the institution on at least a half-time basis, as determined by the institution.

''(b) Institutional Aid.—No State shall take into consideration payments under this Act in determining, for any educational agency or institution in that State, the eligibility for State aid, or the amount of State aid, with respect to public education within the State.

''IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS

''Sec. 303. Any State rule or policy imposed on the provision of services or activities funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guideline, shall be identified as a State-imposed requirement.

''OUT-OF-STATE RELOCATIONS

''Sec. 304. No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

''DEFINITIONS

''Sec. 305. As used in this Act:

''(1) The term 'all aspects of an industry' has the same meaning as given that term under section 4(1) of the School-to-Work Opportunities Act of 1994.

''(2) The term 'all students' has the same meaning as given that term under section 4(2) of the School-to-Work Opportunities Act of 1994.

''(3) The term 'area vocational education school' means—

''(A) a specialized public high school that provides vocational education to students who are preparing to earn a high school diploma or its equivalency and to enter the labor market; or

''(B) a public technical institute or vocational school that provides vocational education to individuals who have completed or left high school and who are preparing to enter the labor market.

''(4) The term 'career guidance and counseling' has the same meaning as given that term under section 4(4) of the School-to-Work Opportunities Act of 1994.

''(5) The term 'career major' has the same meaning as given that term under section 4(5) of the School-to-Work Opportunities Act of 1994.

''(6) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

''(7) The term 'institution of higher education' has the same meaning as given that term under section 1201(a) of the Higher Education Act of 1965.

''(8) The term 'limited English proficiency' has the meaning given such term in section 7501(8) of the Elementary and Secondary Education Act of 1965.

''(9) The term 'local educational agency' has the same meaning as given that term under section 4(10) of the School-to-Work Opportunities Act of 1994.

''(10) The 'school dropout' has the same meaning as given that term under section 4(17) of the School-to-Work Opportunities Act of 1994.

''(11) The term 'Secretary' means the Secretary of Education.

''(12) The term 'skill certificate' has the same meaning as given that term under section 4(22) of the School-to-Work Opportunities Act of 1994.

''(13) The term 'special populations' includes students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, foster children, migrant children, school dropouts, students who are identified as being at-risk of dropping out of secondary school, students who are seeking to prepare for occupations that are not traditional for their gender, and, to the extent feasible, individuals younger than age 25 in correctional institutions.

''(14) Except as otherwise provided, the term 'State' includes, in addition to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''(15) The term 'State educational agency' has the same meaning as given that term section 4(24) of the School-to-Work Opportunities Act of 1994.

''(16) The term 'students with disabilities' means students who have a disability or disabilities, as such term is defined in section 3(2) of the Americans With Disabilities Act of 1990.

''(17) The term 'tribally controlled community college' means an institution that receives assistance under the Tribally Controlled Community College Assistance Act of 1976 or the Navajo Community College Act.''.

TITLE II—EFFECTIVE DATES; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1996.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) Upon enactment of the Career Preparation Education Reform Act of 1995, a State or local recipient of funds under the Carl D. Perkins Vocational and Applied Technology Education Act may use any such unexpended funds to carry out services and activities that are authorized by either such Act or the Carl D. Perkins Career Preparation Education Act; and

(2) a State or local recipient of funds under the Carl D. Perkins Career Preparation Education Act for the fiscal year 1996 may use such funds to carry out services and activities that are authorized by either such Act or were authorized by the Carl D. Perkins Vocational and Applied Technology Education Act prior to its amendment.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 301. The Job Training Partnership Act (29 U.S.C. 1501 *et seq.*) is amended—

(1) in section (4)—

(A) in paragraph (14), by striking ''in section 521(22) of the Carl D. Perkins Vocational Education Act'' and inserting in lieu thereof ''section 4(10) of the School-to-Work Opportunities Act of 1994''; and

(B) in paragraph (28), by striking ''Vocational Education Act'' and inserting in lieu thereof ''Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995'';

(2) in section 121(a)(2), by adding at the end thereof the following sentence: ''The State may submit such plan as part of a State

plan, or amendment to a State plan, under the Carl D. Perkins Career Preparation Education Act or the School-to-Work Opportunities Act of 1994.'';

(3) in section 122(b)—

(A) by amending paragraph (8) to read as follows:

''(8) consult with the appropriate State agency under section 106 of the Carl D. Perkins Career Preparation Education Act to obtain a summary of activities and an analysis of results in training women in nontraditional employment under such Act, and annually disseminate such summary to service delivery areas, service providers throughout the State, and the Secretary;''; and

(B) in paragraph (11)(B), by striking ''section 113(b)(14) of the Carl D. Perkins Vocational Education Act'' and inserting in lieu thereof ''section 105(e)(2) of the Carl D. Perkins Career Preparation Education Act'';

(4) in section 123(c)—

(A) in paragraph (1)(E)(iii), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(B) in paragraph (2)(D)(iii), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(5) in section 125—

(A) in subsection (a), by inserting after ''coordinating committee'' a comma and ''as described in section 422(b) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,'';

(B) in subsection (b)(1), by striking out ''Vocational'' and inserting in lieu thereof ''Career Preparation''; and

(C) in subsection (c), by inserting after ''Coordinating Committee'' a comma and ''as established in section 422(a) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,'';

(6) in section 205(a)(2), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(7) in section 265(b)(3), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(8) in section 314(g)(2), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(9) in section 427(a)(1), by striking ''local agencies, including a State board or agency designated pursuant to section 111(a)(1) of the Carl D. Perkins Vocational Act which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations'' and inserting in lieu thereof ''local agencies, or private organizations'';

(10) in section 455(b), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(11) in section 461(c), by stiking out ''Vocational'' and inserting in lieu thereof ''Career Preparation'';

(12) in section 464—

(A) in subsection (a), by striking out ''Carl D. Perkins Vocational Education Act)'' and inserting in lieu thereof ''Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995)'';

(B) in subsection (b), by striking out ''In addition to its responsibilities under the Carl D. Perkins Vocational Education Act, the'' and inserting in lieu thereof ''The''; and

(C) in subsection (c), by striking out ''this Act, under section 422 of the Carl D. Perkins Vocational Education Act, and'' and inserting in lieu thereof ''this Act and'';

(13) in section 605(c), by striking out ''Vocational Education Act)'' and inserting in lieu thereof ''Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1996)'';

(14) in section 701(b)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For purposes of this title, the term 'applicable Federal human resource program' includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency or agencies responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council.''; and

(B) in paragraph (2)(A)(ii), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(15) in section 703(a)(2), by striking the comma after ''section 123(a)(2)(D)'' and ''except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act.''

AMENDMENTS TO THE SMITH-HUGHES ACT

SEC. 302. The Act of February 23, 1917 (20 U.S.C. 11 *et seq.*) is amended—

(1) in section 1 (20 U.S.C. 11), by inserting ''through the fiscal year 1995'' after ''annually appropriated'';

(2) in section 2 (20 U.S.C. 12)—

(A) by inserting ''through the fiscal year 1995'' after ''there is annually appropriated''; and

(B) by inserting ''through the fiscal year 1995'' after ''There is appropriated for each fiscal year'';

(3) in section 3 (20 U.S.C. 13)—

(A) by inserting ''through the fiscal year 1995'' after ''there is annually appropriated''; and

(B) by inserting ''through the fiscal year 1995 after ''There is appropriated'';

(4) in section 4 (20 U.S.C. 14)—

(A) by inserting ''through the fiscal year 1995'' after ''there is annually appropriated''; and

(B) by inserting ''through the fiscal year 1995'' after ''And there is appropriated''; and

(5) in section 7 (20 U.S.C. 15), by inserting ''through the fiscal year 1995'' after ''There is authorized to be appropriated''.

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 303. THE ADULT EDUCATION ACT (20 U.S.C. 1201 *et seq.*) is amended—

(1) in section 322(a)(4), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 342—

(A) in subsection (c)(11), by striking ''Carl D. Perkins Vocational Education Act of 1963'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(B) in subsection (d), by striking ''Vocational'' and inserting in lieu thereof ''Career Preparation''; and

(3) by amending section 384(d)(1)(D)(ii) to read as follows:

''(ii) be coordinated with activities conducted by other educational and training entities that provide relevant technical assistance;''.

AMENDMENTS TO THE SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994

SEC. 304. The School-to-Work Opportunities Act (20 U.S.C. 1601 *et seq.*) is amended—

(1) in section 202(a)(3), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 203 (b)(2), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(3) in section 213—

(A) in subsection (d)(6)(B), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(B) in subsection (b)(4), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(4) in section 403(a), by striking ''the individuals assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)),'';

(5) in section 404—

(A) by inserting ''and'' after ''(29 U.S.C. 1733(b)),''; and

(B) by striking ''and the National Network for Curriculum Coordination in Vocational Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(c)),'';

(6) in section 502(b)(6), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(7) in section 505—

(A) in subsection (a)(2)(B)(i), by striking ''section 102(a)(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)'' and inserting in lieu thereof ''section 112(c) of the Carl D. Perkins Career Preparation Education Act''; and

(B) in subsection (e), by striking ''section 201(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)'' and inserting in lieu thereof ''section 102 of the Carl D. Perkins Career Preparation Education Act''.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 305. The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 *et seq.*) is amended—

(1) in section 1114(b)(2)(C)(v), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 9115(b)(5), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(3) by amending section 14302(a)(2)(C) to read as follows: ''(C) services and activities under section 102 of the Carl D. Perkins Career Preparation Education Act;'' and

(4) in section 14307(a)(1), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 306. The Goals 2000: Educate America Act (20 U.S.C. 5801 *et seq.*) is amended—

(1) in section 306—

(A) in subsection (c)(1)(A), by inserting before the semicolon at the end thereof a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995, until not later than July 1, 1998, and the performance goals and indicators developed pursuant to section 108 of the Carl D. Perkins Career Preparation Education Act thereafter''; and

(B) in subsection (1), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(2) in section 311(b)(6), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

OTHER TECHNICAL AND CONFORMING AMENDMENTS

SEC. 307. (a) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*) is amended—

(1) by amending section 127(2) to read as follows:

''(2) have, as one of the partners participating in an articulation agreement, an entity that uses funds under title I of the Carl D. Perkins Career Preparation Education Act to support tech-prep education services and activities;'';

(2) in section 481(a)(3)(A), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act'';

(3) in section 484(1)(l), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act''; and

(4) in section 503(b)(2)(B)(vi), by striking ''in a Tech-Prep program under section 344 of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''in a tech-prep program supported through services and activities under the Carl D. Perkins Career Preparation Education Act''.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626(g) of the individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(c) REHABILITATION ACT OF 1973.—Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 701 *et seq.*) is amended by striking out ''Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.*)'' and inserting in lieu thereof ''Career Preparation Education Act''.

(d) DISPLACED HOMEMAKERS SELF-SUFFICIENCY ASSISTANCE ACT.—Section 9(a)(2) of the Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 *et seq.*) is amended by inserting ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995 or the State agency or agencies designated under section 106(a) of the Carl D. Perkins Career Preparation Education Act,''.

(e) WAGNER-PEYSER ACT.—Section 7(c)(2)(A) of the Act of June 6, 1933 (29 U.S.C. 49 *et seq.*) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(f) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Education Land-Grant Status Act of 1994 (7 U.S.C. 301 note; part C of title V of the Improving America's Schools Act) is amended by inserting after ''(20 U.S.C. 2397h(3))'' a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,''.

(g) TITLE 31, CHAPTER 67, OF THE UNITED STATES CODE.—Section 6703(a)(12) of title 31, United States Code (as added by section 31001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(h) NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT.—Section 2(b)(3) of the Nontraditional Employment for Women Act (29 U.S.C. 1501 note) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(i) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Section 6107(6) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5091 *et seq.*) is amended by inserting before the semicolon at the end thereof a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995''.

(j) GENERAL REDESIGNATION.—Any other references to the Carl D. Perkins Vocational and Applied Technology Educational Act shall be deemed to refer to the Carl D. Perkins Career Preparation Education Act.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. MURRAY, Mr. BRADLEY, and Ms. MOSELEY-BRAUN):

S. 697. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence, and for other purposes; to the Committee on Labor and Human Resources.

THE DOMESTIC VIOLENCE IDENTIFICATION AND REFERRAL ACT

• Mrs. BOXER. Mr. President, I introduce the Domestic Violence Identification and Referral Act with my colleagues Senator MIKULSKI, Senator MURRAY, Senator MOSELEY-BRAUN, and Senator BRADLEY. Representative WYDEN and Representative MORELLA are introducing identical legislation in the House.

Spouse abuse, child abuse, and elder abuse injures millions of Americans each year, and is growing at an alarming rate. An estimated 2 to 4 million women are beaten by their spouses or former spouses each year. In 1992, 2.9 million children were reported abused or neglected, about triple the number reported in 1980. Studies also show that spouse abuse and child abuse often go hand-in-hand.

Doctors, nurses, and other health care professionals are on the front lines of this abuse, but they cannot stop what they have not been trained to see or talk about. The Domestic Violence Identification and Referral Act addresses this need by encouraging medical schools to incorporate training on domestic violence into their curriculums.

There is a need for this legislation. While many medical specialties, hospitals and other organizations have made education about domestic violence a priority, this instruction typically occurs on the job or as part of a continuing medical education program. A 1994 survey by the Association of American Medical Colleges [AAMC] found that 60 percent of medical school graduates rated the time devoted to instruction in domestic violence as inadequate.

The bill I am introducing today would give preference in Federal funding to those medical and other health professional schools which provide significant training in domestic violence. It defines significant training to include identifying victims of domestic violence and maintaining complete medical records, providing medical advice regarding the dynamics and nature of domestic violence, and referring victims to appropriate public and nonprofit entities for assistance.

The bill also defines domestic violence in the broadest terms, to include battering, child abuse, and elder abuse.

I hope my colleagues agree that this legislation is a critical next step in the fight to bring the brutality of domestic violence out in the open. It mobilizes our Nation's health care providers to recognize and treat its victims—and will ultimately save lives by helping to break the cycle of violence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 697

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 ''Domestic Violence Identification and Referral Act of 1995''.

SEC. 2. ESTABLISHMENT, FOR CERTAIN HEALTH PROFESSIONS PROGRAMS, OF PROVISIONS REGARDING DOMESTIC VIOLENCE.

(a) TITLE VII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Section 791 of the Public Health Service Act (42 U.S.C. 295j) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by adding at the end the following subsection:

''(c) PREFERENCES REGARDING TRAINING IN IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

''(A) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

''(B) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

''(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

''(2) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing (as defined in section 853), a program for the training of physician assistants, or a program for the training of allied health professionals.

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of the Domestic Violence Identification and Referral Act of 1995, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

''(A) the health professions entities that are receiving preference under paragraph (1);

''(B) the number of hours of training required by the entities for purposes of such paragraph;

''(C) the extent of clinical experience so required; and

''(D) the types of courses through which the training is being provided.

''(4) DEFINITIONS.—For purposes of this subsection, the term 'domestic violence' includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, child abuse, elder abuse, and acquaintance rape.''.

(b) TITLE VIII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Section 860 of the Public Health Service Act (42 U.S.C. 298b–7) is amended by adding at the end the following subsection:

''(f) PREFERENCES REGARDING TRAINING IN IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

''(A) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

''(B) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

''(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

''(2) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of nursing or other public or nonprofit private entity that is eligible to receive an award described in such paragraph.

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of the Domestic Violence Identification and Referral Act of 1995, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

''(A) the health professions entities that are receiving preference under paragraph (1);

''(B) the number of hours of training required by the entities for purposes of such paragraph;

''(C) the extent of clinical experience so required; and

''(D) the types of courses through which the training is being provided.

''(4) DEFINITIONS.—For purposes of this subsection, the term 'domestic violence' includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, child abuse, elder abuse, and acquaintance rape.''.●

By Mr. COHEN (for himself and Ms. SNOWE):

S. 698. A bill to designate the Federal building at 33 College Avenue in Waterville, Maine as the ''George J. Mitchell Federal Building'', and for other purposes; to the Committee on Environment and Public Works.

THE GEORGE J. MITCHELL FEDERAL BUILDING ACT OF 1995

● Mr. COHEN. Mr. President, at the request of the City of Waterville, Maine, I am introducing S. 698, legislation to name a federal building in Waterville the ''George J. Mitchell Federal Building.''

As most of you know, George Mitchell and I shared more than the position of Senator from Maine. We both grew up in similar circumstances with very similar backgrounds. George Mitchell is half Irish and half Lebanese. I am half Irish and half Jewish. Both of us graduated from Bowdoin College and both became lawyers before entering public service. We worked together over the years on many issues of concern to Maine people and wrote a book together on the Iran-Contra Affair.

From a quiet young lawyer in Waterville, Maine, came a great leader who has done his country and his State proud. George Mitchell was born in Waterville in 1933. Waterville is located 18 miles north of the State capitol on the west bank of the Kennebec River. It was settled in 1764 and became Maine's 137th town in 1802. Waterville is home to Colby College, Hathaway Shirt Company, and the Redington Museum which exhibits a number of 18th and 19th century artifacts from the region including the revolver used by Lieutenant Charles Shorey, of Waterville, at the Battle of Gettysburg.

George attended St. Joseph's grammar school and graduated from Waterville High School in 1950. He graduated from Bowdoin in 1954; served in the U.S. Army Counterintelligence Corps in Berlin, Germany, from 1954–56; and then went on to Georgetown University to get his law degree.

George Mitchell's litany of accomplishments are many: lawyer, trial attorney in the Antitrust Division in the U.S. Department of Justice in Washington, D.C.; executive assistant to U.S. Senator Ed Muskie; U.S. Attorney for Maine; and U.S. District Judge for Maine.

In 1980, he was appointed by Governor Brennan to fill the unexpired term of Senator Muskie who was appointed by President Carter to be Secretary of State. There is a Chinese proverb that says ''when drinking the water, it is important to remember those who dug the well.'' To really understand George's success, one need look no further than to the fact that Ed Muskie was his mentor. Ed, like George, began his political career in Waterville as a young lawyer and state legislator. Ed provided George with the basic principles of public service which have guided him over the years. It was no surprise that George Mitchell demonstrated many of the qualities which typify Senator Muskie and Maine: intelligence, integrity, and independence. Senator Mitchell was elected Senate Majority Leader in 1988 and served his colleagues and the institution with distinction.

George Mitchell was a gifted public servant. His voice reminds us that public service is a noble calling. It was both a pleasure and an honor to have served with him. I hope my colleagues will work with me in passing this legislation as a means of paying tribute to the many years of outstanding service Senator Mitchell has given to the State of Maine and the country.●

● Ms. SNOWE. Mr. President, it is my pleasure today to offer my strong support for legislation to honor our colleague and my predecessor, former Senate Majority Leader George J. Mitchell. This legislation, which I am proud to cosponsor with my colleague, the senior senator from Maine, would designate the Federal building at 33 College Avenue in Waterville, Maine, as the ''George J. Mitchell Federal Building.''

There is perhaps no more fitting tribute to George Mitchell than naming the federal building in his home town—Waterville, Maine—in his honor. George Mitchell is a man who dedicated himself to government. Following his graduation from Georgetown Law School in Washington, George Mitchell devoted himself to public service: at the U.S. Justice Department; as the leader of his party in the State of Maine; as one of Maine's gubernatorial candidates; as a federal, U.S. District judge; and, for the past fourteen years, as Maine's junior senator. George Mitchell devoted himself to government because he believed in government, and it is appropriate today that we name the seat of our federal government in his hometown in his honor.

George Mitchell's story is well known in Waterville, Maine. His mother was a first-generation Lebanese immigrant; his father, an orphan, was a janitor at Colby College. They instilled strong values in their son. George Mitchell dedicated himself to learning, to knowledge and justice, and throughout his youth he surpassed the arbitrary ceilings our society so often builds. He graduated from Bowdoin College, served in the Army, and then went on to law school. He typified the Maine work ethic, and that ethic served him well as an attorney, a judge, and as a United States Senator.

George Mitchell came to the U.S. Senate when another distinguished Mainer, Senator Edmund Muskie, resigned his seat to become Secretary of State. Immediately, Senator Mitchell put a lifetime of experience to work. He became one of the earliest advocates—and chief sponsors—of the landmark Clean Air legislation that passed a decade later, in 1990. He recognized the importance of standing up for

Maine—and also made his mark on our nation's political system. Because of his dedication to his party's ideals, he was chosen as this body's Majority Leader in 1988, and served in that important and prestigious position until his retirement from the Senate.

Always, during his tenure, George Mitchell remembered the people who sent him to Washington. As Maine's Second District Representative, I was honored to serve alongside George Mitchell throughout his tenure in the United States Senate. We worked together on a bipartisan basis to ensure that the men and women of Maine were treated fairly, and had opportunities extended to other Americans.

With this legislation, we make an appropriate acknowledgement of George Mitchell's years of leadership in the public arena. This is but a small token of our appreciation: a fitting gesture which the City of Waterville has requested.

So in closing, I urge all of my colleagues to join me in support of this legislation and to extend to George Mitchell the hometown honor he so deeply deserves.●

By Mr. COHEN (for himself and Mr. LEVIN):

S. 699. A bill to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 7 years, and for other purposes; to the Committee on Governmental Affairs.

THE OFFICE OF GOVERNMENT ETHICS REAUTHORIZATION ACT OF 1995

● Mr. COHEN. Mr. President, today I am introducing S. 699, legislation on behalf of myself and Senator LEVIN to reauthorize the Office of Government Ethics (OGE).

To quote American statesman John C. Calhoun: ''The very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or party.''

This sums up the way we expect our government officials to conduct themselves. Government service is a privilege that carries with it tremendous responsibilities. Public servants in all three branches of government have an important obligation to the citizens who have put their faith and trust in them. Government officials should abide by a certain code of conduct and adhere to high ethical standards so that our citizens may have confidence in the integrity of their government.

Unfortunately, however, many Americans are disenchanted with their public officials. As a result, the need for strict ethical standards, and vigilant oversight of compliance with our ethics laws, is as great as ever. Almost daily headlines purport allegations of ''unethical'' or ''inappropriate'' conduct by government officials in one form or another. These stories only further erode the public's confidence in the integrity of their government officials which is already at one of the lowest points in our recent history.

Senator LEVIN and I have long been proponents of strong ethics laws. We serve as the Chairman and the Ranking Minority Member on the Subcommittee on Oversight of Government Management which has jurisdiction over ethics matters within the Executive Branch. Senator LEVIN and I have made many changes to strengthen the ethics laws since the Ethics in Government Act of 1978, which created OGE, was passed. We authored the Independent Counsel provisions of the Ethics in Government Act which provides for the appointment of an independent counsel to investigate allegations of criminal wrongdoing by top level Executive Branch officials, and we worked together to strengthen the revolving door laws. Moreover, Senator LEVIN and I have consistently sought to aid OGE in its mission of providing overall direction to the Executive Branch in developing policies to prevent conflicts of interest and ensure ethical conduct by Executive Branch officers and employees.

The reauthorization bill Senator LEVIN and I are introducing today is nearly identical to the legislation we introduced last Congress which was passed by the Senate in October. Unfortunately, however, no action was taken by the House of Representatives prior to Congress' adjournment.

OGE's authorization expired on September 30 of last year. It is very important, therefore, that the Congress move as quickly as possible to reauthorize the agency. The bill will reauthorize OGE for seven years. This is a slightly longer reauthorization than we have sought in previous years. As in the past, we want to avoid the need to reauthorize OGE during the firs year of a Presidential term when a large portion of OGE's resources are devoted to the nominee clearance process.

The bill would also, for the first time, grant OGE gift acceptance authority to address the problem that arises when federal government facilities are not adequate either in terms of size or equipment resources to accommodate OGE's ethics education and training programs which are held around the country. This authority is intended to enable OGE to accept the use of certain non-federal facilities, such as an auditorium that might be offered by a State or local government or a university, which may be better suited for OGE's needs.

As I have often noted in the past, the Office of Government Ethics is a small office with large responsibilities. Over the years, we have imposed more responsibilities on OGE and we haven't always provided the necessary staff or resources to carry out those responsibilities. Specifically, I would note the additional functions OGE had to perform when it became an independent agency in 1989 and in complying with the Ethics Reform Act of 1989. Congress moved to make OGE a separate agency because it was believed that OGE was not independent enough. In addition, Congress wanted to enhance the agency's prestige and authority within the Executive Branch given its important and sensitive responsibilities.

While OGE's budget has increased rather significantly since we last reauthorized the agency in 1988, OGE still has a lean budget with which to operate when you consider the critically important responsibilities of the agency. That said, in light of looming budget deficits, OGE, like all agencies will be called upon to meet its responsibilities in the most cost-effective manner possible. The bill also contains a number of technical changes to the ethics laws.

OGE's mission is critically important in ensuring strict ethical standards in government. I hope my colleagues will move expeditiously to pass this legislation and reauthorize this important agency.●

● Mr. LEVIN. Mr. President, today, Senator COHEN and I, in our capacities as the Chairman and the Ranking Minority Member of the Subcommittee on Oversight of Government Management, are introducing a bill to Reauthorize the Office of Government Ethics (OGE). Reauthorization of the OGE is essential so that the agency can continue to perform its mission to provide overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency. The OGE's previous authorization expired on September 30, 1994.

Senator COHEN and I first introduced this bill bank in August of 1993. The Oversight Subcommittee held a hearing on the reauthorization in April of 1994, with the Director of the OGE, Stepehn Potts, as a witness. The reauthorization bill was reported out of the Oversight Subcommittee and the Governmental Affairs Committee with strong bipartisan support and was approved by the Senate. The bill subsequently died when the House of Representatives failed to act upon the reauthorization in the last Congress. Therefore, Senator COHEN and I seek to reauthorize the OGE, so that the agency can carry on its very important responsibilities.

OGE was created in 1978 as part of the Office of Personnel Management. Over the years, Congress has given more authority and autonomy to the OGE, making it a separate agency as of October 1, 1989. This was an important step in recognizing the significance of OGE's role and its need for independence. In addition, through Executive Order, President Bush and President Clinton have given the OGE new responsibilities for guiding and implementing an effective ethics program throughout the Executive Branch. The responsibilities of the OGE range from teaching to enforcement; from issuing regulations to providing guidance and

interpretation; from reviewing financial disclosure forms to auditing agency ethics programs.

In the process of developing this bill, the Oversight Subcommittee reviewed OGE's budget, its personnel, and its accomplishments. Based on that effort, I am satisfied that the OGE has improved in areas where weaknesses were identified in the past and that the agency is currently on track in performing its duties in an effective, professional matter.

In addition to reauthorizing OGE, this bill would give OGE authority to accept donations or gifts that would facilitate the agency's work. A federal agency can't accept gifts unless it has specific statutory authority to do so. Many agencies have such authority but, up until now, the OGE has not been one of those agencies. The reason OGE seeks this authority is in connection with it's training mission. OGE conducts multiagency ethics training sessions around the country, and sometimes there is no nearby Federal facility that is appropriate in terms of size and services. This gift acceptance authority would allow the OGE to accept the use of non-Federal facilities—for example, an auditorium and related services such as might be offered by a State or local government or a university.

I hope that the Senate will act quickly in reauthorizing this important agency.●

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. CONRAD, and Mr. GRAHAM):

S. 700. A bill to amend the Internal Revenue Code of 1986 to revise the tax rules on expiration, to modify the basis rules for nonresident aliens becoming citizens or residents, and for other purposes; to the Committee on Finance.

TAX LEGISLATION

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation designed to address a problem that has come to light recently concerning the ability of U.S. citizens to avoid taxes by abandoning their citizenship. We should not countenance the evasion of taxes by those who renounce their citizenship. The Senate should act to address this problem expeditiously, and the bill that I introduce today will, I hope, represent significant progress towards that end. It is a revision of provision passed by the Senate Finance Committee recently, and responds to some of the criticisms that have been raised concerning the original proposal.

A genuine abuse exists in this area. Although the current tax code contains provisions, dating back to 1966, designed to address tax-motivated relinquishment of citizenship, these provisions have proven difficult to enforce and are easily evaded. One international tax expert described avoiding them as child's play. Individuals with substantial wealth can, by renouncing U.S. citizenship, avoid paying taxes on gains that accrued during the period that they acquired their wealth and were afforded the myriad advantages of U.S. citizenship. Moreover, even after renunciation, these individuals can maintain substantial connections with the United States, such as keeping a residence and residing in the United States for up to 120 days a year without incurring U.S. tax obligations. Indeed, reports indicate that certain wealthy individuals have renounced their U.S. citizenship and avoided their tax obligations while still maintaining their families and homes in the United States, being careful merely to avoid being present in this country for more than 120 days each year.

Meanwhile, the rest of Americans who remain citizens pay taxes on their gains when assets are sold or when an estate tax becomes due at death.

It was this Senator who made the first proposal in the Senate to deal with the expatriation tax abuse. On February 6, the President announced a proposal to address the problem in his fiscal year 1996 budget submission. Three weeks ago, on March 15, during Finance Committee consideration of the bill to restore the health insurance deduction for the self-employed, I offered a modified version of the administration's expatriation tax provisions as an amendment to the bill. My amendment would have substituted the expatriation proposal for the repeal of minority broadcast tax preferences as a funding source for the bill. The amendment failed when every Republican member of the Committee voted against it. Subsequently, Senator BRADLEY offered the expatriation provision as a free-standing amendment, with the $3.6 billion in revenue that it raised to be dedicated to deficit reduction. Senator BRADLEY's amendment passed by voice vote. That is how the expatriation tax provision was added to the bill that came before the Senate.

After the Finance Committee reported the bill, but before full Senate action and conference with the House, the Finance Committee held a hearing to further review the issues raised by the expatiation provision. Tax legislation routinely gets polished in its technical aspects as it moves through floor action and conference. At the Finance hearing, we heard criticisms of some technical aspects in the operation of the provision, as well as testimony raising the issue of whether the provision comported with article 12 of the International Covenant on Civil and Political Rights, which the United States ratified in 1992. Section 2 of article 12 states: ''Everyone shall be free to leave any country, including his own.'' Robert F. Turner, a professor of international law at the U.S. Naval War College, argued that the expatriation provision was problematic under the Covenant. The State Department's legal experts disagreed, as did two other outside experts whose letters were before the Committee. I refer to Professor Paul B. Stephan III, a specialist in both international law and tax law at the University of Virginia School of Law; and Mr. Stephen E. Shay, who served as International Tax Counsel at Treasury under the Reagan administration.

Mr. President, earlier in the day when I addressed this matter I asked that the materials to which I am presently referring be inserted in the record following my remarks. These materials, and others mentioned in this statement, can be found there.

Although there was considerable support for the legality of the provision, I thought it best to proceed with caution in these circumstances. These are matters of human rights under international law, on which we have rightly lectured others, and involve out solemn obligations under treaties. I sought the views of other experts. Letters concluding that the expatriation provision did not raise any problems under international law were received from Prof. Detlev Vagts of Harvard Law School and Prof. Andreas F. Lowenfeld of New York University School of Law. The State Department issued a lengthier analysis upholding the legality of the provision, and the American Law Division of the Congressional Research Service reached a like conclusion. However, there were dissenting views, most notably Prof. Hurst Hannum of the Fletcher School of Law and Diplomacy at Tufts University, who first wrote to me on March 24.

This is where things stood when the House-Senate conference met on March 28. The weight of authority appeared to be on the side of legality under international law, but there was some question, and the bill had to move at great speed. As my colleagues well know, the legislation restoring the self-employeds' health insurance deduction for calendar year 1994 needed to be passed and signed into law well in advance of this year's April 17 tax filing deadline, so that the self-employed would have time to prepare and file their 1994 tax returns. The decision regarding the expatriation provision had to be made without further opportunity of deliberation. I opted not to risk making the wrong decision with respect to international law and human rights.

The decision to drop the expatriation tax provision from the final conference version of the bill has been the subject of much debate over the last week. I certainly don't presume to speak for the other conferees. But for myself I repeat as I have said on two occasions on this floor over the past week: we should proceed with care when we are dealing with human rights issues, particularly when the group involved is a despised group—that is, millionaires who renounce their citizenship for money.

As the Senator who first proposed the expatriation tax provision, I will see this matter through to a conclusion. We are getting more clarity on the human rights issue, and it appears that a consensus is developing to the

effect that the provision does not conflict with our obligations under international law. In particular. it is worth noting that Professor Hannum, who first wrote me on March 24 expressing his concern that that expatriation provision was a problem under international law, has, after receiving additional and more specific information about the expatriation tax, now written a second letter of March 31 stating that he is convinced that neither its intention nor its effect would violate present U.S. obligations under international law. This is the growing consensus, although it is not unanimous.

As for criticisms of the technical difficulties of the original proposal, I believe they can be satisfied. Indeed, I would venture that if some of those criticizing the provision's technical aspects had put even half as much effort into devising solutions as in highlighting shortcomings, we would already be much further along toward a satisfactory statute.

One final point of utmost importance. As we take the time to write this law carefully, billionaires are not slipping through some loophole and escaping tax by renouncing their citizenship. The President announced the original proposal on February 6, and made it effective for taxpayers who initiate a renunciation of citizenship on or after that date. This was an entirely appropriate way to put an end to an abusive practice under current law. Both the proposal that I initiated, and the one that was ultimately adopted by the Finance Committee, also used February 6, 1995, as the effective date of the new provision preventing tax evasion through expatriation. The House conferees had proposed slipping the effective date to March 15, 1995—the date of Senate Finance Committee action on the provision. The two chairmen of the tax-writing committees ultimately—and wisely—resisted that overture, and have issued a joint statement giving notice that February 6 may be the effective date of any legislation affecting the tax treatment of those who relinquish citizenship. Given the potential for abuse under current law, I believe that February 6 must be the effective date for a new rule. In any event, given the President's announcement in the budget, the Finance Committee action, and the joint statement of the two chairmen of the tax-writing committees, individuals who are contemplating renunciation of their U.S. citizenship are on fair notice of the February 6, 1995, effective date.

To repeat, as the Senator who first offered the proposal to end the expatriation tax abuse, I will do everything I can to see that this matter gets resolved. We will do it this session. Fundamental justice to all taxpaying Americans requires no less.

In an effort to advance that goal, I am today introducing legislation embodying a revised expatriation tax proposal. I do so in the interest of ensuring that the issues that have been raised are addressed satisfactorily, and in a timely manner. This bill represents a serious effort to address the criticisms that have been raised, and I believe it represents a major step forward. It will provide an opportunity for comment and further review. In addition, I anticipate that the Joint Committee on Taxation will include an analysis of this bill in its comprehensive study of the subject of expatriation that the Committee staff has been directed to present to the chairmen of the tax-writing committees.

Mr. President, we will end this abuse, and promptly, but in a careful and orderly way, as we should do in matters of this importance.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 700

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

SECTION 1. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsection (f)(2), all property held by an expatriate immediately before the expatriation date shall be treated as sold at such time for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale unless such gain is excluded from gross income under part III of subchapter B, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply (and section 1092 shall apply) to any such loss.

''(3) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If an expatriate elects the application of this paragraph with respect to any property—

''(i) this section (other than this paragraph) shall not apply to such property, but

''(ii) such property shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) LIMITATION ON AMOUNT OF ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.—The aggregate amount of taxes imposed under subtitle B with respect to any transfer of property by reason of an election under subparagraph (A) shall not exceed the amount of income tax which would be due if the property were sold for its fair market value immediately before the time of the transfer or death (taking into account the rules of subsection (a)(2)).

''(C) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(D) ELECTION.—An election under subparagraph (A) shall apply only to the property described in the election and, once made, shall be irrevocable.

''(b) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this subsection) be includible in the gross income of any individual by reason of subsection (a) shall be reduced (but not below zero) by $600,000.

''(c) PROPERTY TREATED AS HELD.—For purposes of this section, except as otherwise provided by the Secretary, an individual shall be treated as holding—

''(1) all property which would be includible in his gross estate under chapter 11 if such individual were a citizen or resident of the United States (within the meaning of chapter 11) who died at the time the property is treated as sold,

''(2) any other interest in a trust which the individual is treated as holding under the rules of subsection (f)(1), and

''(3) any other interest in property specified by the Secretary as necessary or appropriate to carry out the purposes of this section.

''(d) EXCEPTIONS.—The following property shall not be treated as sold for purposes of this section:

''(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the expatriation date, meet the requirements of section 897(c)(2).

''(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

''(B) FOREIGN PENSION PLANS.—

''(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

''(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, or

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

An individual shall not be treated as an expatriate for purposes of this section by reason of the individual relinquishing United States citizenship before attaining the age of 18½ if the individual has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for less than 5 taxable years before the date of relinquishment.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—

''(A) IN GENERAL.—The term 'long-term resident' means any individual (other than a citizen of the United States) who is a lawful permanent resident of the United States in at least 8 taxable years during the period of 15 taxable years ending with the taxable year during which the sale under subsection (a)(1) is treated as occurring. For purposes of the preceding sentence, an individual shall not be treated as a lawful permanent resident for any taxable year if such individual is treated as a resident of a foreign country for the taxable year under the provisions of a tax treaty between the United States and the foreign country and does not waive the benefits of such treaty applicable to residents of the foreign country.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), there shall not be taken into account—

''(i) any taxable year during which any prior sale is treated under subsection (a)(1) as occurring, or

''(ii) any taxable year prior to the taxable year referred to in clause (i).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—For purposes of this section—

''(A) GENERAL RULE.—A beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

''(B) SPECIAL RULE.—The remaining interests in the trust not determined under subparagraph (A) to be held by any beneficiary shall be allocated first to the grantor, if a beneficiary, and then to other beneficiaries under rules prescribed by the Secretary similar to the rules of intestate succession.

''(C) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(D) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(i) the methodology used to determine that taxpayer's trust interest under this section, and

''(ii) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(2) DEEMED SALE IN CASE OF TRUST INTEREST.—If an individual who is an expatriate is treated under paragraph (1) as holding an interest in a trust for purposes of this section—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets immediately before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii).

''(g) TERMINATION OF DEFERRALS, ETC.—On the date any property held by an individual is treated as sold under subsection (a), notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate, and

''(2) any extension of time for payment of tax shall cease to apply and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) RULES RELATING TO PAYMENT OF TAX.—

''(1) IMPOSITION OF TENTATIVE TAX.—

''(A) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(B) DUE DATE.—The due date for any tax imposed by subparagraph (A) shall be the 90th day after the expatriation date.

''(C) TREATMENT OF TAX.—Any tax paid under subparagraph (A) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(2) DEFERRAL OF TAX.—The payment of any tax attributable to amounts included in gross income under subsection (a) may be deferred to the same extent, and in the same manner, as any tax imposed by chapter 11, except that the Secretary may extend the period for extension of time for paying tax under section 6161 to such number of years as the Secretary determines appropriate.

''(3) RULES RELATING TO SECURITY INTERESTS.—

''(A) ADEQUACY OF SECURITY INTERESTS.—In determining the adequacy of any security to be provided under this section, the Secretary may take into account the principles of section 2056A.

''(B) SPECIAL RULE FOR TRUST.—If a taxpayer is required by this section to provide security in connection with any tax imposed by reason of this section with respect to the holding of an interest in a trust and any trustee of such trust is an individual citizen of the United States or a domestic corporation, such trustee shall be required to provide such security upon notification by the taxpayer of such requirement.

''(i) COORDINATION WITH ESTATE AND GIFT TAXES.—If subsection (a) applies to property held by an individual for any taxable year and—

''(1) such property is includible in the gross estate of such individual solely by reason of section 2107, or

''(2) section 2501 applies to a transfer of such property by such individual solely by reason of section 2501(a)(3),

then there shall be allowed as a credit against the additional tax imposed by section 2101 or 2501, whichever is applicable, solely by reason of section 2107 or 2501(a)(3) an amount equal to the increase in the tax imposed by this chapter for such taxable year by reason of this section.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations to prevent double taxation by ensuring that—

''(1) appropriate adjustments are made to basis to reflect gain recognized by reason of subsection (a) and the exclusion provided by subsection (b),

''(2) no interest in property is treated as held for purposes of this section by more than one taxpayer, and

''(3) any gain by reason of a deemed sale under subsection (a) of an interest in a corporation, partnership, trust, or estate is reduced to reflect that portion of such gain which is attributable to an interest in a trust which a shareholder, partner, or beneficiary is treated as holding directly under subsection (f)(1)(C).

''(k) CROSS REFERENCE.—

''For income tax treatment of individuals who terminate United States citizenship, see section 7701(a)(47).''

(b) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(47) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).''

(c) CONFORMING AMENDMENTS.—

(1) Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any individual who relinquishes (within the meaning of section 877A(e)(3)) United States citizenship on or after February 6, 1995.''

(2) Section 2107(c) of such Code is amended by adding at the end the following new paragraph:

''(3) CROSS REFERENCE.—For credit against the tax imposed by subsection (a) for expatriation tax, see section 877A(i).''

(3) Section 2501(a)(3) of such Code is amended by adding at the end the following new flush sentence:

''For credit against the tax imposed under this section by reason of this paragraph, see section 877A(i).''

(4) Section 6851 of such Code is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(5) Paragraph (10) of section 7701(b) of such Code is amended by adding at the end the

following new sentence: ''This paragraph shall not apply to any long-term resident of the United States who is an expatriate (as defined in section 877A(e)(1)).''

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 6, 1995.

(2) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(1)(B) of such Code shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 2. BASIS OF ASSETS OF NONRESIDENT ALIEN INDIVIDUALS BECOMING CITIZENS OR RESIDENTS.

(a) IN GENERAL.—Part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for gain or loss on disposition of property) is amended by redesignating section 1061 as section 1062 and by inserting after section 1060 the following new section:

''SEC. 1061. BASIS OF ASSETS OF NONRESIDENT ALIEN INDIVIDUALS BECOMING CITIZENS OR RESIDENTS.

''(a) GENERAL RULE.—If a nonresident alien individual becomes a citizen or resident of the United States, gain or loss on the disposition of any property held on the date the individual becomes such a citizen or resident shall be determined by substituting, as of the applicable date, the fair market value of such property (on the applicable date) for its cost basis.

''(b) EXCEPTION FOR DEPRECIATION.—Any deduction under this chapter for depreciation, depletion, or amortization shall be determined without regard to the application of this section.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE DATE.—The term 'applicable date' means, with respect to any property to which subsection (a) applies, the earlier of—

''(A) the date the individual becomes a citizen or resident of the United States, or

''(B) the date the property first becomes subject to tax under this subtitle by reason of being used in a United States trade or business or by reason of becoming a United States real property interest (within the meaning of section 897(c)(1)).

''(2) RESIDENT.—The term 'resident' does not include an individual who is treated as a resident of a foreign country under the provisions of a tax treaty between the United States and a foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(3) TRUSTS.—A trust shall not be treated as an individual.

''(4) ELECTION NOT TO HAVE SECTION APPLY.—An individual may elect not to have this section apply solely for purposes of determining gain with respect to any property. Such election shall apply only to property specified in the election and, once made, shall be irrevocable.

''(5) SECTION ONLY TO APPLY ONCE.—This section shall apply only with respect to the first time the individual becomes either a citizen or resident of the United States.

''(d) REGULATIONS.—The Secretary shall prescribe regulations for purposes of this section, including regulations—

''(1) for application of this section in the case of property which consists of a direct or indirect interest in a trust, and

''(2) providing look-thru rules in the case of any indirect interest in any United States real property interest (within the meaning of section 897(c)(1)) or property used in a United States trade or business.''

(b) CONFORMING AMENDMENT.—The table of sections for part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 1061 and inserting the following new items:

''Sec. 1061. Basis of assets of nonresident alien individuals becoming citizens or residents.

''Sec. 1062. Cross references.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act, and to any disposition occurring on or before such date to which section 877A of the Internal Revenue Code of 1986 (as added by section 1) applies.

EXPLANATION OF REVISIONS TO H.R. 831 AS PASSED BY THE SENATE

1. APPLICATION TO LONG-TERM RESIDENTS.

The tax on expatriation would apply to ''long-term residents.'' A long-term resident would be an individual who has been a lawful permanent resident of the United States (i.e., a green card holder) in at least 8 of the prior 15 taxable years. For purposes of satisfying the 8-year threshold, taxable years for which such individual was a resident of another country under a treaty tie-breaker rule would be disregarded. The tax on expatriation would apply to a long-term resident when (a) the individual is no longer treated as a lawful permanent resident of the United States as that term is defined in section 7701(b)(6), or (b) the individual is treated as a resident of another country under the tie-breaking provisions of a U.S. income tax treaty (and the individual does not elect to waive treaty benefits). Long-term residents would be considered domiciled in the United States for purposes of calculating the tax on expatriation.

2. FAIR MARKET VALUE BASIS ADJUSTMENT.

An individual who has been a nonresident alien would be considered to have a fair market value basis in property owned by the individual as of the earlier of: (1) the date the individual first became a U.S. citizen or resident, or (2) the date the property first became subject to U.S. tax because it was used in a U.S. trade or business or it was a U.S. real property interest. The fair market value basis would apply for all purposes of computing gain or loss on actual or deemed dispositions (not just the tax on expatriation), but would not apply for purposes of computing depreciation.

Under this provision, the taxpayer would have the burden of proving fair market value. However, in determining whether the individual has satisfied his burden of proof, the Secretary will take into account the difficulty of establishing fair market value (especially for years prior to the enactment of this rule). If adequate evidence regarding the fair market value of a piece of property is not available, a taxpayer may elect to use historical cost to determine any gain on the disposition of the property; the historical cost election would not be available to claim a loss on the disposition of the property. No fair market value basis would be given to the assets of a foreign trust that becomes a domestic trust. This provision would be effective to calculate the tax under section 877A for expatriations occurring on or after February 6, 1995, or for any other dispositions after the enactment date.

3. ELECTION TO BE TREATED AS A U.S. CITIZEN

Each taxpayer would be allowed to irrevocably elect, on an asset-by-asset basis, to continue to be taxed as a U.S. citizen with respect to assets designated by the taxpayer. The taxpayer would therefore continue to pay U.S. income taxes following expatriation on any income generated by a designated asset and on any gain from the disposition of the asset, as well as any excise tax imposed with respect to the asset (see *e.g.*, section 1491). In addition, the asset would continue to be subject to gift, estate, and generation-skipping transfer taxes.

However, the amount of any transfer tax so imposed would be limited to the amount of income tax that would be due if the property were sold for its fair market value immediately before the transfer or death, taking into account any remaining portion of the expatriate's $600,000 exclusion. To make this election, the taxpayer would be required to waive treaty benefits with respect to designated assets. An expatriating individual would be required to provide security to ensure payment of the tax under this election in such form, manner, and amount as the Secretary may require.

4. ADMINISTRATION OF TAX ON EXPATRIATION

The current ''sailing permit'' requirement of section 6851(d) would be replaced with a new requirement to file a tax return and pay a tentative tax for the portion of the tax year through the date of expatriation. Section 6851(d) and the regulations thereunder currently require any alien who physically leaves the country—regardless of the duration of the trip—to obtain a certificate from the IRS District Director that he has complied with all U.S. income tax obligations. This provision would be modified to require any citizen or resident alien of the United States who becomes a nonresident to file a tax return within 90 days of the date that he ceases to be a U.S. citizen or resident, and pay the relevant tentative tax. No tax return would be required of a departing alien who intends to maintain U.S. residence.

5. TECHNICAL CORRECTIONS

A. Allow deferral of tax on expatriation where estate taxes would be deferred

Payment of the tax on expatriation should be extended in circumstances that are similar to situations in which payment of estate taxes may be extended under current law. Therefore, the time for the payment of the tax on expatriation could be extended for any period at the request of the taxpayer, as provided by section 6161 (without regard to the ten-year limitation of that section). In addition, the tax on expatriation could be deferred on interests in closely-held businesses as provided in section 6166. The tax on expatriation could also be extended for reversionary or remainder interests in property as provided in section 6163. Payment of tax liabilities could also be extended under section 6159 to facilitate the collection of tax liabilities.

B. Method of providing security

If a taxpayer is required to provide security under this section, it is anticipated that in many cases adequate security could be provided by contributing assets to a trust with a responsible U.S. trustee (see section 2056A). Other mechanisms determined to be effective by the Secretary could be used, such as providing a bond or letter of credit. If an expatriating individual is a beneficiary of a trust, and the beneficiary elects to defer payment of the tax on expatriation with respect to the trust interest, a U.S. trustee of that trust will be required to provide security if the beneficiary provides actual notice of such requirement to the domestic trustee.

C. Exceptions for relinquishment of citizenship by certain minors

The tax on expatriation would not apply to an individual who resided in the United States under the substantial presence test of section 7701(b)(1)(A)(ii) for less than five years and relinquishes U.S. citizenship by the age of 18 years and 6 months.

D. Ownership of interests in trusts

The ownership of any interest in a trust which is not determined under the general facts and circumstances rule of section 877A(f)(1)(A) will be allocated to the grantor if the grantor is a beneficiary of the trust. Otherwise, the ownership of the trust interest will be based on the rules of intestate succession. Unless otherwise prescribed by the Secretary, the applicable rules of intestate succession will be the rules under the Uniform Probate Code as promulgated by the American College of Trust and Estate Counsel.

E. Coordination with estate and gift tax rules

The tax on expatriation would be allowed as a credit against U.S. estate or gift taxes to the extent that the property subject to the tax on expatriation is subsequently subject to additional U.S. estate or gift taxes solely by reason of the estate or gift tax expatriation rules (sections 2107 and 2501(a)(3)).

Mr. BRADLEY. Mr. President, I rise this afternoon to introduce, along with Senator MOYNIHAN, a bill that a would close a tax loophole that allows wealthy citizens who renounce their American citizenships to avoid paying their fair share of U.S. taxes. As a member of the Finance Committee, I offered a similar amendment to H.R. 831 that would have closed this loophole. My amendment would have dedicated all of the savings from closing this loophole to deficit reduction. According to estimates of the Joint Committee on Taxation, my amendment would have reduced the deficit by approximately $3.6 billion over the next 10 years.

Unfortunately, although the Finance Committee adopted this amendment on an undivided voice vote and the Senate approved it as part of H.R. 831, the joint House-Senate conference committee re-opened this loophole. The bill that we are introducing today would close this loophole once and for all.

Mr. President, this bill is fundamentally about fairness. Not only is it fair to those who enjoyed the benefits of U.S. citizenship to make billions and are now attempting to avoid paying tax on such gain, it is also fair to those Americans who stay behind to shoulder the burdens of citizenship. All this bill would do is treat those who renounce their citizenship on par with Americans who stay and pay their share of the tax burden.

While U.S. citizenship confers tremendous benefit, it also requires responsibility. Although we may not always be happy about the amount, most of us willingly pay our fair share of the tax burden. However, for many Americans it becomes just too much when they have to pay not only their share of taxes, but also an additional share for those few, wealthy individuals who made their money in this country, but are now trying to skip town without paying their portion of the tab.

Significantly, this bill would exclude pension income, real estate assets, and the first $600,000 in gain. As a result, of the roughly 850 U.S. citizens who renounced their citizenships in 1994, only a handful would be effected by the elimination of this loophole. In fact, representatives from the Treasury Department testified that provisions similar to those contained in this bill would affect only 24 Americans each year.

Mr. President, significant deficit reduction will be necessary to put our country back on the right track. However, until we close these special-interest tax loopholes for the few, we cannot ask for the shared sacrifice from the many that will be necessary to reduce the deficit.

By Mr. SIMON:

S. 701. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations; to the Committee on Finance.

THE EQUITY INCENTIVE ACT OF 1995

• Mr. SIMON. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations.

Our current system of taxation encourages American businesses to use debt, rather than equity, to provide needed financing. My bill would encourage firms to shift from greater debt financing to more equity financing by limiting the interest deduction allowed corporations and allowing a deduction for dividends paid by corporations.

My proposal would be revenue neutral, although in the long run it should add to revenue because it would help the economy.

I propose that, while 80 percent of interest payments remain deductible, 20 percent of the interest payments of all but the smallest corporations (including farm corporations) should be disallowed. And 50 percent of dividends should be deductible.

If a corporation borrows money to acquire another company or to buy equipment or for any other purpose, the interest on that debt is deductible, even though the debt can—and often does—put the corporation in a precarious position. But if the same corporation issues stock, and then pays dividends, there is no deduction. The tax laws favor debt.

That same corporation, if it cannot meet the payments of principal and interest, will have to sell itself or go bankrupt, neither of which are desirable goals. But if that corporation issues stock, and there is a downsizing in the economy, the only penalty the corporation must pay is that it cannot issue dividends. It can continue to thrive, employ people, and be a productive part of our society.

Our tax laws have encouraged corporations and banks and law firms to make ''the fast buck'', rather than take the slow, constructive steps that are necessary to build their businesses and the economy of this Nation. I favor tax laws that give corporations deductions for research, for creating jobs, for adding to the productivity of the Nation.

My proposal would provide the incentive corporations need. It would encourage investment and help the growth of productivity. It would also help eliminate the excessive debt our country has accumulated, and it would go a long way toward strengthening the economy.

I urge my colleagues to support this legislation, Mr. President. It may need to be refined, but the idea is sound. I hope we can make it a part of the Tax Code.•

By Mr. SIMON:

S. 704. A bill to establish the Gambling Impact Study Commission; to the Committee on Governmental Affairs.

THE NATIONAL GAMBLING STUDY COMMISSION ACT

• Mr. SIMON. Mr. President, today I am introducing legislation that would establish an 18 month commission to review the impact gambling has had on State and local governments, and native American tribes. As these entities find themselves strapped for financial resources, many public officials and residents believe gambling can be an economic panacea.

Gambling is now one of the largest growth industries in the country. Legal wagering now totals almost $400 billion compared to $17.3 billion in 1974, according to the last—and only—national gambling study released in 1976 by the Commission on the Review of the National Policy Toward Gambling.

Federal policy on gaming should not be a moral one, rather it should be a practical one. Gambling is a matter of personal choice, and I have no problem with individuals who enjoy and are able to play the lottery or the slots. But I am concerned with the substantial costs to individuals, families, and society. Legalized gambling can lead to problem and pathological gambling, deterioration of family relationships, lost work productivity, unpaid taxes, bankruptcies, higher crime rates, and increased costs to the criminal justice system.

On the other hand, legalized gambling offers the promise of economic development, tourism, increased jobs and tax revenues, which is extremely appealing to State, local and tribal governments that compete with one another for financial resources.

While State governments have primary responsibility for regulating gambling, the scope of gaming has broadened to a national level in recent years. I am introducing the Gambling

Impact Study Commission Act to address these issues of national concern, so State, local and tribal governments can make fully informed decisions about future economic development investments.●

By Mrs. KASSEBAUM (for herself and Mr. BROWN):

S. 707. A bill to shift financial responsibility for providing welfare assistance and medical care to welfare-related medicaid individuals to the States in exchange for the Federal Government assuming financial responsibility for providing certain elderly low-income individuals and non-elderly low-income disabled individuals with benefits under the medicare program under title XVIII of the Social Security Act and long-term care benefits under a new Federal program established under title XIX of such act, and for other purposes; to the Committee on Finance.

THE WELFARE AND MEDICAID RESPONSIBILITY EXCHANGE ACT OF 1995

Mrs. KASSEBAUM. Mr. President, I rise today to introduce a revision of the ''Welfare and Medicaid Responsibility Exchange Act of 1995'' with my colleague Senator BROWN. This legislation incorporates the changes which I indicated would be forthcoming when we introduced the ''swap'' legislation earlier this year.

The basic principle embodied in both this and the earlier proposal is that true reform will occur only when there is a clear delineation of responsibilities between the federal and state governments.

The legislation we are introducing today shifts to the states responsibility for the nation's largest welfare programs—Aid to Families with Dependent Children (AFDC), Supplemental Food Program for Women, Infants and Children (WIC), Food Stamps, and the AFDC portion of Medicaid. In exchange, the Federal Government will assume responsibility for that portion of the Medicaid program designed to provide acute care and long-term care to elderly and disabled Americans.

Currently, the overlapping regulation and dual administration of the AFDC and Medicaid programs, in particular, has resulted in a significant lack of accountability. In contrast, this legislation makes a clear-cut decision about who will run the welfare programs, who will finance them, who will make key decisions, and who will be responsible for the outcomes.

This legislation will allow both the States and the Federal Government to build a more cohesive safety net for the populations each sector is serving. At the end of a five-year transition period during which the States will be freed from the vast majority of restrictive Federal regulations, the States will have complete autonomy for designing welfare and medical programs for low-income individuals—without Federal mandates, but with their own money at stake.

The Federal Government will be able to improve the efficiency and effectiveness of the Supplemental Security Income (SSI) Medicaid program—a program which now consumes 70 percent of Medicaid costs yet serves only 30 percent of the Medicaid population—by better coordinating choronic care services for elderly and disabled Medicaid recipients, by promoting competition, and by allowing these individuals to have a broader choice of private health plans. To reduce the reliance on Medicaid, the revised legislation also includes tax incentives for the purchase of private long-term-care insurance and long-term care services, and standards for long-term care insurance. These provisions are similar to those contained in legislation which was introduced earlier this year by Senator COHEN.

I would like to highlight some of the other key components of this revised swap legislation:

State responsibilities: As in the earlier swap legislation (S. 140), the states will assume full costs for the AFDC, WIC, and Food Stamp programs. In addition, however, the states also will assume responsibility for providing health care for ''AFDC-related'' Medicaid recipients (non-elderly and non-disabled individuals). This population represents about 30 percent of current Medicaid expenditures.

Federal responsibilities: Instead of assuming the full costs of the Medicaid program, under the revised legislation the federal government will assume financial responsibility for the ''SSI-related Medicaid'' program (elderly and disabled individuals). This group represents the remaining 70 percent of Medicaid costs.

Five-year transition period: The revised legislation still contains a five-year transition period during which states will have freedom to design low-income assistance programs and time to build the infrastructure to support these programs. During this period, an independent Commission will work with Congress to develop the specific provisions of the federal Medicaid program for elderly and disabled individuals. Also, the federal government will continue to provide funding to states during this period so that no state will suffer significant losses of funding.

State maintenance-of-effort: During the transition period, the states must spend the funds made available by the swap and any money previously used as a state match for AFDC, food stamps, WIC, and AFDC-related Medicaid, to provide cash and non-cash assistance to low-income individuals and families. Unlike S. 140, however, the states may direct up to 15 percent of these funds annually to savings or other uses.

Medicaid during the transition: Under the revised legislation, federal Medicaid benefit and coverage requirements for children will be frozen at 1995 levels during the transition. Beyond that, however, the states will be given significant freedom to redesign the AFDC-related Medicaid program without applying for federal waivers.

At the end of the transition period: Under the revised legislation, Congress must determine at the end of five years whether to continue this arrangement or, instead, to grant the states complete autonomy to design welfare and low-income medical care programs. If this complete swap goes into effect, states that experience a significant loss of federal funds and have the greatest need for public services will be eligible for a targeted grant program.

Mr. President, if we are serious about returning substantial authority, autonomy, and responsibility to state and local governments; if we are serious about rejecting the ''one-size-fits-all'' approach to income support programs which has frustrated those who have sought innovative solutions; and if we are serious about breaking the cycle of dependence that has frayed the current social welfare system; then I believe we must make systemic changes that will have a profound and long-lasting impact on the way services are delivered to needy Americans. We must cross the threshold from a Washington that simply shares power with the states to a Washington that actually surrenders power.

This legislation goes a long way toward achieving that goal. I hope my colleagues will join me in working toward its passage.

By Mr. NICKLES:

S. 708. A bill to repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RATEPAYER ACT

● Mr. NICKLES. Mr. President, I introduce legislation to repeal section 210 of the Public Utility Regulatory Policies Act of 1978 (''PURPA'').

Section 210 of PURPA is no longer in the public interest. It is costing consumers billions of dollars in higher electric bills. It is interfering with the increasingly competitive wholesale market for electricity. It has been overtaken by changes in energy policy, particularly the transmission access and PUHCA reform provisions of the Energy Policy Act of 1992. It is no longer needed to promote a once-fledgling independent power industry. In short, it is time to repeal section 210 of PURPA.

Enacted in 1978, PURPA was one of several laws created by President Carter to address the energy crisis. All involved heavy government interference in the marketplace; all but PURPA have since been repealed.

PURPA was created to stimulate the construction of non-conventional electric powerplants, referred to by PURPA as a qualifying facility [QF]. A QF can be a cogeneration powerplant of unlimited size, or a small power production facility of less than 80 megawatts. A cogeneration powerplant is a facility which produces heat along

with electric power. A small power production facility is as a renewable driven electric power generator, such as a windmill, a biomass or waste-fueled powerplant, a geothermal generator, a solar power facility, or a hydroelectric dam.

Section 210 of PURPA encourages QFs in two ways. First it requires electric utilities to purchase the power they produce—whether or not it is needed. Second, it requires electric utilities to pay an avoided cost price for the electricity purchased from the QF—which may or may not bear any relationship to actual market price.

When PURPA was enacted, everyone thought that it would benefit primarily unconventional power generating facilities, such as solar, geothermal, wind, and waste. These were unproven technologies at the time, and even with the host of benefits provided by PURPA plus tax incentives, it was not clear that they could ever be profitable. Instead, PURPA has primarily benefitted the more traditional turbine-powered cogenerators. According to data provided by the Edison Electric Institute, more than three-fourths of installed QF generation capacity are cogenerators. Small power producers—solar, geothermal, wind and waste—account for less than one-forth of installed QF generation capacity.

PURPA was also enacted on the assumption that it would not increase the price of electricity to consumers. Congress thought that it had guarded against this by limiting the price of QF electricity to the avoided cost—the price that the electric utility would have incurred had it generated the electricity itself or had it purchased it from someone else. But it did not work out that way. The Edison Electric Institute estimates that nationwide PURPA will add $38 billion to the future price of electricity, calculated in net present value. This continues to occur for several reasons.

First, in many instances PURPA's avoided cost rate is being based on fuel price projections which often prove to be wildly wrong. Second, several States are setting the avoided cost rate above true avoided cost in order to encourage QFs. QFs are viewed as being socially desirable, even if not the cheapest source of power. The FERC has recently acknowledged that over the years it has given State public utility commissions wide latitude in implementing PURPA in order to maximize the development of QFs. Third, environmental adders continue to be included in the avoided cost rate to promote certain types of QF facilities. This further increases the price of QF power above true avoided cost. Fourth, because PURPA requires QF power to be purchased whether or not it is needed, utility-owned generation will continue to be idled, which someone has to pay for. Thus, unless we repeal PURPA section 210, this will continue for new QF contracts.

Mr. President, some will argue that section 210 ought to be retained because it fosters competition in the wholesale power marketplace, but that is not true. The essence of competition is allowing choice, not mandating what must be purchased. Moreover, there are other key reasons why the wholesale electric power market has become competitive. They include the following: First, state public utility commissions have required their utilities to become more competitive. Second, Congress opened the wholesale market to all electric generators through transmission access and PUHCA reform. Third, and most importantly, the market itself denies everyone the luxury of avoiding competition. Thus, the repeal of PURPA section 210 will not adversely affect competition.

Mr. President, while everyone agrees that renewable energy can and should play a role in the future energy mix, that should not be accomplished through PURPA's mandated purchase requirement. In this connection, I might note that there are other programs on the books to promote renewables. For example, section 1212 of the Energy Policy Act of 1992 provides a renewable energy production incentive of 1.5 cents per kilowatt hour, subject to appropriations, for solar, wind, biomass, and geothermal powerplants. Section 1914 provides a tax credit of 1.5 cents per kilowatt hour for wind and closed-loop biomass. This is not subject to appropriations. Section 1916 provides a permanent extension of the energy investment credit for solar and geothermal properties.

Mr. President, I am a strong believer in contract sanctity. The bill I am introducing does not abrogate existing contracts; they will continue to operate by their own terms. Section 4 of the bill specifically states that ''Nothing in this Act abrogates any existing contract.''

Mr. President, it is clear the time has come to repeal section 210 of PURPA. It is distorting competition and it is hurting consumers. It is time to substitute the discipline of the marketplace for the judgment of regulators. In short, it is time for PURPA section 210 to go. I urge may colleagues to join me in my efforts to update our energy policy to benefit consumers and our economy.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 708

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

SECTION 1. SHORT TITLE.

This Act may be cited as ''The Electric Utility Ratepayer Act.''

SEC. 2. FINDINGS.

The Congress findings that—

(1) implementation of section 210 of the Public Utility Regulatory Policies Act of 1978 results in many consumers paying excessive rates for electricity;

(2) the Energy Policy Act of 1992 gives producers of electricity additional access to the wholesale electric market through transmission access and exemption from the Public Utility Holding Company Act; and

(3) in light of the increasingly competitive wholesale electric marketplace being brought about by the Energy Policy Act of 1992, there no longer is any justification for section 210 of the Public Utility Regulatory Policies Act of 1978.

SEC. 3. REPEAL.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is hereby repealed.

SEC. 4. TRANSITION.

Nothing in this Act abrogates any existing contract.

SEC. 5. EFFECTIVE DATE.

The provisions of this act are effective April 7, 1995.●

By Mr. BOND (for himself and Mr. BRYAN):

S. 709. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER REPORTING REFORM ACT

Mr. BOND. Mr. President, I join my colleague, Senator BRYAN, in introducing the Consumer Reporting Reform Act of 1995. We have spent several sessions of Congress in perfecting this legislation, and I expect this bill to enjoy wide bipartisan support. In particular, this legislation balances the needs of the consumer to have accurate credit information, while ensuring that the credit industry provides such information without the imposition of unreasonable regulatory burdens.

The Fair Credit Reporting Act is overdue for revision and reform. I know that we have all heard too many horror stories about inaccurate credit information and the inability of consumers to get the information corrected. The Fair Credit Reporting Act was written long before computer technology was as sophisticated as it is today. These technological advances have meant a drastic increase in the amount of information that can be kept and is kept on individuals. Current law simply does not adequately protect consumers.

For example, currently the law only requires that credit bureaus reinvestigate within a reasonable period of time. It was not uncommon for it to take months, even years, to get a credit report corrected and cleaned up. And even in cases where a consumer does succeed in getting the incorrect information removed or corrected, there is nothing to prevent the incorrect information from being put back on the credit report.

I believe that the single most important consumer protection provision in this legislation is the 30-day limit on the reinvestigation procedure. If the disputed information cannot be verified or is found to be inaccurate within 30 days, then it is corrected or removed from the credit report and cannot be reinserted without a notice to the consumer.

This is the cornerstone of the legislation—the most significant improvement over current law.

In addition, I realize that the credit bureaus have voluntarily instituted a 30-day standard in recent years, but there is no force of law behind it to hold them to it. I congratulate the credit bureaus for taking steps to make the system more accurate, but I feel that legislation is still needed. It was the threat of this legislation that has cleaned up the system, and I think we have an obligation to finish the job. This legislation, in particular, will address concerns about accuracy in the system and the need for consumer privacy.

I emphasize that I have met with many of my constituents to listen to their horror stories of trying to fix mistakes on their credit reports. They have met with many of the same obstacles that millions of other consumers have faced—months of waiting for their credit reports to be fixed, credit grantors who are unresponsive, and no one to talk to who will listen to their complaints. As you know, these problems are not new. I have been hearing about these problems for years and trying to find a way to address them. This legislation is designed to address these problems.

Because it traditionally takes a long time for the credit bureaus to respond and fix credit reports, the bill requires the process to be completed in 30 days. As I have said, if the information in the report cannot be verified by the creditor who submitted it within 30 days, it will be removed from the report. In addition, it cannot be reinserted later unless the consumer is notified.

When a consumer goes through the reinvestigation process with the credit bureau and the problem is still not fixed, our bill gives the consumer the right to sue the creditor who will not fix the information it submitted to the credit bureau.

This bill also contains limited Federal preemption to ensure that there are uniform Federal standards to govern a number of procedural issues which are part of credit reporting and which will reduce the burdens on the credit industry from having to comply with a variety of different State requirements. For example, the bill preempts requirements regarding prescreening, information shared among affiliates, reinvestigation timetables, obsolescence time periods and certain disclosure forms.

In addition, the civil liability section makes it absolutely clear that there are only private causes of action against a furnisher after that furnisher has had an opportunity to reinvestigate and fix any mistakes.

I believe that this legislation is a well-balanced bill. All interested parties benefit from this bill. The free flow of accurate information will help all sides by promoting good economic decisions in our free market economy. Consumers get increased disclosure and a 30-day reinvestigation time period and the credit industry gets a limited Federal preemption, the ability to share information among affiliates, and broader prescreening abilities.

Mr. BRYAN. Mr. President, I join Senator BOND today in introducing amendments to the Fair Credit Reporting Act. I want to again express my appreciation for the efforts of Senator BOND. I have enjoyed teaming up with him on a number of issues and look forward to continuing this friendship and productive working relationship.

As those who follow this issue know, Senator BOND and I came extremely close to getting similar legislation enacted into law last Congress. Versions of this bill passed the Senate 87 to 10 and passed the House of Representatives on several occasions. Unfortunately because this came up at the of the session, one Senator was able to block this bill's enactment into law. I am confidant we can get this legislation to the President's desk this year.

This legislation is similar to the version that passed the Senate and House of Representatives last year. Senator BOND and I have made some refinements but the guts of the bill are intact.

The heart of this legislation is the investigation process which is undertaken when a consumer discovers a mistake on his or her credit report. We all know that mistakes will occur when you are entering billions of pieces of data in computer banks every month. That is inevitable.

What is not inevitable is the frustration consumers experience getting these mistakes removed from their files. This bill requires credit bureaus and the businesses which supply information to verify it within 30 days or remove it from a consumer's file. Thereby, the burden of proof is transferred from consumers to businesses to verify the accuracy of the information in a file.

I was struck by the testimony of Nevadans who were forced to jump through a serious of hoops to prove that the information in their file was faulty. They spent countless hours on the telephone trying to track down information and to explain to credit bureau representatives what mistakes have been made. Through no fault of their own, these people were put through the ringer. This legislation should rectify this situation.

The bill also brings businesses who furnish information into the regulatory process. Without such a provision, bad actors can wreak havoc on the credit reporting system and on consumers. I would have preferred a higher standard of liability for these businesses but believe this is a good first step.

On this point, I must express my total disgust at the behavior of the J.C. Penney Co. In my entire career of public service, I have never seen a more disingenuous lobbying effort by any organization, and I will not soon forget it.

This legislation tries to craft a delicate balance on the issue of State preemption. Senator BOND and I are both former Governors so we take States' rights very seriously. We have tried to only preempt those areas of this law which affect the operational efficiencies of businesses but do not harm consumers. Setting a national uniform standard for disclosure forms or timetables, does not set the consumer movement back, yet should help the business community operate more efficiently.

I would like to put everyone on notice that I feel very strongly that we should not preempt States' rights in the area of liability—particularly if we set a low-liability standard as we do in this bill. Certain members of the business community have and will continue to push to preempt this area of State law, but I will fight such efforts and will have to reconsider the merits of this bill, should I lose on this issue.

I believe the issues in this bill have been compromised and refined over several years of consideration and do not need much more massaging. They represent an equitable balance with benefits to both the consumers and businesses. I hope we can move this along swiftly. I urge my colleagues support.

By Mr. KERREY:

S. 710. A bill to promote interoperability in the evolving information infrastructure maximum competition, innovation, and consumer choice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS INTEROPERABILITY ACT

Mr. KERREY. Mr. President, earlier this week I came to the floor of the Senate to discuss my concerns relating to the pending Telecommunications Competition and Deregulation Act of 1995, S.652. I have been concerned that this bill does not do enough to promote competition and consumer choice. As we on Capitol Hill work to revamp the regulatory regimes governing the telephone and cable television companies of today, a much larger dynamic is taking hold in our country.

The digital age is upon us, and we must try to take this larger picture into view if we are to be truly effective in our efforts to pass telecommunications reform that will serve our country, not only today, but tomorrow, and for the years to come. We need to take this opportunity, not only to address the regulatory issues currently being discussed, but to think about what kind of world we want this digital age to create.

Today, I am introducing legislation, the Communications Interoperability Act of 1995, that I hope will stimulate a vigorous public debate on how we can best achieve a truly ubiquitous National Information Superhighway. I am

introducing this bill as a discussion vehicle, and welcome reactions or comments on this legislation from interested parties.

The National Information Superhighway, or National Information Infrastructure (NII) as it is called, is evolving as we speak. This new digital age brings with a convergence of technology and vast new opportunities for Americans to gather and disseminate information. This NII pays no mind to the lines between industry sectors that have existed in the past. The NII is a conglomeration of pieces, including, various high-speed, interactive, narrow and broadband networks that exist today and will emerge tomorrow. It is the satellite, terrestrial, and wireless technologies that deliver content to homes, businesses, and other public and private institutions. The NII is a term that encompasses all the pieces and conveys a vision for a nationwide, invisible, seamless, dynamic web of transmission mechanisms, information appliances, content and people. This ubiquitous network of networks has the potential to improve the quality of life for all Americans—regardless of location, age, economic status, or physical handicap. However, this potential will only be realized if we have interoperability in our information infrastructure.

Interoperability is the ability of two or more systems to interact with one another. Interoperability allows diverse systems made by different vendors to communicate with each other so users do not have to make major adjustments to account for differences in products and services. Open interfaces at critical points of connection will allow interoperability to occur.

Interoperability will allow components of the NII to work together easily and transparently. A high school student in Nebraska will be able to use research resources located anywhere in the country, and discuss that research with students at distant schools. It will allow teachers in Nebraska to share information about experiences with other teachers around the country. If, while on vacation, a person becomes ill, a doctor in another State will be able to easily reach the family physician in Nebraska to consult and access complete medical records online.

Interoperability will make the NII accessible to the broadest number of people—both users and vendors. Users will not be limited to a particular vendor's products. Vendors will be able to make their services available to anyone who wants to use them. A small business or entrepreneur in Nebraska will be able to fully realize their potential because from their home office they will have the ability to easily reach customers across the Nation and around the world.

Interoperability allows all Americans to be both information consumers and information providers. This means that a citizen in Lincoln, NE, will not only be able to access the vast amount of information using an information appliance of her choice, at the same time, she will also be able to publish her newsletter on fishing in Nebraska to interested readers wherever they reside.

Interoperability promotes competition among technologies, providers, and media, leading to the greatest number of choices, the lowest prices, and maximum innovation. Interoperability based on open interfaces, will help promote a level playing field for the future of communications. Rather than attempting to create or adapt regulations to ever changing technologies, open interfaces, and interoperability will help ensure access and competition by allowing new entrants into the marketplace.

Interoperability must be led by industry, but Congress can help by promoting the vision of an interoperable information infrastructure. I am not suggesting that Government get involved setting standards or dictating what technologies the private sector should use. What I am suggesting is that we all have an interest in monitoring the private sector process and facilitating the development of a system that will best serve American business, and American citizens.

Without interoperability, we will simply have pockets of information and services that will not be nearly as valuable because they will not be easily linked to other parts of the infrastructure. Interoperability will allow information to be transmitted between different technologies, allowing for the most efficient distribution of services. In some areas, wire lines or fiber optic cable may be dominant, while in other more rural areas we may need to rely on satellite and wireless technologies. Unless all these divergent parts of the system are interoperable, the digital age will divide us into information haves and have nots. I am concerned about the potential for rural States like mine to be left behind as the digital age charges forward.

The distinguished Senator from Maine introduced legislation earlier this week to promote competition and consumer choice in consumer electronics used in conjunction with the current cable system. Certainly an important piece of the overall infrastructure, but as the distinguished Senator pointed out in his introductory statement, this bill is only focused on one particular area of telecommunications. The legislation I am introducing today focuses on the bigger picture, providing a broader, over-arching vision for our digital information age.

By looking ahead, and providing some policy objectives we can use this opportunity to address not only past and current regulatory issues, but to project some expectations for the future of communications. Expectations which include an information infrastructure that strengthens our educational system, expands commerce, improves the delivery of health care, and enhances participatory democracy.

I hope we will embrace this opportunity to herald the future.

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. 710

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 ''Communications Interoperability Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the rapid convergence of communications, computing and video technologies holds the promise of bringing revolutionary improvements in the delivery of a variety of information and other communications services to the American public;

(2) interoperability will promote competition among technologies, providers, and media, leading to the greatest choices, lowest prices, highest value, and maximum innovation;

(3) interoperability at key interfaces of the developing information infrastructure of the United States will ensure that existing and new components work together easily, quickly, and transparently as the components of today's telephone system;

(4) interoperability will help ensure that the information and communications infrastructure of the future will be accessible to the broadest number of people, both users and vendors of products and services;

(5) open interfaces at critical connection points are essential to achieving interoperability and the smooth transfer of information throughout the system; and

(6) the development of an interoperable information infrastructure based on open interfaces is in the interest of all Americans, and the Federal Government should act as a facilitator to achieve this goal.

SEC. 3. DEFINITIONS.

As used in this Act:

''(1) INTEROPERABILITY.—The term ''interoperability'' means—

''(A) the ability of two or more systems (such as devices, databases, networks, or technologies) to interact in concert with one another, in accordance with a prescribed method, to achieve a predictable result;

''(B) the ability of diverse systems made by different vendors to communicate with each other so that users do not have to make major adjustments to account for differences in products or services; and

''(C) compatibility among systems at specified levels of interaction, including physical compatibility.

The compatibility described in subparagraph (C) should be achieved through open interface specifications.

''(2) INTERFACE SPECIFICATIONS.—The term ''interface specifications'' means the technical parameters for the manner in which systems, products, and services communicate with each other and may be limited to the information necessary to achieve interoperability, leaving the implementation and remaining product design to the creative abilities of competitive suppliers.

SEC. 4. PROMOTING INTEROPERABILITY.

The Federal Communications Commission, and other appropriate Federal Government agencies (such as the National Institute of Standards and Technology), shall monitor the voluntary industry standards processes,

and assist private sector standards bodies in the identification and promotion of open and interoperable interface specifications as needed.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. ABRAHAM, and Mr. GRASSLEY):

S.J. Res. 32. Joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS JOINT RESOLUTION

Mr. HATCH. Mr. President, I rise today to introduce a joint resolution expressing the Nation's gratitude to its law enforcement officers, and ask that it be passed by unanimous consent.

Every day, the brave men and women of our Nation's police forces put their lives on the line as they patrol our streets to keep the rest of use safe. These fine public servants are far too often all that stands between the rule of law and the tyranny of crime and chaos.

The job of a law enforcement officer is increasingly dangerous. Across America, 70 law enforcement officers were murdered in the line of duty in 1993. Assaults on officers are commonplace. Yet these men and women go out every day and perform their jobs with courage and integrity.

Attacks from criminals, however, are not the only assaults out law enforcement officers are suffering from today. They are also being victimized by malicious, mean-spirited, and misleading verbal attacks from those who should know better.

Officers daily put their lives in jeopardy to prevent crime, and to investigate crimes that have been committed, in order to bring the guilty to justice. They are expected to act perfectly, with often imperfect information, and must ensure both the safety of the community and the integrity of the criminal justice process.

The Nation's police officers perform these tasks admirably. And On those rare and regrettable occasions when they falter, it is the police who are most aggrieved, seeking to redress the failure to uphold the public's trust. They recognize that without that trust, they cannot enforce the laws.

So we must never forget the faith with which the police attempt to discharge their duty. Whenever the public is led to believe without cause that their law enforcement officers are less than true to their oaths ''to serve and protect,'' the rule of law is endangered. For any society in which the law is in disrepute, or its fair enforcement in doubt, is only a shore step away from a society without law.

America owes a debt of gratitude to its police officers that it really cannot repay. However, Congress can and should take this opportunity to acknowledge that debt, and express the American People's thanks for the continuing service of its law enforcement heroes.

Mr. President, I urge my colleagues to join me in support of this joint resolution.

Mr. BIDEN. Mr. President, today, I and Senator HATCH are introducing a joint resolution to express the concern of the Congress regarding some recent remarks that inaccurately malign the integrity of the Nation's law enforcement officers.

It has been my privilege to work closely with our Nation's State and local police officers throughout my career. And, whether I have been dealing with officers who protect citizens in one of Delaware's smallest towns or those who patrol our Nation's largest cities, I have been impressed by the level of honor, commitment and integrity they have consistently upheld. Indeed, the evidence is that vast majority of our Nation's law enforcement officers are conscientious public servants who have a job where they must literally be willing to lay their life on the line everyday they go to work.

Let me be clear, I do not being to claim that there are no ''bad apples'' among the Nation's 540,000 police officers—as in every profession, there are ''bad apples'' who violate the law. But, this does not justify any sweeping indictment of the ethics of the entire police profession, any more than a case of malpractice by a doctor justifies sweeping criticism of the entire medical profession.

Because I believe it is simply unfair to make allegations about a whole profession based on the actions of a tiny minority and because I have enjoyed such a close and, I hope, mutually respectful relationship with our Nation's police officers, I am introducing this legislation so that the Congress is on record as recognizing the integrity of our Nation's police profession. I am happy to be joined by Senator HATCH on this measure, and I look forward to other Senators joining us in this effort.

The morale of our Nation's police officers is dependent upon the respect they feel from all of us, such is the case for any profession. This resolution is but one of many chances the Senate will have this year to indicate our confidence in our Nation's police. Later this year, I expect that the Senate will be faced with legislation that will nullify the provisions of the Violent Crime Control Act of 1994 that will add 100,000 more police to our streets. Those who believe that our Nation's police do not live up to the highest ethical standards may oppose this effort to add 100,000 officers to their ranks. But, those of us who know that the overwhelming majority of our police meet these high standards, must protect this effort to add 100,000 state and local police to America's neighborhoods.

I admit that the resolution I introduce today offers but some small measure of rhetorical support. The real support for our Nation's police will be shown by continuing our commitment to add 100,000 more officers to the ranks of those who protect us all. I urge my colleagues to support this resolution.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 248

At the request of Mr. GREGG, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 248, a bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 256, supra.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 360

At the request of Mr. SMITH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 360, a bill to amended 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.

At the request of Mr. SMITH, the name of the Senator from Alaska [Mr. STEVENS] was withdrawn as a cosponsor of S. 360, supra.

S. 389

At the request of Mr. JOHNSTON, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 389, a bill for the relief of Nguyen Quy An and his daughter, Nguyen Ngoc Kim Quy.

S. 401

At the request of Mr. LEAHY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider.

S. 426

At the request of Mr. SARBANES, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 427

At the request of Ms. SNOWE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 427, a bill to amend various acts to establish offices of women's health within certain agencies, and for other purposes.

S. 440

At the request of Mr. WARNER, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 459

At the request of Mr. BOND, the names of the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 459, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 520

At the request of Mr. SHELBY, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 520, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for adoption expenses.

S. 524

At the request of Mr. WELLSTONE, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 524, a bill to prohibit insurers from denying health insurance coverage, benefits, or varying premiums based on the status of an individual as a victim of domestic violence and for other purposes.

S. 526

At the request of Mr. GREGG, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 526, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 548

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 548, a bill to provide qualify standards for mammograms performed by the Department of Veterans Affairs.

S. 584

At the request of Mr. ROBB, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 584, a bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

S. 630

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 630, a bill to impose comprehensive economic sanctions against Iran.

S. 637

At the request of Mr. MCCAIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 637, a bill to remove barriers to interracial and interethnic adoptions, and for other purposes.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Virginia [Mr. ROBB], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. WARNER], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 641, a bill to reauthorize the Ryan white CARE Act of 1990, and for other purposes.

S. 650

At the request of Mr. SHELBY, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. SMITH], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Florida [Mr. GRAHAM], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 448

At the request of Mr. HARKIN his name was added as a cosponsor of Amendment No. 448 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 106—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S.RES. 106

Whereas, in the case of *Pittston Coal Group, Inc. v. I.U., UMWA*, Case No. 93–0162–A, pending in the United States District Court for the Western District of Virginia, a subpoena for testimony at a deposition has been issued to Marisa Spatafore, a former employee of the Senate on the staff of Senator Rockefeller;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved That Marisa Spatafore is authorized to testify in the case of *Pittston Coal Group, Inc., v. I.U., UMWA*, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is directed to represent Senator Rockefeller, Marisa Spatafore, and any other Member or employee of the Senate from whom testimony or documents may be sought in connection with this case.

SENATE RESOLUTION 107—RELATIVE TO THE NCAA WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S.RES. 107

Whereas the UConn women's team won the school's first-ever national basketball championship by defeating the University of Tennessee by the score of 70–64;

Whereas the UConn Huskies became only the second women's basketball team in NCAA history to finish the season undefeated, and the first basketball team of any kind in NCAA history to finish 35–0;

Whereas UConn Head Coach Geno Auriemma was the recipient of the Naismith National Coach of the Year Award, as well as the Associated Press Coach of the Year and the United States Basketball Writers Association Coach of the Year awards;

Whereas UCONN forward and co-captain Rebecca Lobo was the consensus choice of those same organizations as the National Player of the Year, and was named the Most Outstanding Player of the NCAA Women's Final Four;

Whereas Rebecca Lobo was also named the GTE Women's Basketball National Academic All-American of the Year for her outstanding achievement in the classroom;

Whereas the UConn Women Huskies enthralled the entire state of Connecticut, providing it with one of its finest moments;

Whereas the UConn Women Huskies elevated the sport of women's basketball to new heights, and inspired a generation of young girls in Connecticut to aspire toward their own ''hoop dreams'': Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for capping a perfect season by winning the 1995 NCAA Women's Basketball Championship

SENATE RESOLUTION 108—DESIGNATING NATIONAL ATOMIC VETERANS DAY

Mr. WELLSTONE (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. DASHCHLE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. AKAKA, Mr. REID, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 108

Whereas July 16, 1995, is the 50th anniversary of the first detonation of an atomic bomb at Alamagordo, New Mexico;

Whereas the members of the Armed Forces who have been exposed to ionizing radiation as a result of the detonation of a nuclear weapon or device are considered to be America's ''atomic veterans'';

Whereas atomic veterans are in many ways one of the most neglected groups of United States veterans;

Whereas atomic veterans served their country patriotically and proudly, believing fully that the United States Government would protect them from any serious hazards to their health;

Whereas atomic veterans were not told of the hazards they faced from exposure to ionizing radiation, often were provided with little protection from such exposure even when deployed at or near ground zero immediately after test detonations of nuclear weapons, on occasion were not provided film badges to measure their exposure to radiation during such detonations, and were provided with no follow-up medical care or other monitoring to determine the health consequences of such exposure;

Whereas for 40 years after World War II Federal law contained no provisions specifically providing veterans compensation or health care for atomic veterans for service-connected radiogenic diseases; and

Whereas many of the 250,000 members of the Armed Forces who participated in post-World War II atmospheric nuclear testing were forbidden from publicly revealing such participation for reasons of national security and received no recognition for their important contributions to the United States and the Armed Forces: Now, therefore, be it

Resolved, That—

(1) July 16, 1995, is designated as ''National Atomic Veterans Day''; and

(2) the President is authorized and requested to issue a proclamation calling on the departments and agencies of the Federal Government, State and local governments, and the people of the United States to observe that day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

BUMPERS AMENDMENT NO. 540

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to amendment No. 461 proposed by him 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 ''$0'' and insert in lieu thereof the following: ''$50,000,000. *Provided*, that none of these funds may be used for non-generic activities by recipients other than those identified at 7 C.F.R. 1485.13(a)(l)(i)(J), 1485.13(a)(2)(ii), 1485.15(c), substantially similar entities, or other recipients that are new-to-export entities.''

AKAKA AMENDMENTS NOS. 541–542

(Ordered to lie on the table.)

Mr. AKAKA submitted two amendments intended to be proposed by him to an amendment submitted to the bill (H.R. 1158) supra, as follows:

AMENDMENT NO. 541

On page 31, strike line 9 and insert the following: ''Public Law 103–333, $10,988,000 are rescinded. Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded. Notwithstanding any other provision of this Act, the amount rescinded under the heading 'Office of the Secretary, Policy Research' in chapter VI shall be increased to $4,018,000.''.

AMENDMENT NO. 542

On page 1 of the amendment, strike line 2 and all that follows through line 4 on page 2, and insert the following: ''Public Law 103–333, $10,988,000 are rescinded. Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded. Notwithstanding any other provision of this Act, the amount rescinded under the heading 'Office of the Secretary, Policy Research' in chapter VI shall be increased to $4,018,000.''.

GRAHAM AMENDMENT NO. 543

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill (H.R. 1158) supra, as follows:

On page 33, line 23, strike ''and $11,000,000 from 2 part C''.

GLENN AMENDMENT NO. 544

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (H.R. 1158) supra, as follows:

At the appropriate place, insert the following new section:

NO RESTRICTIONS ON IRS ENFORCEMENT FUNDING OR PERSONNEL

SEC. . Notwithstanding any other provision of this Act, there shall be no rescission of any amount of the $4,385,459,000 made available under the heading ''TAX LAW ENFORCEMENT'' in Public Law 103–329 and there shall be no restrictions on the hiring or deployment of additional revenue officers during fiscal year 1995.

DOLE AMENDMENTS NOS. 545–546

(Ordered to lie on the table.)

Mr. DOLE submitted two amendments intended to be proposed by him to an amendment submitted to the bill (H.R. 1158) supra, as follows:

AMENDMENT NO. 545

At the appropriate place in the amendment add the following:

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

BUILDING 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.

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.

GENERAL PROVISIONS

SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

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.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 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, $17,100,000 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

(RESCISSION)

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

(RESCISSON)

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

(RESCISSIONS)

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

(RESCISSION)

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 WAGE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $113,000,000 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, $125,000,000 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, 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 made 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 made 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 Pay 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).

SEC. 504. 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.).

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, $1,508,700,,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 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

(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 of 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, $13,988,000 are rescinded.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this hearing in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

(POLICY RESEARCH)

(RESCISSION)

Of the funds made available under this hearing in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this hearing in Public Law 103–333, $10,100,000 are rescinded, including $6,300,000 from funds made available for State and local education systemic improvement, and $1,300,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $2,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $729,000 for National programs and $1,771,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this hearing in Public Law 103–333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this hearing in Public Law 103–333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, 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 hearing 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 hearing 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 hearing 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 hearing 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 hearing 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 hearing 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, $12,916,000 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, $47,960,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $32,760,000 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 103–313 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 $2,000,000,000 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 purchases 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 103–329, $1,490,000 are rescinded.

TAX LAW ENFORCEMENT

Of the $4,385,459,000 made available under this heading in Public Law 103–329, $80,000,000 are rescinded. The Internal Revenue Service shall not hire any additional revenue officers in fiscal year 1995 and any additional revenue officers that have been hired in fiscal year 1996 shall be redeployed as call site collectors. The examination and inspection activities of this Secretary of the Treasury conducted pursuant to the provisions of the Internal Revenue Code of 1986 shall be maintained at not less than the level of such activities for fiscal year 1994.

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

(RESCISSION)

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–293, 103–329, $1,894,840,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $80,974,000
California:
Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Netwark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Settle, U.S. Courthouse, $10,949,000
Walla Walls, Corps Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal Building-U.S. Courthouse, $35,829,000
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

DEPARTMENT 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, $351,000,000 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; and except that such rescission should not apply to $30,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $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 for 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; $1,000,000,000 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 $1,000,000,000 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; $615,000,000 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, $88,000,000 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, $105,000,000 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.

(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

(RESCISSION)

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, $1,304,095,000 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 in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; 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 the 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 or 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 days 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 his 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.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

SEC. 2010. Of the funds available to the agencies of the federal government, $225,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts; *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every federal agency, department, and office, including the Office of the President.

TITLE III—IMPACT OF LEGISLATION ON CHILDREN

SEC. 3001. 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.

TITLE IV—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. 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 of 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. 4002. 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.

This Act may be cited as the ''Second Supplemental Appropriations and Rescissions Act, 1995''.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in Title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

AMENDMENT NO. 546

At the appropriate place in the amendment add the following:

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 RESCESSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENTOF 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.

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.

GENERAL PROVISIONS

SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

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.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VII of Public Law 103–317, $17,100,000 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

(RESCISSION)

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, $113,000,000 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, $125,000,000 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 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 made 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

(RESCISSION)

Of the funds made 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 Buck 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 Pay 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).

SEC. 504. 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.).

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, $1,508,700,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 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, $13,988,000 are rescinded.

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, $10,100,000 are rescinded, including $6,300,000 from funds made available for State and local education systemic improvement, and $1,300,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $2,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $729,000 for National programs and $1,771,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, 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 III–B, $43,888,000 and from title IV–A and IV–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, $47,960,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $32,760,000 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

(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, $8,186750,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307,283, $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 103–313 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 $2,000,000,000 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 purchases 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

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

(RESCISSION)

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, $1,894,840,000 are rescinded from the following projects in the following amounts:

Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $80,974,000
California:
Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal Building-U.S. Courthouse, $35,829,000
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, $351,000,000 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; and except that such rescission should not apply to $30,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $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; $1,000,000,000 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 $1,000,000,000 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; $615,000,000 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, $88,000,000 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, $1,304,095,000 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 in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; 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 or 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 extend 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 days 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 OF 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 his Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title i5, 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.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

SEC. 2010. Of the funds available to the agencies of the federal government, $225,000,000 are hereby rescinded: *Provided,* That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts; Provided further, That rescissions shall be taken on a pro rata basis from funds available to every federal agency, department, and office, including the Office of the President.

TITLE III—IMPACT OF LEGISLATION ON CHILDREN

SEC. 3001. 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.

TITLE IV—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. 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. 4002. 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.

This Act may be cited as the ''Second Supplemental Appropriations and Rescissions Act, 1995.''

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in Title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided,* That the language under this heading in title V of this Act shall have no force and effect.

BUMPERS (AND KERRY) AMENDMENT NO. 547

(Ordered to lie on the table.)

Mr. BUMPERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to amendment No. 461 submitted by Mr. BUMPERS to the bill (H.R. 1158) supra, as follows:

Strike ''$0'' and insert in lieu thereof the following: ''$50,000,000. Provided, that none of these funds may be used for non-generic activities by recipients other than those identified at 7 C.F.R. 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), 1485.15(c), substantially similar entities, or other recipients that are new-to-export entities. Provided further, that notwithstanding any other provision of this Act, no funds made available in Public Law 103–333 under the heading ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION'' under the subheading ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES'' shall be rescinded.''.

KERRY (AND OTHERS) AMENDMENTS NOS. 548–549

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. HOLLINGS, Mr. KENNEDY, Mr. REID, and Mr. PELL) submitted two amendments intended to be proposed by them to amendment No. 547 submitted by Mr. BUMPERS to the bill (H.R. 1158) supra, as follows:

AMENDMENT NO. 548

Strike ''$50,000,000'. Provided, that none of these funds may be used for non-generic activities by recipients other than those identified at 7 CFR 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), 1485.15(c), or other recipients that are new-to-export entities'' and insert ''$50,000,000': *Provided,* That none of these funds may be used for nongeneric activities by recipients other than those identified in section 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), or 1485.15(c) of title 7 of the Code of Federal Regulations, or other recipients that are new-to-export entities. Notwithstanding any other provision of this Act, no funds made available in Public Law 103–333 under the heading ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION'' under the subheading ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES'' shall be rescinded.''

AMENDMENT NO. 549

Strike ''$0.'' and insert ''$14,700,000'. Notwithstanding any other provision of this Act, $14,700,000 shall be transferred from this appropriation to the account containing funds made available in Public Law 103–333 under the heading 'SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION' under the subheading 'SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES'.''.

DASCHLE AMENDMENT NO. 550

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to an amendment submitted to the bill (H.R. 1158) supra, as follows:

In the pending amendment, strike all after the first word and insert the following:

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 EXPENESES

(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 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 Service 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

DEPARTMENT 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

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, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000

Phoenix, U.S. Federal Building, Courthouse, $121,890,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse $121,890,000
California:
Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
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.), $4,783,707,000.

ADMINISTRATIVE AND TRAVEL REDUCTION

SEC. . In the cases of all appropriations accounts in any Act from which expenses for administrative overhead, travel, transportation, and subsistence (including per diem allowances) are paid, there are hereby rescinded $16,293,000, *Provided,* that, reduction in such expenses shall be applied uniformally by appropriations account.

(b) Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall prepare and transmit to the Congress a report specifying the reductions taken in each appropriations account in compliance with this section.

DODD (AND LIEBERMAN) AMENDMENT NO. 551

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 551

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING DISASTER RELIEF.

(a) FINDINGS.—Congress finds that—

(1) there have been a number of costly natural disasters in recent years, including flooding in the Midwest and California, hurricanes in Hawaii and Florida, and earthquakes along the West Coast;

(2) scientists at the United States Geological Survey and other prominent scientists predict the occurrence of several major natural disasters in coming years;

(3) if an earthquake equal in magnitude to the earthquake that recently hit Kobe, Japan, occurred in the United States, direct losses could exceed the total net worth of the entire United States property insurance industry;

(4)(A) taxpayers have paid over $45,000,000,000 during the last 10 years in disaster assistance; and

(B) studies estimate that the cost for just 1 major future natural disaster could run as high as $50,000,000,000 to $80,000,000,000; and

(5) the Federal Government must reform the current method of Federal financing costs associated with natural disaster relief and develop and implement a financing mechanism that does not add to the deficit or rescind funds that have already been committed to other purposes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) establish a disaster relief fund financed through a dedicated revenue source that provides sufficient reserves to respond adequately to extraordinary and catastrophic disasters;

(2) encourage sensible, cost-effective mitigation programs to prevent disaster losses before the losses occur;

(3) strengthen efforts to encourage persons living in areas at high risk of natural disaster to purchase private insurance; and

(4) encourage the insurance industry to establish privately funded pool to spread the risk of natural disasters and minimize the

involvement of, and costs to, the Federal taxpayer.

GRAMM AMENDMENTS NOS. 552–554

(Ordered to lie on the table.)

Mr. GRAMM submitted three amendments intended to be proposed by him to an amendment to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 552

In the pending amendment, in lieu of the language proposed to be inserted, insert the following:

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.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSIONS)

Of the unobligated balances available under this headng, $30,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSIONS)

Of the funds made available under this hearing 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, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 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.

AMENDMENT NO. 553

In the pending amendment, in lieu of the language proposed to be inserted, insert the following:

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.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 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, $25,100,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

AMENDMENT NO. 554

In the pending amendment, in lieu of the language proposed to be inserted, insert the following:

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, $13,550,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 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, $32,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

TECHNOLOGY ADMINISTRATION UNDER THE 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.

DOLE AMENDMENTS NOS. 555–561

(Ordered to lie on the table.)

Mr. DOLE submitted seven amendments intended to be proposed by him to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 555

On page 47, after line 19, insert the following:

Public Law 103–331, $3,600,000, to be distributed as follows: $3,600,000, Boston-Portland, ME transportation corridor project

Public Law 103–122, $9,430,000, to be distributed as follows: $9,430,000, Boston-Poartland, ME commuter rail project

Public Law 102–388, $25,310,000, to be distributed as follows: $25,310,000, Boston-Portland, ME commuter rail project

AMENDMENT NO. 556

On page 47, after line 19, insert the following:

Public Law 103–331, $10,960,000, to be distributed as follows: $6,000,000, MTC project; $4,960,000, Twin Cities Central Corridor Project;

Public Law 103–122, $2,780,000, to be distributed as follows: $2,780,000, Twin Cities project

AMENDMENT NO. 557

On page 47, after line 19 insert the following:

Public Law 103–331, $188,720,000, to be distributed as follows: $163,760,000 for the Los Angeles MOS–2 and MOS–3 projects; $4,960,000 for the Orange County Transitway project; and $20,000,000 for the San Francisco BART/Extension/Tasman Corridor project.

AMENDMENT NO. 558

On page 13, line 25, insert the following before the period

: *Provided further,* That of the funds made available under this heading in Public Law 103–316 for Bassett Creek, Minnesota, Chaska, Minnesota, and Rochester, Minnesota, $6,038,000 are rescinded

AMENDMENT NO. 559

At the appropriate place insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided,* That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V, of this Act shall have no force and effect.

AMENDMENT NO. 560

In lieu of the matter proposed, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budge Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations' status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided,* That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

AMENDMENT NO. 561

Strike all after the first word and insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budge Act of 1974, of modifying direct loans to Jordan issued by the

Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations' status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided,* That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

DOLE AMENDMENT NO. 562

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to an amendment to the bill H.R. 1158, supra; as follows:

At the appropriate place in the amendment add the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

CHAPTER I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army,'' $260,700,000: *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.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy,'' $183,100,000: *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.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps,'' $25,200,000: *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.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force,'' $207,100,000: *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.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army,'' $6,500,000: *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.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy,'' $9,600,000: *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.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps,'' $1,300,000: *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.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force,'' $2,800,000: *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.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army,'' $11,000,000: *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.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force,'' $5,000,000: *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.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army,'' $936,600,000: *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.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy,'' $423,700,000: *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.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps,'' $33,500,000: *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.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force,'' $852,500,000: *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.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide,'' $46,200,000: *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.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve,'' $15,400,000: *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.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army,'' $8,300,000, to remain available until September 30, 1997: *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.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program,'' $13,200,000: *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.

CHAPTER II

RESCINDING CERTAIN BUDGET AUTHORITY

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public 103–335, $68,800,000 are rescinded

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $15,400,000 are rescinded

OPERATION AND MAINTENANCE, ARMY RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $6,200,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $300,000,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $20,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $34,411,000 are rescinded

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $85,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $55,900,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $32,100,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION AND TRANSFER)

Of the funds made available under this heading in Public Law 102–396, $100,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $27,500,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $23,500,000 are hereby transferred and made available for obligation to Operation and Maintenance, Air Force.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $33,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–139, $99,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $89,500,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $6,100,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $32,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $30,000,000 are rescinded.

DEFENSE PRODUCTION ACT PURCHASES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $100,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEXT AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–139 $5,000,000 are rescinded.

Of the funds available under this heading in Public Law 103–335, $43,000,000 are rescinded.

RESEARCH DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds available under this heading in Public Law 103–335, $68,800,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–138, $49,600,000 are rescinded.

Of the funds available under this heading in Public Law 103–335, $191,200,000 are rescinded.

RESEARCH, DEVELOPMENT, TEXT AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–139, $77,000,000 are rescinded.

Of the funds available under this heading in Public Law 103–335, $436,445,000 are rescinded.

RELATED AGENCIES

NATIONAL SECURITY EDUCATION TRUST FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102–172, $75,000,000 are rescinded.

CHAPTER III

GENERAL PROVISIONS

SEC. 101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 102. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement of expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. During the current fiscal year, appropriations available to the Department of Defense for the pay of civilian personnel may be used, without regard to the time limitations specified in section 5523(a) of title 5 United States Code, for payments under the provisions of section 5523 of title 5, United States Code, in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary of Defense. This section shall take effect as of March 5, 1995, and shall apply with respect to any payment made on or after that date.

(INCLUDING TRANSFER OF FUNDS)

SEC. 104. In addition to amounts appropriated or otherwise made available by this Act, $28,297,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard to cover the incremental operating costs associated with Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy: *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.

SEC. 105. (a) Section 8106A of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended by striking out the last proviso and inserting in lieu thereof the following: ": *Provided further,* That if, after September 30, 1994, a member of the Armed Forces (other than the Coast Guard) is approved for release from active duty or full-time National Guard duty and that person subsequently becomes employed in a position of civilian employment in the Department of Defense within 180 days after the release from active duty or full-time National Guard duty, then that person is prohibited from receiving payments under a Special Separation Benefits program (under section 1174a of title 10, United States Code) or a Voluntary Separation Incentive program (under section 1175 of title 10, United States Code) by reason of the release from active duty or full-time National Guard duty, and the person shall reimburse the United States the total amount, if any, paid such person under the program before the employment begins".

(b) Appropriations available to the Department of Defense for fiscal year 1995 may be obligated for making payments under sections 1174a and 1175 of title 10, United States Code.

(c) The amendment made by subsection (a) shall be effective as of September 30, 1994.

SEC. 106. (a) Subsection 8054(g) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: "Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: *Provided,* That, in addition to any other reductions required by this section, the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $250,000,000 to reflect the funding ceiling contained in this subsection and to reflect further reductions in amounts available to the Department of Defense to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical, engineering and management support.".

(b) Subsection 8054(h) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: "The total amounts appropriated to or for the use of the Department of Defense in titles II, III, and IV of this Act are reduced by an additional $251,534,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.".

(c) Not later than 60 days after enactment of this Act, the Under Secretary of Defense (Comptroller) shall report to the Committees on Appropriations of the Senate and the House of Representatives as to the total, separate amounts of appropriations provided, by title and by appropriations account, in titles II, III, and IV of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), as amended.

SEC. 107. Within sixty days of the enactment of this Act, the President shall submit to Congress a report which shall include the following:

(a) A detailed description of the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993, in and around Haiti, including but not limited to—

(1) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(2) the costs of all other activities relating to United States policy toward Haiti, including humanitarian and development assistance, reconstruction, balance of payments and economic support, assistance provided to reduce or eliminate all arrearages owed to International Financial Institutions, all rescheduling or forgiveness of United States bilateral and multilateral debt, aid and other financial assistance, all in-kind contributions, and all other costs to the United States Government.

(b) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (a), including—

(1) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item, and program; and

(2) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program.

Sec. 108. None of the funds appropriated to the Department of Defense for the Technology Reinvestment Program under Public Law 103–335 shall be obligated for any new projects for which a selection has not been made until the Under Secretary of Defense for Acquisition and Technology certifies to the Congress that military officers and civilian employees of the military departments constitute a majority of the membership on each review panel at every proposal evaluation step for the Technology Reinvestment Program: *Provided,* That the Under Secretary of Defense for Acquisition and Technology shall submit to the Congress a report describing each new Technology Reinvestment Program project or award and the military needs which the project addresses.

Sec. 109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of Korea, or for implementation of the October 21, 1994, Agreed Framework between the United States and the Democratic People's Republic of Korea, unless specifically appropriated for that purpose.

Sec. 110. During the current fiscal year, none of the funds available to the Department of Defense for emergency and extraordinary expenses may be obligated or expended in an amount of $1,000,000 or more for any single transaction without prior notification to the Committees on Appropriations of the Senate and House of Representatives, the Senate Armed Services Committee, and the House National Security Committee.

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

Sec. 112. None of the funds made available to the Department of Defense for any fiscal year for military construction or family housing may be obligated to initiate construction projects upon enactment of this Act for any project on an installation that—

(1) was included in the closure and realignment recommendations submitted by the Secretary of Defense to the Base Closure and Realignment Commission on February 28, 1995, unless removed by the Base Closure and Realignment Commission, or

(2) is included in the closure and realignment recommendation as submitted to Congress in 1995 in accordance with the Defense Base Closure and Realignment Act of 1990, as amended (P.L. 101–510):

Provided, That the prohibition on obligation of funds for projects located on an installation cited for realignment are only to be in effect if the function or activity with which the project is associated will be transferred from the installation as a result of the realignment: *Provided further,* That this provision will remain in effect unless the Congress enacts a Joint Resolution of Disapproval in accordance with the Defense Base Closure and Realignment Act of 1990, as amended (P.L. 101–510).

(RESCISSIONS)

Sec. 113. Of the funds appropriated under Public Law 103–307, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $3,500,000;

Military Construction, Navy, $3,500,000;

Military Construction, Air Force, $3,500,000;

North Atlantic Treaty Organization Infrastructure, $33,000,000;

Base Realignment and Closure Account, Part III, $32,000,000.

Of the funds appropriated under Public Law 102–136, the following funds are hereby rescinded from the following account in the specified amount:

Military Construction, Naval Reserve, $25,100,000.

SEC. 114. The Secretary of Defense shall not allocate a rescission to any military installation that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (Subtitle A of title XXIX of Public Law 101–510; 10 USC 2687 note) in an amount in excess of the proportionate share for each installation for the current fiscal year of the funds rescinded from ''Environmental Restoration, Defense'' by this Act

SEC. 115. Funds in the amount of $76,900,000 received during fiscal years 1994 and 1995 by the Department of the Air Force pursuant to the ''Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission,'' signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with appropriations available for research, development, test and evaluation and procurement for fiscal year 1994 and 1995, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract as of the date of enactment of this Act.

SEC. 116. Section 8025 of the Department of Defense Appropriations Act 1995 (Public Law 103–335), is amended by striking out the amount ''$203,736,000'' and inserting in lieu thereof ''$170,036,000''.

SEC. 117. In addition to the rescissions made elsewhere in this Act, on September 15, 1995, $100,000,000 shall be rescinded from appropriations under title III of the Department of Defense Appropriations Act, 1993 (Public Law 102–396).

CHAPTER IV

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount to enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation, $21,500,000 is hereby appropriated which shall be available until expended for capital improvements associated with safety-related emergency repairs at the existing Pennsylvania Station in New York City: Provided, That none of the funds herein appropriated shall be used for the redevelopment of the James A. Farley Post Office Building in New York City as a train station and commercial center: Provided further, That the $21,500,000 shall be considered part of the Federal cost share for the redevelopment of the James A. Farley Post Office Building, if authorized.

TITLE II

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $45,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $90,000,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

And on line 17, page 17 of the House of Representatives engrossed bill, H.R. 889, delete ''$100,000,000'' and insert in lieu thereof ''$200,000,000''

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306 and prior appropriations Acts, $12,500,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds make available under this heading in Public Law 103–87 and Public Law 103–306, $7,500,000 are rescinded.

Of the funds made available under this heading in Public Law 103–87 for support of an officer resettlement program in Russia as described in section 560(a)(5), $15,000,000 shall be allocated to other economic assistance and for related programs for the New Independent States of the Former Soviet Union notwithstanding the allocations provided in section 560 of said Act: *Provided,* That such funds shall not be available for assistance to Russia.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for new education infrastructure improvement grants, $65,000,000 are rescinded.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $35,000,000 made available for title IV, part A, subpart 1 of the Higher Education Act are rescinded.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading that remain unobligated for the ''advanced automation system'', $35,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available appropriated balances provided in Public Law 93–87; Public Law 98–8; Public Law 98–473; and Public Law 100–71, $12,004,450 are rescinded.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

The Congress finds that the 1990 amendments to the Clean Air Act (Public Law 101–549) superseded prior requirements of the Clean Air Act regarding the demonstration of attainment of national ambient air quality standards for the South Coast, Ventura, and Sacramento areas of California and thus eliminated the obligation of the Administrator of the Environmental Protection Agency to promulgate a Federal implementation plan under section 110(e) of the Clean Air Act for those areas. Upon the enactment of this Act, any Federal implementation plan that has been promulgated by the Administrator of the Environmental Protection Agency under the Clean Air Act for the South Coast, Ventura, or Sacramento areas of California pursuant to a court order or settlement shall be rescinded and shall have no further force and effect.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

Public Law 103–327 is amended in the paragraph under this heading by striking ''March 31, 1997'' and all that follows, and inserting in lieu thereof: ''September 30, 1997: *Provided*, That not to exceed $35,000,000 shall be available for obligation prior to October 1, 1996.''.

TITLE IV—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. 401. SHORT TITLE.

This title may be cited as the ''Mexican Debt Disclosure Act of 1995''.

SEC. 402. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the exchange stabilization fund;

(3) the program of assistance involves the participation of the Board of Governors of the Federal Reserve System, the International Monetary Fund, the Bank for International Settlements, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the exchange stabilization fund and the Board of Governors of the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the International Bank for Reconstruction and Development, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. 403. PRESIDENTIAL REPORTS.

(a) REPORTING REQUIREMENT.—Not later than June 30, 1995, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall contain a description of the following actions taken, or economic situations existing, during the preceding 6-month period or, in the case of the initial report, during the period beginning on the date of enactment of this Act.

(1) Changes in wage, price, and credit controls in the Mexican economy.

(2) Changes in taxation policy of the Government of Mexico.

(3) Specific actions taken by the Government of Mexico to further privatize the economy of Mexico.

(4) Actions taken by the Government of Mexico in the development of regulatory policy that significantly affected the performance of the Mexican economy.

(5) Consultations concerning the program approved by the President, including advice on economic, monetary, and fiscal policy, held between the Government of Mexico and the Secretary of the Treasury (including any designee of the Secretary) and the conclusions resulting from any periodic reviews undertaken by the International Monetary Fund pursuant to the Fund's loan agreements with Mexico.

(6) All outstanding loans, credits, and guarantees provided to the Government of Mexico, by the United States Government, including the Board of Governors of the Federal Reserve System, set forth by category of financing.

(7) The progress the Government of Mexico has made in stabilizing the peso and establishing an independent central bank or currency board.

(c) SUMMARY OF TREASURY DEPARTMENT REPORTS.—In addition to the information required to be included under subsection (b), each report required under this section shall contain a summary of the information contained in all reports submitted under section 404 during the period covered by the report required under this section.

SEC. 404. REPORTS BY THE SECRETARY OF THE TREASURY.

(a) REPORTING REQUIREMENT.—Beginning on the last day of the first month which begins after the date of enactment of this Act, and on the last day of every month thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall include a description of the following actions taken, or economic situations existing, during the month in which the report is required to be submitted:

(1) The current condition of the Mexican economy.

(2) The reserve positions of the central bank of Mexico and data relating to the functioning of Mexican monetary policy.

(3) The amount of any funds disbursed from the exchange stabilization fund pursuant to the program of assistance to the Government of Mexico approved by the President on January 31, 1995.

(4) The amount of any funds disbursed by the Board of Governors of the Federal Reserve System pursuant to the program of assistance referred to in paragraph (3).

(5) Financial transactions, both inside and outside of Mexico, made during the reporting period involving funds disbursed to Mexico from the exchange stabilization fund or proceeds of Mexican Government securities guaranteed by the exchange stabilization fund.

(6) All outstanding guarantees issued to, and short-term and medium-term currency swaps with, the Government of Mexico by the Secretary of the Treasury, set forth by category of financing.

(7) All outstanding currency swaps with the central bank of Mexico by the Board of Governors of the Federal Reserve System and the rationale for, and any expected costs of, such transactions.

(8) The amount of payments made by customers of Mexican petroleum companies that have been deposited in the account at the Federal Reserve Bank of New York established to ensure repayment of any payment by the United States Government, including the Board of Governors of the Federal Reserve System, in connection with any guarantee issued to, or any swap with, the Government of Mexico.

(9) Any setoff by the Federal Reserve Bank of New York against funds in the account described in paragraph (8).

(10) To the extent such information is available, once there has been a setoff by the Federal Reserve Bank of New York, any interruption in deliveries of petroleum products to existing customers whose payments were setoff.

(11) The interest rates and fees changed to compensate the Secretary of the Treasury for the risk of providing financing.

SEC. 405. TERMINATION OF REPORTING REQUIREMENTS.

The requirements of sections 403 and 404 shall terminate on the date that the Government of Mexico has paid all obligations with respect to swap facilities and guarantees of securities made available under the program approved by the President on January 31, 1995.

SEC. 406. PRESIDENTIAL CERTIFICATION REGARDING SWAP OF CURRENCIES TO MEXICO THROUGH EXCHANGE STABILIZATION FUND OR FEDERAL RESERVE.

(a) IN GENERAL.—Notwithstanding any other provisions of law, no loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through the exchange stabilization fund or by the Board of Governors of the Federal Reserve System may be extended or (if already extended) further utilized, unless and until the President submits to the appropriate congressional committees a certification that—

(1) there is no projected cost (as defined in the Credit Reform Act of 1990) to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately backed to ensure that all United States funds are repaid;

(3) the Government of Mexico is making progress in ensuring an independent central bank or an independent currency control mechanism;

(4) Mexico has in effect a significant economic reform effort; and

(5) the President has provided the documents described in paragraphs (1) through (28) of House Resolution 80, adopted March 1, 1995.

(b) TREATMENT OF CLASSIFIED OR PRIVILEGED MATERIAL.—For purposes of the certification required by subsection (a)(5), the President shall specify, in the case of any

document that is classified or subject to applicable privileges, that, while such document may not have been produced to the House of Representatives, in lieu thereof it has been produced to specified Members of Congress or their designees by mutual agreement among the President, the Speaker of the House, and the chairmen and ranking members of the Committee on Banking and Financial Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House.

SEC. 407. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committees'' means the Committees on International Relations and Banking and Financial Services of the House of Representatives, the Committees on Foreign Relations and Banking, Housing and Urban Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(2) EXCHANGE STABILIZATION FUND.—The term ''exchange stabilization fund'' means the stabilization fund referred to in section 5302(a)(1) of title 31, United States Code.

SANTORUM AMENDMENT NO. 563

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 1158, supra; as follows:

At the end, add the following:

Notwithstanding any other provisions of this Act the following number shall be deemed to be:

S. 617

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

MCCAIN AMENDMENT NO. 564

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to an amendment to the bill H.R. 1158, supra; as follows:

At the appropriate place add the following: In Title II—General Provisions, SEC. 2001 Timber Sales, add the following to the end of subsection (6) SALE PREPARATION.: The Director of the Office of Personnel Management, and the Secretary of the relevant Department, shall advise the governmental affairs committees of the House and Senate regarding how the agencies will address the issue of compensation for individuals hired pursuant to this subsection who received an incentive payment, in order to ensure equity for the taxpayer and such federal employees.

This report shall not be conducted in a manner that would hinder the rehiring of any former employees under this Act.

DOLE (AND KYL) AMENDMENT NO. 565

(Ordered to lie on the table.)

Mr. DOLE (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1158, supra; as follows:

On page 65, line 13, strike ''$210,000,000'' and insert $416,000,000''.

HOLLINGS AMENDMENT NO. 566

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 530 proposed by Mr. GRAMM to the bill H.R. 1158, supra; as follows:

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

For an additional amount for the Manufacturing Extension Partnership, $26,500,000 to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RECISSION)

Of the funds made available under this heading in Public Law 103–317, $32,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $13,000,000 are rescinded.

BUMPERS AMENDMENT NO. 567

Mr. BUMPERS proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 6, after line 13, insert the following:

''SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

''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 notwithstanding any other provision of law, up to $10,000,000 of nutrition services and administration funds may be available for grants to WIC State agencies for promoting immunization through such efforts as immunization screening and voucher incentive programs.''

THE THEATER MISSILE DEFENSE ACT OF 1995

WARNER (AND OTHERS) AMENDMENT NO. 568

(Ordered referred to the Committee on Armed Services.)

Mr. WARNER (for himself, Mr. DOLE, Mr. THURMOND, Mr. LOTT, Mr. COHEN, Mr. NICKLES, Mr. KYL, Mr. STEVENS, Mr. COCHRAN, and Mr. SMITH) submitted an amendment intended to be proposed by them to the bill (S. 383) to provide for the establishment of policy on the deployment by the United States of an antiballistic missile system and of advanced theater missile defense systems; as follows:

At the end of the bill add the following:

TITLE II—DEVELOPMENT AND DEPLOYMENT OF THEATER MISSILE DEFENSES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Theater Missile Defense Act of 1995''.

SEC. 202. POLICY ON DEVELOPMENT AND DEPLOYMENT OF THEATER MISSILE DEFENSES.

It is the policy of the United States that advanced theater missile defenses should be developed and deployed as soon as possible in order to provide protection for United States military forces stationed or deployed in foreign theaters of operation and for allied forces participating in operations with those United States military forces.

SEC. 203. POLICY ON USE OF FUNDS TO LIMIT THEATER MISSILE DEFENSES UNDER THE ABM TREATY.

(a) FINDINGS.—Congress finds that a missile defense system, system upgrade, or system component capable of countering modern theater ballistic missiles has not been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty unless and until such missile defense system, system upgrade, or system component has been field tested against a ballistic missile which, in that field test, exceeded (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

(b) PROHIBITION.—Appropriated funds may not be obligated or expended by any official of the Federal Government for the purpose of—

(1) prescribing, enforcing, or implementing any executive order, regulation, or policy that would apply the ABM Treaty, or any limitation or obligation under such treaty, to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(2) taking any other action to provide for the ABM Treaty, or any limitation or obligation under such treaty, to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

(c) COVERED THEATER MISSILE DEFENSES.—(1) Except as provided in paragraph (2), subsection (b) applies with respect to each missile defense system, missile defense system upgrade, and missile defense system component that is capable of countering modern theater ballistic missiles.

(2) Subsection (b) ceases to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when such system, system upgrade, or system component has been field tested against a ballistic missile which, in that test, exceeded (A) a range of 3,500 kilometers, or (B) a velocity of 5 kilometers per second.

(d) ABM TREATY DEFINED.—In this section, the term ''ABM Treaty'' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes to Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 204. ADDITIONAL COMMITMENT.

While the other provisions of this title specifically address defenses to counter the growing threat of theater ballistic missiles, Congress also hereby affirms its commitment to ultimately provide the United States with the capability to defend the people and territory of the United States from attack by ballistic missiles.

Mr. WARNER. Mr. President, I rise today, in continuation of my longstanding efforts—working with many others—in support of missile defenses, to introduce the Theater Missile Defense Act of 1995. I am please to have as original cosponsors of this legislation Senator DOLE, Senator THURMOND, Senator LOTT, Senator COHEN, Senator NICKLES, Senator KYL, Senator STEVENS, Senator COCHRAN, and Senator SMITH.

Mr. President, few would argue with the compelling need we are facing for defenses against the growing threat of attack from theater ballistic missiles. Indeed, poll after poll has shown that the overwhelming majority of Americans believe that we already possess a highly effective capability to defend forward-deployed troops—and indeed the United States—from ballistic missile attack today are only slightly better than they were during the gulf war.

Iraqi SCUD missile attacks during Desert Storm brought home to all Americans the vulnerability of United States forward-deployed troops to short-range—theater—ballistic missile attacks from third world nations. Although the Iraqi SCUD's were rudimentary, comparatively inexpensive, weapons which were not considered ''militarily significant,'' they wrought havoc on allied operations, alerts disrupted the front lines as well as the rear echelons. And on February 25, 1991, an Iraqi SCUD missile attack that struck a United States military barracks in Saudi Arabia represented the largest single cause of American casualties during Desert Storm.

Currently, over 30 nations have short-range ballistic missiles. And 77 nations have cruise missiles in their inventories. The defenses being developed to counter theater ballistic missiles will also incorporate some capabilities to counter cruise missiles. In addition, the Department of Defense is actively pursuing a dedicated effort to develop defenses which are focused specifically on the growing curse missile threat.

As the gulf war demonstrated, the threat such missiles pose to the men and women of the U.S. Armed Forces is real, immediate, and growing. We must accelerate the development and deployment of highly effective theater missile defense systems to protect our troops. We owe it to the brave men and women who serve in uniform to provide them with the most advanced defense systems which we are technically and financially capable of producing. Work on such defenses should not in any way be constrained by restrictive and erroneous interpretations of the ABM Treaty—a 23-year-old treaty with the former Soviet Union. I would also like to point out to my colleagues that the restrictions of the treaty currently hamper the defense efforts of only two countries—the United States and Russia. To the extent we allow the U.S. to be ''handcuffed'' by the limits of this Treaty, the U.S. fails to utilize its full scientific potential while other nations are free to pursue their defenses against ballistic missile attack unrestricted by this treaty.

Mr. President, the ABM Treaty was never intended to limit or restrict theater missile defense systems. The administration concedes this point. In addition, I have had the opportunity to discuss this issue recently with two individuals who were intimately involved in the ABM Treaty negotiations, John Foster and former Secretary of State Henry Kissinger. They both agreed that defenses against theater missiles were never contemplated during the ABM Treaty negotiations. According to Secretary Kissinger, the focus of the negotiations was on defenses against intercontinental ballistic missiles because, ''Those were the only systems that were in existence.''

But, unfortunately, this administration is pursuing a policy—and is in the process of negotiating some type of legal obligation, or ''demarcation agreement,'' with the Russians—that would allow ABM Treaty limitations to restrict our theater missile defense efforts. Indeed, an administration delegation headed by Deputy Secretary of State Strobe Talbott left last evening for Moscow to discuss a number of issues, possibly including the demarcation talks. I note that Deputy secretary of Defense Deutch dropped off of this trip, in part because of concerns expressed by a number of Members of Congress that he intended to conclude a demarcation agreement wit the Russians while in Moscow.

I hope that the submission of this legislation today will send a clear and unequivocal signal to the administration, and particularly to that delegation headed to Moscow, that the Senate will not sit idly by and allow the administration to sacrifice our theater missile defense capabilities in the interest of concluding a deal with the Russians. I hope the Russians will come to the realization that they need effective, advanced theater missile defenses even more desperately than we do. They are facing hostile nations on their borders which posses these short-range ballistic missile systems.

Mr. President, in the Missile Defense Act of 1991, the Congress urged the President to pursue discussions with the parties to the ABM Treaty to clarify the demarcation line between theater missile defenses and antiballistic missile defenses for the purposes of the ABM Treaty. Those negotiations should have been undertaken for the sole purpose of making clear that theater missile defense systems were not limited by the ABM Treaty.

Unfortunately, those negotiations are seriously off-track. Recently, I joined with a number of Senators in sending two letters to President Clinton expressing our concern that the administration had indicated a willingness to accept significant performance limitations on our theater missile defense systems, and urging a suspension of those negotiations. Despite these clear expressions of congressional concern, subsequent meetings that I and other Republican Senators have had with high level administration officials in recent weeks have confirmed that the administration is intent on concluding an agreement with the Russians that would limit the great technological potential of the United States to develop and deploy the most effective theater missile defense system we can build. Who is willing to stand up and say we owe less to our armed forces?

In addition, it has become clear to be that the administration does not contemplate submitting any such ''demarcation agreement'' to the Senate for advice and consent, as required by legislation which I sponsored to last year's Defense authorization bill. I am troubled that the Senate will not be allowed a role in an international agreement that will impose major new limitations and obligations on the United States.

It is time for the Congress to act to ensure the development of the most capable, cost-effective theater missile defense architecture to protect our forward-deployed forces.

Therefore, I am submitting this amendment today, together with my cosponsors, to prohibit the obligation or expenditure of any funds by any official of the Federal Government for the purpose of applying the ABM Treaty, or any limitation or obligation under that Treaty, to the research, development, testing or deployment of a theater missile defense system, upgrade or component. The standard which we have used in this legislation to defined the demarcation between antiballistic missile defenses which are limited by the ABM Treaty, and theater missile defenses which are limited by the ABM Treaty, and theater missile defenses which are not, is similar to the one used by the administration at the beginning of the demarcation negotiations—that is, a missile defense system which is covered by the ABM Treaty is defined as a missile defense system which has been field-tested against a ballistic missile which, in that test, exceeded: First, a range of more than 3,500 kilometers, or second a maximum velocity of more than 5 kilometers per second. Put simply, if a missile defense system has not field-tested in an ABM mode—and therefore has not demonstrated a field-tested capability to counter intercontinental ballistic missiles—it should not be limited in any by the ABM Treaty.

In addition, this amendment declares that it is the policy of the United States that ''advanced theater missile defenses should be developed and deployed as soon as possible in order to provide protection for United States military forces deployed in foreign theaters of operation and for allied forces participating in operations with those United States forces.''

I don't know of anyone who would disagree with that goal. We should proceed expeditiously with this important mission, and remove the ''handcuffs''' from our theater missile defense efforts. We should not permit the Russians to hold a veto over theater missile defense systems which are vitally needed by our armed forces.

Mr. President, I want to make clear that this amendment, narrowly drawn to the immediate issue of theater missile defenses, should in no way be interpreted as implying any lessening of the commitment of the co-sponsors to a national missile defense. Indeed, section 4 of the amendment states that,

> Congress also hereby affirms its commitment to ultimately provide the United States with the capability to defend the people and territory of the United States from attack by ballistic missiles.

In this amendment we have dealt in more detail with theater missile defense systems because it is those systems which are in a more advanced stage of development, and which are currently being jeopardized by limitations which the administration may soon sign up to with the Russians.

We are also not attempting with this legislation to either reaffirm or reject the ABM Treaty. That is a debate for another day.

I urge my colleagues to support this important piece of legislation.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

GORTON AMENDMENTS NOS. 569–571

Mr. GORTON proposed three amendments to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 569

On page 17 of Amendment 420, strike lines 14 through 17.

AMENDMENT NO. 570

On page 26, after line 2, insert the following:

''This section shall only apply to permits that were not extended or 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 and also shall include permits that expired in 1994 and in 1955 before the date of enactment of this Act.''

AMENDMENT NO. 571

On page 23, strike lines 17–18 and insert in lieu thereof the following:

''Of the available balances under this heading, $3,000,000 are rescinded.''

MURKOWSKI AMENDMENT NO. 572

Mr. GORTON (for Mr. MURKOWSKI) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 20, between lines 13 and 14, insert the following:

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332 for the Office of Aircraft Services, $150,000 of the amount available for administrative costs are rescinded, and in expending other amounts made available, the Director of the Office of Aircraft Services shall, to the extent practicable, provide aircraft services through contracting.

STEVENS AMENDMENT NO. 573

Mr. GORTON (for Mr. STEVENS) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On Page 81 after line 18, add a new section as follows:

SEC. .(a.) As provided in subsection (b), an Environmental Impact Statement prepared pursuant to the National Environmental Policy Act or a subsistence evaluation prepared pursuant to the Alaska National Interest Lands Conservation Act for a timber sale or offering to one party shall be deemed sufficient if the Forest Service sells the timber to an alternate buyer.

(b.) The provision of this section shall apply to the timber specified in the Final Supplement to 1981–86 and 1986–90 Operating Period EIS (''1989 SEIS''), November, 1989, in the North and East Kuiu Final Environmental Impact Statement, January 1993; in the Southeast Chichagof Project Area Final Environmental Impact Statement, September 1992; and in the Kelp Bay Environmental Impact Statement, February 1992, and supplemental evaluations related thereto.

HOLLINGS (AND OTHERS) AMENDMENT NO. 574

Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. BINGAMAN, Mr. BREAUX, Mr. GLENN, Mr. GRAHAM, Mr. LEAHY, Mr. LEVIN, Mr. KOHL, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mrs. MURRAY, Mr. PELL, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. ROBB) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 9 of the substitute amendment, strike line 1 through line 23 and insert the following:

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,100,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 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, $25,100,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

PRIVATIZATION ARRANGEMENTS ACT OF 1995

KEMPTHORNE (AND OTHERS) AMENDMENT NO. 575

(Ordered referred to the Committee on Armed Services.)

Mr. KEMPTHORNE (for himself, Mr. BROWN, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill (S. 570) to authorize the Secretary of Energy to enter into privatization arrangements for activities carried out in connection with defense nuclear facilities, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 3. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) AUTHORITY.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

''Sec.
''2540. Establishment of loan guarantee program.
''2540a. Transferability.
''2540b. Limitations.
''2540c. Fees charged and collected.
''2540d. Defense Export Loan Guarantee Revolving Fund.
''2540e. Full faith and credit of the United States.
''2540f. Definitions.

''§ 2540. Establishment of loan guarantee program

''(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

''(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

''(1) A member nation of the North Atlantic Treaty Organization (NATO).

''(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

''(3) A country in Central Europe that, as determined by the Secretary of State—

''(A) has changed its form of national government from a nondemocratic form of government to a democratic form of government since October 1, 1989; or

''(B) is in the processing of changing its form of national government from a nondemocratic form of government to a democratic form of government.

''(4) A country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of October 31, 1993.

''(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.—The Secretary may guarantee a loan under this subchapter only as provided in appropriations Acts.

''§ 2540a. Transferability

''A guarantee issued under this subchapter shall be fully and freely transferable.

''§ 2540b. Limitations

''(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

''(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

''(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

''§ 2540c. Fees charged and collected

''(a) IN GENERAL.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

''(b) AMOUNT.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under this section with respect to a loan guarantee shall be fixed in an amount determined by the Secretary to be sufficient to meet potential liabilities of the United States under the loan guarantee.

''(c) PAYMENT TERMS.—The fee for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

''(d) COLLECTIONS TO BE CREDITED TO REVOLVING FUND.—Fees collected under this section shall be credited to the Defense Export Loan Guarantee Revolving Fund.

''§ 2540d. Defense Export Loan Guarantee Revolving Fund

''(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the 'Defense Export Loan Guarantee Revolving Fund'.

''(b) ASSETS OF FUND.—The Fund is composed of sums credited to the Fund under section 2540c(d) of this title and under subsection (c).

''(c) INVESTMENT OF FUNDS.—Amounts in the Fund may be invested in obligations of the United States. Interest and any other receipts derived from such investments shall be credited to the Fund.

''(d) AVAILABILITY OF FUND.—Sums in the Fund shall be available, to the extent provided in appropriations Acts, to pay the cost of loan guarantee obligations under this subchapter.

''§ 2540e. Full faith and credit of the United States

''All guarantees issued under this subchapter shall constitute obligations, in accordance with the terms of those guarantees, of the United States, and the credit of the United States is hereby pledged for the full payment and performance of those obligations.

''§ 2540f. Definitions

''In this subchapter:

''(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

''(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).''.

(2) CLERICAL AMENDMENT.—The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

''VI. Defense Export Loan Guarantees ..... 2540''.

(b) REPORT.—

(1) REQUIREMENT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a).

(2) CONTENT OF REPORT.—The report shall include—

(A) an analysis of the costs and benefits of the loan guarantee program; and

(B) any recommendations for modification of the program that the President considers appropriate, including—

(i) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(ii) any proposed legislation necessary to authorize a recommended modification.

Mr. KEMPTHORNE. Mr. President, I rise today to submit an amendment to S. 570 to create a defense export loan guarantee program at the Department of Defense. I am pleased that I am joined in this effort by the distinguished Senator from Colorado, my friend, HANK BROWN, and senior and junior Senators from Connecticut, Senators DODD and LIEBERMAN.

As many of my colleagues know, defense exports are currently prohibited from participating in Government financing systems available for the exports of other nondefense products. My amendment would eliminate this discriminatory treatment of legitimate defense exports while preserving all existing export controls. I want to be clear that my colleagues understand this last point: My amendment deals only with legitimate sales that are consistent with every existing export control and license requirement. My amendment also does not propose to sell destabilizing weapons to dangerous

countries, but would only support sales of defense articles to a select number of countries. It would allow American defense companies and workers to compete on a level playing field for legitimate defense sales that promote our National interests.

Since the height of the Reagan build up in 1985, the defense budget has been declining every year. In particular, the Department of Defense has reduced the procurement of weapons systems that our military personnel use to defend our Nation's interests. As a result of these cuts in procurement, large parts of our defense industrial base are closing their doors. Today, we have concerns about the ammunition industrial base, the small arms industrial base, the shipbuilding industrial base, the tank industrial base, and the helicopter industrial base. As the defense committees look at the defense industrial base, we know that we will need these manufacturing capabilities in the future as we struggle to find ways to preserve these assets.

One way we can help preserve this important industrial base is to allow defense companies to use export financing similar to that available to every other exporter in the United States. And that is what my amendment would do.

The United States currently dominates the international arms market. In my mind, our dominance in this market is a result of the superiority of our weapons, as demonstrated in Operation Desert Storm, and the sharp reduction in arms exports from the former Soviet Union. But we still have strong competition in the international arms market. Today, American defense exporters face stiff and increasing challenges from many of our European allies who have access to Government-supported export financing. American companies do not compete on a level playing field and this may erode U.S. marketshare at precisely a time when our own modernization program is in budgetary jeopardy. This situation is what my amendment seeks to address.

My amendment would give the Secretary of Defense the discretion to create a self-financing program to extend Government-backed loan guarantees for the export of defense articles and services. The buyer or the seller would pay fee which would cover the Federal Government's exposure cost of the loans. The list of eligible countries would be limited to NATO allies, major non-NATO allies, the emerging democratic states in Central Europe and members of the Asian Pacific Economic Cooperation [APEC]. Two years after enactment, my amendment calls for the President to issue a report that assesses the costs and benefits of the program and that recommends modifications.

Mr. President, my amendment has strong bipartisan support but I know some Members of the Senate oppose this type of program. I am open to any suggestion for improving this amendment, but this amendment represents a solid start for addressing this issue. The important point is that our defense companies and workers, the men and women who won the cold war for the United States, need our help to compete effectively on the international market. No one argues that defense exports alone will not make up for the effects of a 70-percent reduction in the defense procurement budget over the last 10 years. By providing this exports loan guarantee authority, however, we have a chance to help preserve at least some of the most important segments of the industrial base that our country will surely need in the future. We will also have a chance to save good, high-paying American jobs, and we owe it to ourselves, and to our future, to let our workers enjoy the benefits of a level playing field in the international defense marketplace.

GORTON AMENDMENT NO. 576

Mr. GORTON proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 19, line 2, strike ''$11,297,000'' and insert: ''$9,983,000''.

On page 21, line 17, strike $3,020,000'' and insert: ''$3,720,000''.

On page 21, line 17, after ''rescinded'' insert ''and the Chief of the Forest Service shall not exercise any option of purchase or initiate any new purchases of land, with obligated or unobligated funds, in Washington County, Ohio, and Lawrence County, Ohio, during fiscal year 1995''.

On page 44, line 77, insert the following:

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this heading in Public Law 100–17, $690,074 are rescinded.

DOLE (AND OTHERS) AMENDMENT NO. 577

Mr. DOLE (for himself, Mr. DASCHLE, and Mr. SANTORUM) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Strike all after the first word and insert:

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.

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.

GENERAL PROVISIONS

SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

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

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $27,710,000 are rescinded.

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.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VII of Public Law 103–317, $17,100,000 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

(RESCISSION)

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, $13,000,000 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, $125,000,000 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 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 made 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

(RESCISSION)

Of the funds made 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 ENGERGY 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 Buck 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 Pay 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).

SEC. 504. 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.).

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, $1,508,700,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 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.

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, $13,988,000 are rescinded.

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, $10,100,000 are rescinded, including $6,300,000 from funds made available for State and local education systemic improvement, and $1,300,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $2,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $729,000 for National programs and $1,771,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, 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 $2,200,000 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 III–B, $43,888,000 and from title IV–A and IV–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 hearing in Public Law 103–333, $46,583,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 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

(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, $8,186750,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307,283, $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 103–313 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 $2,000,000,000 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 purchases 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

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

(RESCISSION)

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, $1,894,840,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000

Phoenix, U.S. Federal Building, Courthouse, $121,890,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

Tucson, Federal Building, U.S. Courthouse, $80,974,000

California:

Menlo Park, United States Geological Survey office laboratory building, $6,868,000

Sacramento, Federal Building-U.S. Courthouse, $142,902,000

San Diego, Federal building-Courthouse, $3,379,000

San Francisco, Lease purchase, $9,702,000

San Francisco, U.S. Courthouse, $4,378,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

San Pedro, Customhouse, $4,887,000

Colorado:

Denver, Federal building-Courthouse, $8,006,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $37,618,000

General Services Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $113,084,000

Florida:

Ft. Myers, U.S. Courthouse, $24,851,000

Jacksonville, U.S. Courthouse, $10,633,000

Tampa, U.S. Courthouse, $14,998,000

Georgia:

Albany, U.S. Courthouse, $12,101,000

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000

Savannah, U.S. Courthouse annex, $3,000,000

Hawaii:

Hilo, federal facilities consolidation, $12,000,000

Illinois:

Chicago, SSA DO, $2,167,000

Chicago, Federal Center, $47,682,000

Chicago, Dirksen building, $1,200,000

Chicago, J.C. Kluczynski building, $13,414,000

Indiana:

Hammond, Federal Building, U.S. Courthouse, $52,272,000

Jeffersonville, Federal Center, $13,522,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Wallas, Corps Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal Building-U.S. Courthouse, $35,829,000
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, $351,000,000 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; and except that such rescission should not apply to $30,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $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; $1,050,000,000 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 $1,050,000,000 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; $615,000,000 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, $88,000,000 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, $105,000,000 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.

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 in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; 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 or 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 extend 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 days 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 OF 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 his Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title i5, 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.

SEC. 2010. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1996, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section * * * of the Food Security Act of 1985 (16 U.S.C. * * *).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1986 (16 U.S.C. 3821 et seq.) or any other provision of law.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

SEC. 2011. Of the funds available to the agencies of the federal government, $337,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts; *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every federal agency, department, and office, including the Office of the President.

TITLE III—IMPACT OF LEGISLATION ON CHILDREN

SEC. 3001. 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.

TITLE IV—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. 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. 4002. 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.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1964, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in Title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1996.

LEVIN (AND OTHERS) AMENDMENT NO. 578

Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. SPECTER, Mr. KOHL, Mr. GLENN, Mr. SANTORUM, Mr. SIMON, Mr. D'AMATO, Mr. FEINGOLD, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 9, line 16 strike ''$13,000,000'' and insert ''$15,000,000''.

On page 9, line 12, strike ''$37,600,000'' and insert ''$35,600,000''.

HARKIN (AND OTHERS) AMENDMENT NO. 579

Mr. HARKIN (for himself, Mr. LEAHY, Mr. REID, Mr. KENNEDY, Mr. SIMON, and Mr. WELLSTONE) proposed an amendment to amendment No. 420 proposed

by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Insert after page 7, line 18:

INTERNATIONAL BROADCASTING OPERATORS

(RESCISSION)

Of the funds made available under the heading to the Board for International Broad casting in Public Law 103–317, $40,500,000 are rescinded

On page 27, delete lines 4 through 12.

On page 36, line 10, strike ''$26,360,000'' and insert ''$17,791,000''.

On page 36, line 12, strike ''$29,360,000'' and insert ''$11,965,000''.

HATFIELD (AND BYRD) AMENDMENT NO. 580

Mr. HATFIELD (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 26. line 12 reduce the sum named by ''$200,000,000''.

On page 26, line 20, reduce the sum named by ''$200,000,000''.

On page 27, line 21, strike ''$3,221,397,000'' and insert in lieu thereof: ''$3,201,397,000''.

HATFIELD AMENDMENTS NOS. 581–582

Mr. HATFIELD proposed two amendments to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 581

In Amendment number 437 to Amendment 435 strike the following:

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 102–393, 103–123, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

and insert in lieu, thereof:

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 102–393, 103–123, 103–329, $1,894,000 are rescinded from the following projects in the following amounts:

and strike:

Tucson, Federal building, U.S. Courthouse, $121,890,000 and insert in lieu thereof:

Tucson, Federal building, U.S. Courthouse, $80,974,000.

AMENDMENT NO. 582

On page 44 line 16 insert: '': *Provided further*, Of the available contract authority balances under this heading in Public Law 97–424, $13,340,000 are rescinded; and of the available balances under this heading in Public Law 100–17, $126,608,000 are rescinded.''

LAUTENBERG AMENDMENT NO. 583

Mr. HATFIELD (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 43, line 17, strike the numeral and insert $1,318,000,000.

On page 46, strike all beginning on line 6 through the end of line 11.

BURNS AMENDMENT NO. 584

Mr. HATFIELD (for Mr. BURNS) proposed an amendment to the bill H.R. 1158, supra; as follows:

At the appropriate place insert the following:

(a) SCHEDULE FOR NEPA COMPLIANCE.—Each National Forest System unit shall establish and adhere to a schedule for the completion of National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analysis and decisions on all allotments within the National Forest System unit for which NEPA analysis is needed. The schedule shall provide that not more than 20 percent of the allotments shall undergo NEPA analysis and decisions through Fiscal Year 96.

(b) * * * other law, term grazing permits which expire or are waived before the NEPA analysis and decision pursuant to the schedule developed by individual forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified or re-issued, if necessary to conform to such NEPA analysis.

(c) EXPIRED PERMITS.—This section shall only apply to permits which were not extended or replaced with a new term grazing permit solely because the analysis required by NEPA and other applicable laws has not been completed and also shall include permits that expired in 1994 and 1995 before the date of enactment of this Act.

MCCAIN AMENDMENT NO. 585

Mr. HATFIELD (for Mr. MCCAIN) proposed an amendment to the bill H.R. 1158, supra; as follows:

In Title II—General Provisions, SEC. 2001 Timber Sales, add the following to the end of subsection (6) SALE PREPARATION.: The Director of the Office of Personnel Management, and the Secretary of the relevant Department, shall provide a summary report to the governmental affairs committees of the House and Senate regarding the number of incentive payment recipients who were rehired, their terms of reemployment, their job classifications, and an explanation, in the judgment of the agencies, of how such reemployment without repayment of the incentive payments received is consistent with the original waiver provision of P.L. 103–226.

This report shall not be conducted in a manner that would delay the rehiring of any former employees under this Act, or effect the normal confidentiality of federal employees.

JEFFORDS AMENDMENT NO. 586

Mr. HATFIELD (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 14, line 12 strike $81,500,000 and insert ''$71,500,000''.

On page 13, strike the figure on line 24 and insert ''$60,000,000''.

PELL AMENDMENT NO. 587

Mr. HATFIELD (for Mr. PELL) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 33, line 9, strike ''$236,417,000'' and insert ''$242,417,000''.

On page 33, line 14, strike ''$8,900,000'' and insert ''$14,900,000''.

On page 34, line 4, strike ''$60,566,000'' and insert ''$54,566,000''.

On page 34, line 7, strike ''$8,891,000'' and insert ''$2,891,000''.

KENNEDY AMENDMENT NO. 588

Mr. HATFIELD (for Mr. KENNEDY) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 36 after line 5, insert:

''PROGRAM ADMINISTRATION

''(RESCISSION)

''Of the funds made available under this heading in Public Law 103–333, $4,424,000 are rescinded.''

On page 34, line 18, strike ''$57,783,000'' and insert in lieu ''$53,359,000''.

On Page 35, line 2, strike ''$6,424,000'', and insert in lieu of ''$2,000,000''.

AKAKA AMENDMENT NO. 589

Mr. HATFIELD (for Mr. AKAKA) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 31, strike line 9 and insert the following: ''Public Law 103–333, $10,988,000 are rescinded.''.

On page 31, between lines 9 and 10, insert the following:

''Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded.''.

On page 32, line 5, strike $2,918,000'' and insert ''$4,018,000''.

KEMPTHORNE AMENDMENT NO. 590

Mr. HATFIELD (for Mr. KEMPTHORNE) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 11, line 19, strike ''$2,000,000 are rescinded.'' and insert the following: $2,500,000 are rescinded.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

For the Advisory Commission on Intergovernmental Relations for purposes of section 306 of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), $500,000.

INOUYE AMENDMENT NO. 591

Mr. HATFIELD (for Mr. INOUYE) proposed an amendment to the bill H.R. 1158, supra; as follows:

In chapter V of title I, under the heading ''CONSTRUCTION'' under the heading ''SMITHSONIAN INSTITUTION'' under the heading ''OTHER RELATED AGENCIES'' strike '': *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.''.

WELLSTONE AMENDMENT NO. 592

Mr. HATFIELD (for Mr. WELLSTONE) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 29, line 16, strike ''$2,185,985,000'' and insert in lieu thereof $2,191,435,000''.

At the appropriate place in the bill insert the following notwithstanding any other provision of this Act, administrative expenses and travel shall further be reduced by $5,500,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

COHEN (AND OTHERS) AMENDMENT NO. 593

Mr. THOMPSON (for Mr. COHEN for himself, Mr. ROTH, and Mr. JEFFORDS) proposed an amendment to the bill

(H.R. 1345) to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes; as follows:

On page 7, line 2, strike ''or''.

On page 7, line 6, strike the period at the end and insert a semicolon.

On page 7, between lines 6 and 7, insert the following:

(3) to amend, supersede, or alter the provisions of title 11 of the District of Columbia Code, or sections 431 through 434, 445, and 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act (pertaining the organization, powers, and jurisdiction of the District of Columbia courts); or

(4) to authorize the application of section 103(e) or 303(b)(3) of this Act (relating to issuance of subpoenas) to judicial officers or employees of the District of Columbia courts.

On page 10, strike lines 7 through 9 and insert the following new paragraph:

''(4) maintains a primary residence in the District of Columbia or has a primary place of business in the District of Columbia.''.

On page 12, strike lines 17 through 24 and insert the following:

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS.—

(1) CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) DISTRICT EMPLOYMENT AND PROCUREMENT LAWS.—The Executive Director and staff of the Authority may be appointed and paid without regard to the provisions of the District of Columbia Code governing appointments and salaries. The provisions of the District of Columbia Code governing procurement shall not apply to the Authority.

PAKISTAN RESOLUTION

PRESSLER AMENDMENT NO. 594

Mr. THOMPSON (for Mr. PRESSLER) proposed an amendment to the resolution (S.Res. 102) to express the sense of the Senate concerning Pakistan and the impending visit of Prime Minister Bhutto; as follows:

On line 4 of page 2, after ''the'', add the following—''people of the''.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION

GRASSLEY (AND OTHERS) AMENDMENT NO. 595

Mr. THOMPSON (for Mr. GRASSLEY for himself, Mr. HATCH, Mr. ROTH, and Mr. THURMOND) proposed an amendment to the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children; as follows:

On page 1, strike all after enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sex Crimes Against Children Prevention Act of 1995''.

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at least 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking ''2245'' and inserting ''2246''.

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

Mr. GRASSLEY. Mr. President, I rise to offer an amendment to H.R. 1240, the Sexual Crimes Against Children Prevention Act of 1995. H.R. 1240 seeks to enhance prison time as well as fines for child pornographers who use computers to trade in child pornography. I believe that this penalty enhancement is an important measure and the Grassley-Hatch-Thurmond amendment merely clarifies what the House intended to do in order to remove any possible confusion in the future.

Computers are now the preferred business forum for child pornographers. Due to modern technology, predatory pedophiles sell, purchase and swap the most vile depictions of children engaged in the most outrageous types of sexual conduct.

Simply put, child pornography on computers is dangerous and must be stopped. In the past, whenever, State or Federal law enforcement agents arrested a child pornographer, or ring of child pornographers, they seized and then destroyed the child pornography. This kept child pornography out of the hands of child molesters and preserved the privacy of the children who had been so callously exploited. But now, because of digital computer technology, it is nearly impossible to actually destroy child pornography. That means there will be more child pornography for child molesters and less privacy for abused children. We in Congress must do something.

H.R. 1240 and the Grassley-Hatch-Thurmond amendment would discourage child pornographers from using computers to trade in child pornography. And when the U.S. Sentencing Commission reports to us this fall on how computer child pornographers are being punished, I will take a close look to see if there is anything the Senate can do to provide even more protection to children.

Mr. HATCH. Mr. President, I am pleased to join with Senators GRASSLEY and THURMOND in offering the Sex Crimes Against Children Prevention Act of 1995.

Obsecenity is a plague upon the moral fabric of this great Nation. It poisons the minds and spirits of our youth and fuels the growth of organized crime. Child pornography, a particularly pernicious evil, is something that no civilized society can tolerate.

To this end, I am introducing legislation to increase the penalties imposed under sections 2251 and 2252 of title 18 of the United States Code, upon those who exploit and degrade the weakest and most helpless members of our society, our children. Those persons who choose to engage in sexual exploitation of children, whether to satisfy prurient desire or to gain filthy lucre, must be made to feel the full weight of the law and suffer a punishment commensurate with the seriousness of their offense.

In addition to increasing the penalties for distributing child pornography or otherwise sexually exploiting children, I am pleased to note that this legislation helps our law enforcement efforts in this area keep pace with changing technology by increasing the penalties for the use of computers in connection with the distribution of

child pornography. As an ever-increasing percentage of Americans, and especially our young people, enter the information superhighway, it is critical that we act to ensure that this highway is not littered with the debris of child pornography.

The bill also directs the Sentencing Commission to assess the impact of these increased penalties and to report to Congress any necessary modifications in the law. The Sentencing Commission will also be required to survey the recidivism rates for those who commit sex crimes against children and analyze the effect of treatment for those offenders.

I commend my colleagues from Iowa, Senator GRASSLEY, and South Carolina, Senator THURMOND, for joining me in introducing this bill. I urge my colleagues to support this important legislation.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Forests and Public Land Management to review the coordination of and conflicts between the Federal forest management and general environmental statutes.

The hearing will take place Wednesday, April 26, at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider S. 537, to amend the Alaska Native Claims Settlement Act, and the House version of the bill, H.R. 402.

The hearing will take place Thursday, April 27, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, April 6, 1995 session of the Senate for the purpose of conducting an executive session and markup on S. 565.

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

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, April 6, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on the consumer price index.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, April 6, 1995.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 6, 1995, at 10:00 a.m. to held a hearing on ''the right to own property.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on The FDA and the Future of the American Biomedical and Food Industries, during the session of the Senate on Thursday, April 6, 1995 at 10:00 a.m.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:00 p.m. on Thursday, April 6, 1995, in open session, to receive testimony on the implementation of acquisition management reform in the Department of Defense 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.

SUBCOMMITTEE ON SECURITIES

Mr. SANTORUM. Mr. President, I ask unanimous consent that subcommittee on Securities, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 6, 1995, to conduct a hearing on securities litigation reform proposals.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTIVE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, April 6, 10:00 a.m. on legislation to approve the National Highway System; issues related to the Woodrow Wilson Bridge; and the innovative financing of transportation facilities.

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

ADDITIONAL STATEMENTS

MANY OBSTACLES TO BALANCING OF BUDGET

• Mr. SIMON. Mr. President, one of the more thoughtful observers of the political scene through the years has been Melvin Brooks, now retired as a professor at Southern Illinois University in Carbondale.

Recently, he had an op ed piece in the Southern Illinoisan, a newspaper published in Carbondale, IL.

He discusses the practical obstacles to balancing the budget and why it is important to the future of our country.

His concluding paragraph says it all: ''Failure to balance Federal budgets without such an amendment appear almost certain and dreadful consequences of failure to pay as we go are virtually certain. Few people seem to realize how many shattering consequences are almost inevitable.''

Mr. President, I ask that the Melvin Brooks op ed piece be reprinted in the RECORD.

The piece follows:

[From the Southern Illinoisan]

MANY OBSTACLES TO BALANCING OF BUDGET

(By Melvin Brooks)

The obstacles to balancing the federal budget are indeed formidable, some believe too formidable to overcome.

One key obstacle is the behavior of members of Congress, presidents, other politicians, and special interests seeking to influence national policies. Most members of Congress want to be re-elected, have good mental ability and are politically knowledgeable. They know (or at least think they know) how to obtain enough votes to get re-elected.

One way is to tell voters what they like to hear regardless of logical inconsistency, and by all means avoid disagreeing with the favorite prejudices of their constituents. This they do.

It seems like increasing majorities of candidates for Congress criticize big government and promise to make large reductions in government, reduce taxes, balance the federal budget, yet prevent any reductions in Social Security or in military expenditures in order to keep the United States strong.

This is, of course, an impossible combination and they know it. Yet they also know that if they omit some of these promises, opponents who make all of them are likely to obtain more votes.

They also know that if they support the policies desired by special interests, especially those strong in their districts or states, they are likely to receive campaign contributions which otherwise would probably be given to an opponent.

And the more money a candidate has the more he can spend on television and thus increase his chances of winning. The temptation to play along with special interest groups is great, even though it will tend to increase national deficits.

The other huge obstacle to reducing federal deficits is the apparently high percentage of the public that is not well-informed about federal financial problems and/or are easily influenced by political propaganda. That includes people who pay little attention to what elected officials do from day to day until near election dates and then do their duty by listening to an occasional campaign speech and short (but expensive) political commercials.

They do not realize that the records of politicians are a far more reliable indication of what a politician will do in the future than are sounding promises. And people who fail to vote because ''all politicians are dishonest'' or ''my vote won't make any difference'' make it easier for the candidate with the most to spend to get elected.

Of course the special interest groups which spend large sums on campaign contributions (in effect a form of bribery) and seek costly special privileges from the government, are a very important cause of our inability to eliminate deficits. As long as they can prevent passage of comprehensive campaign finance reforms such as those narrowly defeated by the Republicans and some moderate Democrats a year or two ago, expect little change.

Other causes of budget deficits are the failure of our educational system and the mass media to educate the public better concerning basic political functioning.

Can politicians who get elected to high office really be blamed for our dangerously high and still growing national debt of nearly five trillion dollars? After all, every one of them was elected by more votes than those who were defeated.

My answer is yes. Either most or many of them at times put their personal interests, the interests of their party and/or the interests of their key supporters ahead of the long-run best interests of the United States.

Let me illustrate with the issue of the extremely narrow defeat of the proposed balanced budget amendment to the Constitution.

Leading Democrats charge that Congress can balance the budget any time there is the will to do it. They claim that whenever the Republicans present a concrete plan showing the cuts they propose to achieve a balanced budget, then the Democrats will negotiate with them to achieve a balanced budget.

The Democrats know that the Republicans will not, probably cannot, do this. The president is still smarting over the way Republicans and Mountain State Democrats defeated his proposal to charge reasonable prices for logging, mining and grazing rights on federal forest land.

Many liberal Democrats feared that if the amendment were adopted, Republicans might succeed in raiding Social Security funds so extensively that the system would be bankrupted when the baby boom generation retired. There are very good arguments against both of these extreme positions.

A reasonable compromise would be an excellent solution but was not seriously considered by either side. Apparently many Republicans and Democrats alike feared that the amendment could force them to make very difficult decisions which might jeopardize retaining their positions in Congress.

Right-wing Republicans favor policies which could easily result in a bigger gap between the rich and the poor and even larger deficits as happened between 1981 and 1994. Many liberal Democrats point out the serious potential risks of passage of the proposed amendment to balance federal budgets. But these are only potential.

Failure to balance federal budgets without such an amendment appear almost certain and dreadful consequences of failure to pay as we go are virtually certain. Few people seem to realize how many shattering consequences are almost inevitable.

Melvin Brooks is a retired Southern Illinois University at Carbondale professor.●

HONORING MICHIGAN STATE UNIVERSITY BASKETBALL COACH JUD HEATHCOTE ON THE OCCASION OF HIS RETIREMENT

● Mr. ABRAHAM. Mr. President, I rise to pay tribute to a great man and a great head coach: Jud Heathcote of the Michigan State Spartans. After this season ends, players and fans of college basketball at Michigan State will have to learn to live without the institution that is Jud Heathcote. He will be sorely missed.

Jud Heathcote's 340 wins in 19 seasons at MSU make him State's all-time winningest coach. Jud passed the previous mark of 232 in February 1990. His teams hold the first through seventh-highest victory totals on MSU's all-time single-season list. To top it off, Coach Heathcote's Spartans won the NCAA championship in 1979 and won the Big Ten in 1978, 1979, and 1990.

As he retires, Jud, his wife Beverly, and their children Jerry, Carla, and Barbara can look back on a long-running, successful career. Jud capped off a very successful tenure as Head Coach at the University of Montana by serving as assistant coach of the U.S. Pan American team in 1975—a team which brought back the Gold Medal. Beginning at MSU in 1976, Coach Heathcote became Big Ten Coach of the Year by the 1977–78 season. He repeated this performance in 1985–85 and went on to become the National Association of Basketball Coaches [NABC] Coach of the Year in 1989–90 and College Sports Magazines's Coach of the Year in 1994–95.

Noted for his special expertise in coaching defense, Jud also produced at MSU a team that this year led the Big Ten in field goal percentage, and was ranked seventh nationally. His dedication to the game, his concern with the well-being of the players and the integrity of the MSU program and his personal warmth and decency all make him a coach for all seasons.

We will miss Coach Heathcote, but are grateful for his many contributions to basketball, MSU and Michigan, and wish him all the best in his retirement.●

TRIBUTE TO DR. MAURICE VANDERPOL

● Mr. KERRY. Mr. President, on April 22, 1995, many special guests from the Netherlands and this Nation will gather at the Wang Center in Boston to celebrate the permanent endowment of Young at Arts, the Wang Center's educational outreach program, with special recognition to Dr. Maurice Vanderpol for his enthusiasm and outstanding leadership in this effort.

In 1989 Dr. Vanderpol established the Walter Suskind Memorial Fund in memory of Water Suskind, whose courage saved the lives of hundreds of children from Nazi concentration camps during the Second World War. The fund was established as a permanent endowment for Young at Arts. This program teaches a curriculum in the arts to young children around Boston—possibly some of whom are the grandchildren of those Walter Suskind saved 60 years ago.

Due to Dr. Vanderpol's tireless effort over the past 6 years, the campaign to raise $1 million for the endowment was successful. This success, along with Dr. Vanderpol's exemplary leadership and extraordinary support in keeping alive the memories and the dreams of a people brutalized by the horrors of war, is why I wish to recognize Dr. Maurice Vanderpol on this day.●

FAREWELL TO BISHOP LOUIS HENRY FORD

● Ms. MOSELEY-BRAUN. Mr. President, Bishop Louis Henry Ford died last Friday, after many years of service to his church, and to the people of Chicago.

Bishop Ford was the presiding International Bishop of the Church of God in Christ, and the spiritual leader to over eight million people, as well as the founder and pastor of the St. Paul Church of God in Christ in Chicago.

Louis Henry Ford arrived in Chicago in 1933, after graduating from Saints College in Mississippi, and was soon ordained an Elder in the Church of God in Christ. Three years later he founded St. Pauls and embarked on his long career of saving souls and strengthening the community around him through religion. It is through his efforts that the membership of Church of God in Christ has risen to 8.7 million parishioners in 52 different countries, and is now the largest Pentecostal Church in the United States.

Indeed, Bishop Ford's involvement in the community was much more than just religious. He served many years on the Cook County Board of Corrections and often was called upon to consult with the city government, especially on Chicago schools and race relations issues. He was respected as a leader in the civil rights movement, and he continued that tradition as he rose to leadership in the Church of God in Christ. Throughout the years Bishop Ford has been given numerous honors and awards, including the declaration of October 25th, 1990, as Louis Henry Ford Day in Chicago. Indeed, his work was recognized by President Clinton in 1993, when he addressed the 86th Annual Holy Convocation.

Bishop Louis Henry Ford was a well-loved and important member of our community. he spent his life helping

people through the church. My greatest sympathy is with his wife Mother Margaret Ford, and his children Charles H.M. Ford and Janet Oliver Hill, and all his family members.

It is clear that Bishop Ford's legacy in the church will continue to help inspire people, and strengthen the community he loved long into the future. Bishop Ford will be greatly missed, but never forgotten.●

BISHOP'S VIEWS ON WELFARE REFORM

● Mr MOYNIHAN. Mr. President, Howard J. Hubbard, Bishop of Albany, recently presented his views on welfare reform in the diocesan newspaper, the Evangelist. The bishop served for 4 years as chaplain at Community Maternity Services, a diocesan program for pregnant teens and their children, so his statement is based on practical experience. Having worked with many welfare mothers at CMS, he refers to a number of them by name in his reflections. Bishop Hubbard has been in the trenches, as they say, so I believe my colleagues would do well to examine his views on the subject.

Mr. President, I ask that Bishop Hubbard's column be printed in the RECORD.

The column follows:

HIS EXPERIENCES GIVE BISHOP IDEAS ON WELFARE REFORM

(By Bishop Howard J. Hubbard)

The present debate over welfare reform is very complex. Most everyone agrees that the current system isn't working. There seems to be a consensus as well that a major focus of attention must be the growing number of women, especially teenagers, having children out of wedlock.

Teenage pregnancy is a national crisis. Teens and their children are in danger of failing to develop to their full potential; and too often, they become dependent, rather than contributing, members of society. Adolescents who have children are still children themselves.

In the past decade, teen pregnancy in particular and child care in general have become key elements of our national agenda. Teenage sexual activity and childbearing have increased in recent years, and a growing proportion of births to teenagers takes place outside of marriage:

In 1989, more than one million U.S. babies were born to unwed women;

Almost 350,000 of those babies were born to women under the age of 20;

Nearly three-fourths of American children growing up in single-parent families experience poverty for some period during their first ten years;

Becoming a parent as a teenager increases the chances that a mother will not complete high school, that she will fare poorly in the job market, and that she and her children will live in poverty.

THOUGHT AND EMOTIONS

On the rational level, policymakers are seeking to address the aspects of the welfare system which foster dependency and contribute to a permanent underclass where lack of family stability, child abuse, drug usage and inferior education perpetuate the vicious cycle of poverty.

On the emotional level, however, there is the cry of frustrated citizens who feel that they are bearing the brunt of a system out of control.

That mentality—which is so often heard on the talk shows or reflected in letters to the editor—was captured in caricature form by Saundra Smokes in her Jan. 29 column in the Albany Times Union: "Get those baby-making, lazy welfare mothers out of here and let them take their school-lunch-eating, government-dependent children with them. Put them in orphanages, put them anywhere, just get them out of here."

MEETING THE WOMEN

As one who served as chaplain for four years at Community Maternity Services (CMS), our diocesan program for pregnant teens and their newborn children, I think it is important to get beyond the stereotypes. Then we can reflect carefully upon who these women are and what motivates their behavior before arriving at solutions. Let me share a few snapshots of the young women I came to know at CMS:

Sharelle was in a series of foster homes (her mother was 15 when she had Sharelle) and is now living on her own with her infant son. She dropped out of school, and her only hope is to meet someone who will support them.

Gail represents the young girls who had abortions in the past year. She made no plans for future sexual overtures and carried within her a gnawing need to bring the baby back. Pregnant again a year later, she thought maybe this was God's way of letting her repent. She thought her penance was to be a perfect mother to this child.

Tammi was an unpopular and unattractive teen who was unhappy with herself. She would respond to any attention from any of the young men of her acquaintance. She felt terribly lonely the morning after.

Amy, almost 16, has been dating Joe, 18, for a year Amy's parents have not talked to her about sexuality; much of what she has learned has come from afternoon soaps. By the time Amy and Joe had promised each other it wouldn't happen again, she was pregnant.

Cheryl was active in CYO, played her guitar at Mass and was the pride of her family. She fell madly in love with Tom. They occasionally agreed to intercourse because "love gives all" and because "maybe virginity is selfish." She prayed that soon she would be able to talk her boyfriend out of this; but before she could, she was pregnant.

While those young women come from a variety of economic and social backgrounds, they all show the same characteristics: lack of self-esteem, poor and no communication with parents, and a desire to escape their present situation by pursuing the type of happiness and fulfillment that MTV or the soaps promise.

SOLUTIONS

There is no simple or single solution to their situations. Each woman differs in terms of specific barriers she faces and resources she should have available to promote her self-sufficiency and to guide her to social and economic independence.

But, based upon my years of experience with these young women and so many others in similar straits, as well as documented research, I believe that any program of welfare reform designed to address their needs constructively must take into account several factors:

1. Welfare programs are not among the primary reasons for the rising number of out-of-wedlock births.

Greg Duncan and Jean Yeung, in a comprehensive report titled "The Extent and Consequence of Welfare Dependents," conclude that "most research examining the effects of higher welfare benefit levels on out-of-wedlock childbearing finds that benefit levels have no significant effect on the likelihood that black women and girls will have children outside of marriage, and no significant effect, or only a small effect, on the likelihood that whites will have such births. We strongly urge the rejection of any proposal that would eliminate the safety net for poor children born outside of marriage. Such policies do more harm than good."

In the short term, that means that more, not less, in assistance may be the appropriate and most effective approach in dealing with these women.

2. Policies and programs of intervention with mothers and their children must be cognizant of and sensitive to the unique circumstance and diverse needs each faces.

For example, there is a difference between the 19-year-old who has two years of college credits and needs some assistance in caring for her one-year-old son as she seeks employment or job training, and the 17-year-old who is a high school dropout and who has a learning disability as does her two-year-old child.

Therefore, public policies and programs to assist single-parent mothers must be tailored to fit specific needs, and will require appropriate goals and realistic individualized time frames for achieving such.

3. The major goal in working with pregnant women, especially adolescents, is to educate for the purpose of reducing teen pregnancies, and to facilitate movement to maturity, independence and non-repetitive behavior (which would include personal support, daycare and adoption options, etc.).

Those goals can best be accomplished, through building parenting skills, connecting families with resources in the communities where they live, and promoting a partnership with parents for the full and healthy development of their children.

4. Quality, affordable and accessible daycare and health care as well as ongoing education or job training are prerequisites for success.

5. There must be a strong moral component in any program for single mothers as well as a values-laden dimension which promotes marriage, family life, caring, truth-telling, the goodness of sexuality, and the importance of its discipline and the value of schooling and work.

6. There must be a pragmatic component which addresses handling finances, child care, house management, cooking, shopping, responsible decision-making and personal relationships.

7. Where possible, birth fathers must be part of the program, which should include a focus on their rights and responsibilities, especially their responsibility for supporting their child, at a minimum financially.

CHURCH'S ROLE

For all this is work, there cannot be hidden agendas on the part of government, families, social agencies and the teenagers involved. Rather, there must be a forthright presentation of issues and interactive responses that are proactive.

The Church—through the efforts of Catholic Charities—stands ready to participate in such a program of welfare reform. To do less is to try to address a complex and multi-casusal problem by settling for a massive and unwieldy system that, in the long run, falls painfully short of its goals.●

TRIBUTE TO DR. MICHAEL H. MESCON

● Mr. NUNN. Mr. President, I rise today to recognize Dr. Michael H. Mescon, Dean Emeritus of Georgia State University, as he is honored by

the United States Small Business Administration [SBA] with their 1995 award of SBA Georgia Veteran Advocate of the Year.

This SBA award recognizes Dr. Mescon's 12 years of volunteer contributions as a mentor, teacher and supporter of the Georgia Vietnam Veterans Leadership Program Small Business Training initiative. In his position as Dean of the Georgia State University School of Business, Dr. Mescon provided the Georgia Veterans Leadership Program with facilities, administrative support and access to the Georgia State University Small Business Development Center. He also gave his own time as a lecturer at seminars and special functions. These contributions, along with Dr. Mescon's perseverance and leadership, helped the fledgling program gain the necessary attention, support and credibility to successfully launch it's training initiative.

This Small Business Training initiative, begun in Georgia in 1983, has now been replicated across the nation. The Georgia Veterans Leadership Program has conducted seminars in 16 cities across the state of Georgia as well as in a dozen other states, reaching more than 10,000 veterans. The Georgia Veterans Leadership Program Small Business Training initiative has generated over 650 Small Business Administration-Veterans direct and guaranteed loans—for a total of nearly $400 million in loans.

Helping Dr. Mescon in his important work over the past 12 years has been a dedicated team of volunteers including Mr. Ron Miller, Mr. Tommy Clack, Mr. Rodney Alsup, Mr. Max Carey, Mr. Tom Carter, Mr. Ted Chernak, Mr. Andrew Farris, Mr. Dixon Jones, Ms. Mary Lou Keener, Mr. John Howe, Mr. Jim Mathis, Mr. Michael Mantegna, Mr. John Medlin, Mr. Steve Raines, Mr. Chuck Reaves, Mr. Richard Schuman and Mr. Dan Wall and the Honorable Max Cleland.

Mr. President I applaud the dedicated work of these Georgians and the many others who have helped with this initiative over the years. I congratulate Dr. Mescon for his receipt of the 1995 SBA Georgia Veteran Advocate of the Year and hope he will continue in his tireless work in support of Georgia's veterans.●

FRANK AUCOIN: SOUTH CAROLINA'S SMALL BUSINESS PERSON OF THE YEAR

● Mr. HOLLINGS. Mr. President, I rise today to pay tribute to Frank AuCoin, South Carolina's small-business person of the year for 1995. He is owner and president of Sign It Quick, a computerized sign-making company based in Charleston.

Success has not simply knocked on the door for Frank. He has done it the old fashion way—by working hard. He is a self-made businessman whose sign-making chain now boasts nine franchises in South Carolina, Florida, and Tennessee. The chain generated nearly $4 million in sales just last year.

While Frank and his wife, Teresa, were operating a chain of bookstores in South Carolina and Georgia in the early 1970's, they realized the potential of the sign-making business when they could not get their signs made quickly enough. So they started making their own. By the late 1980's when the technology became available to generate computer-aided signs, Frank realized that he could start a business to create and mass-produce signs easily. In 1987, Frank and his wife invested their life savings into the concept of a computer-generated sign-making company and Sign It Quick was born.

Mr. President, I am delighted to commend Frank AuCoin's many successes as a small businessman. When he opened his first store he created the world's largest sign—one that was the length of five football fields. Since then, he has created signs for two Super Bowls, the Hard Rock Cafe chain, Euro-Disney, and Donald Trump.

Recently, the Post and Courier in my hometown of Charleston, reported that Frank was South Carolina's small-business person of the year. Now he is competing for the national honor from the U.S. Small Business Administration this month. I hope he wins.

I ask that the article be printed in the RECORD.

The article follows:

[From the Post and Courier, Mar. 18, 1995]

SIGN IT QUICK OWNER IS 1995 SBA HONOREE

Frank AuCoin, owner and president of Charleston-based Sign It Quick, has been named South Carolina's small-business person of the year for 1995.

The honor was announced Friday by its sponsor, the U.S. Small Business Administration.

''I'm really happy for the city of Charleston because this is the first time a company from here was ever in the running for this,'' AuCoin said.

Sign It Quick is a computerized sign-making company that operates nine franchises in South Carolina, Florida and Tennessee. The company, formed in 1987, is headquartered at 5101 Dorchester Road in Charleston Heights.

Sign It Quick has 60 employees. Company-wide sales were $3.7 million last year. Coincidentally, South Carolina's small-business person of the year for 1994 was a Sign It Quick franchise owner, Julie Wetherell of Columbia.

The SBA will recognize its top small-business honorees next month in Washington, D.C. Companies represent each of the 50 states, the District of Columbia, Guam, and the Virgin Islands/Puerto Rico. The national small-business person of 1995 will be picked from the 53 business owners.

Also, AuCoin will be honored at a luncheon in Columbia May 4.

SBA bases its selections on factors such as innovations, staying power, employee growth and sales increases.●

DEFENSE EXPORT LOAN GUARANTEE AMENDMENT TO S. 570

● Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues as a cosponsor of this amendment to S. 570, to create a defense export loan guarantee program. I believe the loan guarantee program will be critical to preserving our defense industrial base and is, therefore, an investment in America's long-term security.

In the post-cold war period, the United States has rightly reduced its procurement of expensive weapons systems. This has resulted in cost savings to the U.S. Treasury, but it has undermined the financial security of many of the manufacturers. We have encouraged conversion of some of the defense industry into production of other products. However, in the long run, we cannot afford to have all defense manufacturers convert to nondefense production. Even if the world's current trouble spots do not erupt into conflict, prompting another round of rearmament, the U.S. military must maintain an up-to-date inventory of the world's most capable equipment. To do that, we must preserve a minimum threshold of defense production, lest we face either astronomical startup costs or the disappearance of one or more critical defense producers altogether. Current U.S. defense procurement is not sufficient to keep some of these industries going; we must help them in their own efforts to export abroad.

I commend the administration for its recent review of arms export policy. That review concluded with the President's decision to preserve the current policy to discourage arms proliferation but to take into account as well U.S. domestic economic considerations in reaching a decision on applications for arms export licenses. I do not propose to change that policy in any respect.

While we do not want to make arms export licenses any more freely available than they are under current policy, I believe we should do more to level the playing field for U.S. manufacturers once an export license has been approved. U.S. defense industries face extremely tough competition for arms exports in the current international environment. Not only the United States, but also most of Western Europe have cut defense spending and military procurement budgets. In this shrinking market, U.S. defense manufacturers must compete against European and Canadian manufacturers who benefit from the extensive support—in some cases, including subsidies—of their governments.

Buyers have the advantage in the current, competitive international arms market. Having the best product, track record and support network is often not enough to win a competition. In many cases, one must also provide financing for the sale. At present, the only source of financing for U.S. weapons systems exports are commercial banks, whose loan rates often make the price for U.S. weapons exports uncompetitive. French, German, British, Italian and Canadian defense manufacturers can get government-subsidized or guaranteed loans for weapons exports. These governments are prepared to pay

a high price to preserve their defense industries and keep jobs at home.

In my own State of Connecticut, Norden, a corporation which produces advanced electronic systems for military vehicles, was forced to move some of its production to Canada in order to qualify for the Canadian export loan program essential to Norden's winning a contract for an export sale. Seventy-two Norden workers in Connecticut lost their jobs, good, skilled jobs, as a result. And they are not alone; defense industry workers in Rhode Island, Colorado and elsewhere have had their jobs exported for similar reasons.

In the current tight budgetary environment, we cannot afford a new subsidy for the defense industry, but neither can we afford to export highly-skilled, good-paying jobs abroad in order to keep our defense industries alive. This draft legislation fits within those constraints. In many ways, it could serve as a model for the 104th Congress. It is not foreign aid and does not require appropriated funds, yet it leverages the credit of the United States to help a sector of America's manufacturing and high-technology industry compete in the world market. This program is entirely self-financing; exporters and buyers together would provide money to cover the exposure fees and administrative costs associated with each loan. Furthermore, this program could not be used by poor countries to purchase arms they can ill afford; it would only be available to NATO allies, Central European countries moving toward democracy and members of the organization for Asia Pacific Economic Cooperation. Although limited in scope and requiring financial contributions from participating corporations, this program would be significant for U.S. defense manufacturers. A similar program operated by the State of California since 1985 has produced a steadily growing business in exports of defense equipment to Germany, the Netherlands, Spain, Canada, Australia and New Zealand at a consistent 1-percent default rate. By supporting economic competitiveness at very modest cost to the U.S. Treasury, this program could be a model for the 104th Congress.

Although I am persuaded that this program will make a significant contribution to U.S. defense manufacturers' competitiveness, I would like to see proof. That is why we have included in the legislation the requirement for a report from the administration on the program's impact after 2 years. It if does not prove to be constructive contribution to the viability of the defense industry that I expect it to be, it should be ended. However, I expect the administration will report that this program has made a big difference in keeping these industries in production and keeping good jobs at home. I invite my colleagues to join us in working for adoption of this legislation.●

URUGUAY ROUND AGREEMENTS ACT

● Mr. ROCKEFELLER. Mr. President, following the approval of the Uruguay Round implementing legislation, statements have been placed in the CONGRESSIONAL RECORD providing individual interpretations of the antidumping and countervailing duty provisions contained in title II of that Act. As one who was also deeply involved in the development and passage of that legislation, I, of course, respect the right to make those statements, but I would like to offer some further clarification.

Initially, it is important to emphasize that it is the statutory language that Congress enacted which must guide the implementation and interpretation of this legislation by the International Trade Commission, the Department of Commerce and their reviewing courts. To the extent that the statutory language is considered ambiguous, it is the Statement of Administrative Action, as well as the Senate and House committee reports—not the statements of individual Senators—which provide the primary sources of interpretation of H.R. 5110.

Given the representations that have been made, I also believe that it is important to provide the following clarification with respect to specific aspects of the antidumping and countervailing duty provisions contained in the Uruguay Round Agreements Act H.R. 5110.

International Trade Commission's determination of injury and threat. Several statements have addressed the Commission's implementation of H.R. 5110: Captive Production. I am the author of the Senate provision dealing with situations in which a captive production consideration should be used. Section 222 of H.R. 5110 was adopted to make clear to the Commission that, in certain captive production situations, it should consider primarily the data relating to competition in the merchant market, rather than data for the industry as a whole. Despite this language and clearly expressed legislative intent, it has been suggested that the Commission should continue to base its conclusions on an analysis of the industry as a whole, rather than of the merchant market. This suggestion is clearly contrary to the explicit language of section 222, as well as the intent expressed in the Statement of Administrative Action and the House and Senate committee reports.

Statements have also been made indicating that the Commission should apply the same criteria used in evaluating the domestic like product to evaluate whether it is appropriate to focus on noncaptive imports. These statements are also inconsistent with the plain language of section 222, which contains no restriction or direction as to how the Commission should analyze imports, whether captive or not. While there may be circumstances under which captive imports should be analyzed in a similar manner as captive domestic production, this should only be done after the Commission determines that captive imports do not compete with the relevant domestic like product—as was made explicitly clear in the implementing legislation that I authored.

Negligible Imports. It also has been suggested that the Commission must terminate an investigation unless import levels are found to be very close to the statutory negligibility threshold at the time of the preliminary determination and above that threshold at the time of the final determination. This suggestion is contrary to the unambiguous statutory language, which provides that the Commission may treat such imports as non-negligible in the threat context whenever it determines that there is a potential for such imports to increase to non-negligible levels. Thus, the Commission is under no obligation, and indeed would be acting contrary to the statute, to automatically terminate an investigation merely because imports are below the statutory negligibility threshold at the time of either the preliminary or final investigations. This is particularly true given that, as the Commission's practice and section 222 recognize, the filing of a petition may itself have a dampening effect on import levels. As a result, it is expected that the Commission will consider the negligibility provision carefully and that it will only find imports to be negligible in the context of threat where there is no potential for an imminent increase in imports.

ANTICIRCUMVENTION

Statements have been made suggesting that section 230 of H.R. 5110 should be interpreted to limit Commerce's ability to apply the anticircumvention provisions and that, before Commerce enlarges the scope of an order, the Commission may be required to make an additional injury finding regarding that enlarged scope.

These statements, however, are contrary to the statute and the Statement of Administrative Action. As explained in the Statement of Administrative Action, this amendment was adopted because the former statute failed to provide a full or adequate remedy for the circumvention occurring in the marketplace. As a result, section 230 clearly provides Commerce with broad discretion in its application of the anticircumvention provisions, so that it can address the different types of circumvention encountered. Further, neither the statute nor the Statement of Administration Action require the Commission to issue a new injury determination before Commerce enlarges the scope of an order, although the two agencies will engage in consultations before Commerce makes its final determination.

SUNSET REVIEWS

Several statements have been made with respect to different aspects of Commerce's and the Commission's application of the new sunset provisions,

particularly with respect to short supply, the extension of orders and duty absorption.

Short Supply. Both the House Committee on Ways and Means and the Senate Committee on Finance affirmatively rejected so-called short supply proposals during consideration of the Uruguay Round implementing legislation. Statements have been made, however, suggesting that the Commission and Commerce should use their authority under the sunset provisions to revoke orders where merchandise is not available from domestic sources. Further, it has been suggested that the Commission should find no adverse impact from imports where petitioning companies are not producing a competing product.

The newly adopted sunset provisions require both Commerce and the Commission to consider a multitude of factors in determining whether orders will be revoked. Consequently, it is expected that the Commission will continue to consider all aspects of this issue in reaching a final determination. Given that the lack of current domestic production may oftentimes be a symptom of the injury sought to be remedied, that factor in particular does not alone warrant revocation, even with respect to the product for which there is a lack of production. Finally, the Commission is expected to continue to consider all domestic production in its analysis, not just the production of the petitioning companies alone.

Extension of Orders. It also has been suggested that the sunset review provisions create a presumption against the extension of orders. This is, however, inconsistent with both the statute and the Statement of Administrative Action, which create no such presumption. Nor, as some statements have suggested, is the substantial evidence standard appropriate for all sunset reviews; where responses have not been filed or are inadequate, Commerce's and the Commission's final determinations are, by the express terms of the implementing legislation, reviewable under the arbitrary and capricious standard, and not the substantial evidence standard.

Duty Absorption. Pursuant to section 221 of the Uruguay Round legislation, Commerce and the Commission are authorized to consider the issue of duty absorption in the course of their sunset reviews. Some statements have suggested incorrectly, however, that (1) Commerce may not quantify the level of duty absorption or initiate a duty absorption investigation without evidence that duty absorption is occurring, and (2) the Commission must give less weight to duty absorption findings based on best information available.

None of these issues are addressed by the statute. While Commerce is not expressly required to quantify the level of duty absorption, it obviously retains the authority to do so and it is expected that Commerce will quantify duty absorption where circumstances so warrant. Given the difficulty in obtaining information on duty absorption, the Statement of Administrative Action makes it clear that Commerce must initiate a duty absorption review whenever it is requested to do so; thus, there is no additional evidentiary hurdle prior to initiation. Finally, the Commission is required to consider the issue of duty absorption whenever Commerce has made a duty absorption finding. It is within the Commission's discretion, however, to determine the weight to be given to this issue, including the significance of a respondent's failure to cooperate with Commerce's investigation and Commerce's use of best information available. There is simply no basis for the suggestion that less weight be given to Commerce's findings when they are based on best information available. In fact, such a requirement would create a significant incentive for foreign companies not to cooperate with Commerce so that best information available would be used and the Commission would give less weight to the issue of duty absorption. Clearly this is not what Congress or the statute intended.

CALCULATION OF ANTIDUMPING DUTIES

Several statements have also been made regarding specific aspects of Commerce's calculation of antidumping duties, as addressed below.

Fair comparison/normal value adjustments. Pursuant to Section 224 of the implementing legislation, Commerce is required to make a fair comparison between export price and normal value. Statements have been made, however, suggesting that this provision generally requires Commerce to adjust normal value and export price (or constructed export price) for the same costs and expenses and to make either a level of trade adjustment or a constructed export price offset adjustment to normal value whenever constructed export price is used.

This is not, however, what the statute or Statement of Administrative Action requires. Although expenses may be nominally the same in both markets, the actual circumstances surrounding the relationship between such expenses and claimed adjustments often differ. As a result, Commerce clearly has the authority to treat expenses differently in the U.S. and foreign markets. In fact, Commerce is expected to continue its practice of closely assessing all potential adjustments on a case-by-case basis and not mechanically making adjustments without an analysis of the circumstances involved.

Moreover, there is no requirement for Commerce to make a level of trade or offset adjustment in every case. Indeed, the express language of the statute and Statement of Administrative Action indicate that there are circumstances where neither adjustment is appropriate or permissible. For example, Commerce may only make a level of trade adjustment where there are different levels of trade and where that difference is shown to affect price comparability. Commerce's analysis of these issues must be based on the actual circumstances involved.

Constructed export price profit deduction. Section 223 of H.R. 5110 provides for the deduction of profit from constructed export price. It, however, has been incorrectly suggested that this provision only authorizes Commerce to base its calculation on data for the subject merchandise in the U.S. and foreign markets.

While the statute and Statement of Administrative Action indicate that the use of data specific to the costs of the subject merchandise is appropriate, they also allow for the use of alternative methodologies when full cost of production information is not on the record. In particular, it is expected that, if the necessary profit data for the subject merchandise is unavailable, Commerce will use the next broader category of merchandise to calculate this deduction.

Startup costs. Section 224 of the implementing legislation governs Commerce's treatment of start-up operations. In considering the circumstances surrounding start-up operations, Commerce should apply this provision strictly to prevent foreign producers from using it as a loophole to evade the application of antidumping duties in the early stages of a product's life-cycle. In particular, Commerce should carefully review the claimed duration of start-up periods so that they are not improperly expanded.

Export price and constructed export price definitions. Renaming ''purchase price'' to ''export price'' and ''exporter's sales price'' to ''constructed export price'' should not affect the ''criteria'' used to categorize U.S. sales as one or the other. The Statement of Administrative Action indicates that ''no change is intended in the circumstances'' under which a sale would be characterized as one or the other. Commerce continues to retain the authority to alter or augment the particular factors that it considers in making its determinations.

Reimbursement of antidumping duties. In the antidumping duty context, Commerce will increase the amount of antidumping duties when it finds that the exporter has reimbursed the importer for payment of such duties. Although there has been no change in the law, statements have been made suggesting that Commerce is expected not to treat reimbursed countervailing duties the same way that it treats reimbursed antidumping duties.

There is no such expectation. The Senate report language, written with the acquiescence of the administration, states that Commerce should promulgate a regulation to make an adjustment to U.S. price in antidumping cases for the amount of any countervailing duty which is reimbursed by the exporter to the importer. Since

this reimbursement represents a reduction in price to the importer, the regulation suggested by the Senate report language is clearly an appropriate and equitable way to address the reimbursement of countervailing duties.●

HOUSE CONCURRENT RESOLUTION 58—PROVIDING FOR ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 58, the adjournment resolution, just received from the House; that the concurrent resolution be considered and agreed to; and that the motion to reconsider be laid upon the table.

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

So the concurrent resolution (H. Con. Res. 58) was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Friday, April 7, 1995, it stand adjourned until 12:30 p.m. on Monday, May 1, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on Thursday, April 6, 1995, Friday, April 7, 1995, Saturday, April 8, 1995, Sunday, April 9, 1995, or Monday, April 10, 1995, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 24, 1995, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 3 of the concurrent resolution, whichever occurs first.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 49, H.R. 1345.

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

The legislative clerk read as follows:

A bill (H.R. 1345) to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 593

(Purpose: To amend the bill in several respects)

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senators COHEN, ROTH, and JEFFORDS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. COHEN, for himself, Mr. ROTH, and Mr. JEFFORDS proposes an amendment numbered 593.

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

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

The amendment is as follows:

On page 7, line 2, strike ''or''.

On page 7, line 6, strike the period at the end and insert a semicolon.

On page 7, between lines 6 and 7, insert the following:

(3) to amend, supersede, or alter the provisions of title 11 of the District of Columbia Code, or sections 431 through 434, 445, and 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act (pertaining the organization, powers, and jurisdiction of the District of Columbia courts); or

(4) to authorize the application of section 103(e) or 303(b)(3) of this Act (relating to issuance of subpoenas) to judicial officers or employees of the District of Columbia courts.

On page 10 of the House engrossed bill, strike lines 7 through 9 and insert the following new paragraph:

''(4) maintains a primary residence in the District of Columbia or has a primary place of business in the District of Columbia.''.

On page 12 of the House engrossed bill, strike lines 17 through 24 and insert the following:

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS.

(1) CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) DISTRICT EMPLOYMENT AND PROCUREMENT LAWS.—The Executive Director and staff of the Authority may be appointed and paid without regard to the provisions of the District of Columbia Code governing appointments and salaries. The provisions of the District of Columbia Code governing procurement shall not apply to the Authority.

Mr. COHEN. Mr. President, the District of Columbia's financial situation is in a state of crisis. The District government does not have sufficient funds to pay its bills which threatens the continued delivery of services to the residents of the District of Columbia and the many Americans that work in or visit our nation's capital.

I am pleased that we were able to reach agreement earlier today with the House on a package of amendments that we believe will improve the House-passed bill and enable the Senate to pass this important legislation before the Congress adjourns for the April recess.

The bill establishes the District of Columbia Financial Responsibility and Management Assistance Authority to aid the city in achieving financial stability while still preserving Home Rule. The concept of a financial control board is not new. A number of U.S. cities facing fiscal crisis have established similar boards.

The new Authority will work with the Mayor and the Council toward resolving the city's financial and management problems. The Authority will have the power to act, following consultation with congress, on recommendations it believes are necessary to ensure the financial stability and operational efficiency of the District.

I want to commend Congressman DAVIS and D.C. Delegate NORTON, the Chair and Ranking Minority Member of the House D.C. Subcommittee, and Congressman WALSH and Congressman DIXON, Chair and Ranking Minority Member of the House D.C. Appropriations Subcommittee, who have worked hard to craft a bill which received strong bipartisan support in the House. The financial recovery of the nation's capital is important to all Americans and I urge my colleagues in the Senate to move expeditiously to pass this important legislation .

Mr. ROTH. Mr. President, the financial crisis which requires the dramatic action we are taking today began sometime ago. I am not certain anyone can pick a particular date it began, but certainly it has been at least a decade since the signs of fiscal distress have been showing. Of all of the economic indicators, perhaps the most alarming is the continued loss of taxpayers. The District has lost nearly 50,000 people since 1985.

Five years ago, the Commission on Budget and Financial Priorities of the District of Columbia, known as the Rivlin Commission, warned that,

The District of Columbia confronts an immediate fiscal crisis. The budget deficit for this fiscal year will be at least $90 million and will rise to at least $200 million in 1991 and $700 million in 1996 if actions are not taken quickly to reduce spending or raise revenue or both.

Congress responded to that warning and immediately passed a $100 million supplemental appropriation for the District in early 1991. Congress went on to increase the Federal payment and authorized the District to borrow $330 million to stabilize the local budget. Federal funds to the District increased nearly 30 percent between 1991 and this fiscal year. In all, the District has received a cash infusion of over $1 billion since 1991.

Revenues were increased but spending was not reduced. Between 1985 and 1994, general fund tax revenues increased by 61 percent. But expenditures increased by 87 percent. Now the trickle of red ink has turned into a raging river. Unfortunately, and despite our efforts, the Rivlin warning is about to come true.

Along with the fiscal crisis, the District appears to be locked in a perpetual management crisis as well. The city has been buffeted from one scandal to the next turmoil. The city's infrastructure is decaying. Crime, taxes, and schools continue to drive families out of the District.

During the entire time of this gathering storm, the Congress has time and again deferred to the local government to take corrective action. All opportunity have been afforded to the locally elected officials to avert the very action we are taking today. While there is no need to recite the history of this sad course of events we know all too well, it is sufficient to state for the RECORD that congressional warnings of intervention have been unmistakable.

The sweeping changes we are introducing into the current local structure must now be given every opportunity to succeed. The District of Columbia Financial Responsibility and Management Assistance Authority must have all of the powers it needs to restore the confidence of everyone concerned for the well-being of the Nation's Capital. I do have serious concerns as to whether the legislation is sufficiently clear in this regard and will raise those concerns with my colleagues.

Let me say is closing, today's action is not a victory of one political idea over another. Today's action is being taken because the path leading to it is littered with failure. We cannot fail the people of this City and the many people who visit it each year. I support the passage of H.R. 1345.

Mr. JEFFORDS. Mr. President, the Nation's Capital is in financial trouble. This bill provides the mechanism to restore the city to fiscal health, but make no mistake the responsibility for acting rests squarely on the shoulders of the elected leaders of the District of Columbia. This Authority has the tools to get the job done, but the District government has the responsibility and accountability to act.

This bill is not perfect. There are things that I would change, I am sure most Senators feel that way, however on balance it has the essentials to get the job started and deserves our support. The amendments proposed make improvements and clarifications, and I encourage our House colleagues to accept these changes and send the bill on to the President so that the Authority can begin its work.

There is a financial crisis in the city, we should not delay action and send the message to the citizens of the city, to the financial markets, and to the District government that the Congress does not consider this crisis worthy of our immediate attention.

Every Senator who has worked on this bill, and indeed probably every Senator in this body, wants to preserve home rule for the citizens of this city. Other cities have gotten into financial difficulty and their states established a financial control board which for a time assisted the city government in managing its fiscal affairs. But there are important features of those state statutes that are also part of this bill which preserves to the local citizens the right, and responsibility, to make difficult decisions. These features include provision for reduction of the Authority's powers upon certain events, principally achieving balanced budgets during 4 consecutive years. In short, there is a clear definable end to this intrusion on the city's sway over its fiscal matters, this bill preserves home rule.

I want to express my appreciation to Senators COHEN and ROTH for bringing this bill to the Senate for consideration. They and their staffs have worked tirelessly to make sure that this bill reached this point today. In the long-term this bill will make a positive difference to the citizens of the District.

Mr. ROTH. Mr. President, I would like to ask my colleague on the Governmental Affairs Committee, the chairman of the subcommittee with jursidiction over District affairs, about one aspect of this legislation in particular. I have been concerned that the bill does not make clear our intent that the District of Columbia Financial Responsibility and Management Assistance Authority will have sufficient authority to ensure that its recommendations are adopted. I have thought that such authority should be expressly stated in the statute, in order to leave no ambiguity about our purpose in enacting section 207. This authority is too important to the underlying purpose of the legislation to leave at all in doubt, which I am concerned it may be. Is it the Senator's belief that the intention of Congress is sufficiently clear, nonetheless, that the Authority may implement any recommendations it has made to the Mayor or Council, but which were rejected?

Mr. COHEN. The full scope of the authority's power to implement its rejected recommendations is well stated in the House report that accompanied the legislation. First of all, any non-response to a recommended action is deemed a rejection under the act. Likewise, if the District government does respond that it will adopt the recommendation, but then fails to do so to the satisfaction of the Authority, this shall be considered the same as if it had originally rejected the recommendation under section 207.

Mr. ROTH. The language of this section provides that in such a case, ''the authority may by a majority vote of its members take such action concerning the recommendations as it deems appropriate''. From reading the House report, I believe it is clear that this is very broad power, including the ability to enact local laws and ordinances, provided there is a period of congressional review of such legislation, as in the case of an act of the D.C. Council. Is this your understanding of that section's intent?

Mr. COHEN. Yes it is. Any recommendation made by the authority to the District government which either the Mayor or the Council has the authority to adopt, may itself be adopted by the Financial Responsibility and Management Assistance Authority, if rejected as I described previously, and if the authority first consults with the Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight. This includes the authority to enact local legislation, which would go into effect after a congressional review period, under the same conditions as if it had been enacted by the District government itself. It also includes such matters as personnel actions and structural reforms to the District government. It is clearly the intent of this section to give the authority as broad a range of legislative, executive, and administrative powers as the Mayor and Council possess, while expecting that the District government will be given the opportunity to act first.

Mr. JEFFORDS. As chairman of the District of Columbia Appropriations Subcommittee, I too have been closely involved in the development of this legislation, and I can say that the Senator from Maine [Mr. COHEN] has in his description accurately reflected my understanding of the effect of section 207.

Mr. ROTH. Is this also the understanding in the other body?

Mr. JEFFORDS. Yes. The Senator from Maine [Mr. COHEN] and I met with the chairman of the House Subcommittee on the District of Columbia and the District's congressional delegate to discuss this legislation, and both of them agreed that the language in the House report accurately reflects the scope of authority being granted this new entity, which we are here creating.

Mr. COHEN. I believe it is correct to say that the drafters of this legislation, in both Houses of Congress, understand that the authority is to have the full authority to adopt any recommendation that it deems appropriate, as submitted under this section of the act, if the District itself does not adopt such a recommendation, subject to the conditions that I have already mentioned.

Mr. ROTH. I thank my two colleagues for their explanations and for clarifying this important matter.

I have one other point. We are today adopting several useful modifications to this legislation, but I have other improvements that I would have liked to have seen added. I know that my colleagues are aware of these provisions that I think are important, and I hope that in the near future we will be able to make those improvements to this law.

Mr. JEFFORDS. I can assure the Senator that I will work with him to enact those provisions as soon as is feasible.

Mr. ROTH. I thank my friend for his support as I know the has a strong interest in making this legislation work. I know that we all have a great concern for our Nation's Capital, and especially for the citizens who live and work here, and that we look forward to the day when the actions taken under legislation are no longer necessary.

Ms. MOSELEY-BRAUN. Mr. President, the District of Columbia is facing the most serious financial crisis in its

history. The District made a number of major mistakes and bears a major portion of the responsibility for the current debacle, however, the Federal Government also played an important part in creating this emergency because of its refusal to give the District the kind of home rule powers enjoyed by all 50 states.

Unlike every State from Alaska to Wyoming, the District does not have the right to full self-governance. Our country was founded on the principal of no taxation without representation, but the Federal Government denies the District this right. The notion that 600,000 American citizens are denied their fair voice in Congress offends the core principles of representative democracy on which this republic was founded.

Residents of the District, unlike residents across the bridge in Arlington, Virginia, or residents of any other city in America, are not able to make basic decisions regarding their available resources. As the District is unable to control its resources, it faces this fiscal crisis, which Congress must step in to solve. The immediate solution to the problem the District faces lies in the bill before us today.

I reluctantly support the legislation before us today, only because it is a step towards bringing the District out of this financial emergency. Congress can not allow the District of Columbia to go bankrupt while we go on vacation. We have an obligation to assist the residents of the District of Columbia get its fiscal house in order. Unlike other cities, the District has no State to protect its interests, so Congress must act as a State would and help solve the fiscal problems that it has helped create.

There is no question that the District has mismanaged its finances, however, truth be told the District does not have the tools to deal with its problems. The District can not do what States do. The District can not truly receive revenue from its entire tax base because at least ⅓ of the land mass in the District of Columbia is non-taxable because it is owned by the Federal Government. Furthermore, the District of Columbia is unable to tax the wages of those who earn their living in the District but who reside elsewhere. Without the power to fully tax, the District fell into the fiscal crisis it faces today.

Because Congress is partially responsible for the District's fiscal problems, it should act quickly to avoid the District's further economic decline. That is why Congress should support H.R. 1345, which, quite literally, saves the city. It allows the District, which is now insolvent, to borrow and avoid payless paydays and the shut down of city services. It allows the city to stretch out its huge deficit in order to protect its citizens.

Other cities have gotten into trouble and the legislation before us today is not unlike what we have previously encountered. The major difference is that the District is not a State. States have the ability to step in and help avoid fiscal problems within its cities. Since the District has not been granted Statehood, Congress must step in at this point to establish this control board.

This bill establishing the D.C. control board has particular elements of the Philadelphia and the New York City boards. These great American cities worked constructively and fruitfully with similar authorities without any evidence that their monitors had somehow made them less self-governing. The boards in those cities did not have to use their strong powers because the elected city officials did what was necessary themselves to revive their own cities and I expect no less in the District.

As important as it is to save the city, however, I will not support a D.C. control board that undermines the autonomy of the District. That is why I am glad that the type of control board being proposed in this legislation has been used by a number of other major cities in the United States, such as New York, Philadelphia and Cleveland, which no one has suggested did not remain fully self-governing.

To address the city's projected $722 million shortfall, H.R. 1345 establishes the District of Columbia Financial Responsibility and Management Assistance Authority. The Authority's five members will be appointed by the President, in consultation with Congress. The members will be responsible for managing the District's finances until the District balances four budgets in a row.

The bill authorizes the District's Chief Financial Officer to prepare the financial plan and budget for the District and implement programs and policies for budgetary control. The bill also establishes an Inspector General for the District, who will make an independent assessment of budget assumptions and report those findings to the board.

This bill allows the Mayor to retain his budgetary and operational authority and the Council to retain its lawmaking powers. However, the Board is responsible for monitoring these activities to ensure that the city is not acting inconsistent with fiscal prudence.

I would hope that we can act today to pass this legislation in an effort to ensure that the District's fiscal crisis will be on its way to recovery when Congress reconvenes. But the truth be told, the real long term solution is not control boards and less home rule; the real long term solution is the expansion of the District's autonomy, increasing home rule. The citizens of the District of Columbia deserve to have full democratic privileges like all other United States citizens enjoy.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 593) was agreed to.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 1345), as amended, was deemed read the third time and passed.

AUTHORIZING TESTIMONY BY FORMER SENATE EMPLOYEE AND SENATE REPRESENTATION

Mr. THOMPSON. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 106) to authorize testimony by former Senate employee and representation by Senate legal counsel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the Pittston Coal Group has brought a civil lawsuit against the United Mine Workers of America alleging that the union breached an agreement by supporting provisions enacted in the Coal Act of 1992. The coal company has subpoenaed a former employee on Senator ROCKEFELLER'S staff to testify at a deposition as part of its effort to develop its case about enactment of the Coal Act. The plaintiff wishes to ask the employee about two documents appearing to be from Senator ROCKEFELLER'S office relating to enactment of the Coal Act. Senator ROCKEFELLER is concerned that questioning of a former Senate employee about her Senate employment will abridge legislative privilege.

This resolution would authorize the former employee to testify only about matters that do not trigger privilege concerns and would authorize the Senate Legal Counsel to represent Senator ROCKEFELLER, the former employee, and any other Member or employee of the Senate from whom testimony or documents may be sought, in order to protect the Senate's privileges.

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

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, in the case of *Pittston Coal Group, Inc.* v. *I.U., UMWA*, Case No. 93–0162–A, pending in the United States District Court for the Western District of Virginia, a subpoena for testimony at a deposition has been issued to Marisa Spatafore, a former employee of the Senate on the staff of Senator Rockefeller;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That Marisa Spatafore is authorized to testify in the case of *Pittston Coal Group, Inc.* v. *I.U., UMWA*, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is directed to represent Senator Rockefeller, Marisa Spatafore, and any other Member or employee of the Senate from whom testimony or documents may be sought in connection with this case.

PAKISTAN AND THE VISIT OF PRIME MINISTER BHUTTO

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 102, expressing the sense of the Senate concerning Pakistan and the visit of Prime Minister Bhutto; further, that the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 102) to express the sense of the Senate concerning Pakistan and the impending visit of Prime Minister Bhutto.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 594

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senator PRESSLER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. PRESSLER, proposes an amendment numbered 594.

On line 4 of page 2, after ''the'', add the following: ''people of the''.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

So the amendment (No. 594) was agreed to.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

So the resolution (S. Res. 102), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas Pakistan and the United States have been allies since 1947, and throughout the difficult days of the Cold War;

Whereas Pakistan was a front-line state against Soviet totalitarian expansionism and worked with the United States to successfully end the Soviet occupation of Afghanistan;

Whereas Pakistan has been in the forefront of United Nations peacekeeping operations, recently being the largest contributor of forces to United Nations peacekeeping operations;

Whereas Pakistan has cooperated with the United States in the apprehension and swift extradition of Ramzi Ahmed Yousef, the alleged mastermind of the terrorist attack on the World Trade Center in New York City;

Whereas Pakistan's economy is being increasingly liberalized and opened to outside investors and businesses;

Whereas there are increasing opportunities for economic cooperation between Pakistan and the United States as a result of private sector agreements for investment in Pakistan's energy sector and other pending agreements; and

Whereas Prime Minister Benazir Bhutto, who has worked to strengthen Pakistan's close relationship with the United States, was reelected to office in October, 1993, and is scheduled to visit the United States on an official visit in April: Now, therefore, be it

Resolved, That the United States Senate—

(1) welcomes the visit of Prime Minister Benazir Bhutto to the United States as a sign of the warm, enduring friendship between the people of the United States and Pakistan; and

(2) pledges to work with the Government of Pakistan to strengthen the United States-Pakistan relationship in the years ahead.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate now turn to consideration of H.R. 1240, just received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 595

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senators GRASSLEY and HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. GRASSLEY, for himself, Mr. HATCH, Mr. ROTH, and Mr. THURMOND, proposes an amendment numbered 595.

The amendment is as follows:

On page 1, strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sex Crimes Against Children Prevention Act of 1995''.

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at least 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking ''2245'' and inserting ''2246''.

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

Mr. THOMPSON. Mr. President, I ask unanimous consent the amendment be agreed to.

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

So the amendment (No. 595) was agreed to.

Mr. THOMPSON. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, as amended; the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

So the bill (H.R. 1240), as amended, was deemed read the third time and passed.

COMMENDING THE HUSKIES OF THE UNIVERSITY OF CONNECTICUT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 107, a resolution commending the University of Connecticut women's basketball team for capping a perfect season by winning the 1995 NCAA women's basketball championship, submitted earlier today by Senators DODD and LIEBERMAN; that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements appear in the RECORD as if read.

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

So the resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the UConn women's team won the school's first-ever national basketball championship by defeating the University of Tennessee by the score of 70–64;

Whereas the UConn Huskies became only the second women's basketball team in NCAA history to finish the season undefeated, and the first basketball team of any kind in NCAA history to finish 35–0;

Whereas UConn Head Coach Geno Auriemma was the recipient of the Naismith National Coach of the Year Award, as well as the Associated Press Coach of the Year and the United States Basketball Writers Association Coach of the Year awards;

Whereas UConn forward and co-captain Rebecca Lobo was the consensus choice of those same organizations as the National Player of the Year, and was named the Most Outstanding Player of the NCAA Women's Final Four;

Whereas Rebecca Lobo was also named the GTE Women's Basketball National Academic All-American of the Year for her outstanding achievement in the classroom;

Whereas the UConn Women Huskies enthralled the entire state of Connecticut, providing it with one of its finest moments;

Whereas the UConn Women Huskies elevated the sport of women's basketball to new heights, and inspired a generation of young girls in Connecticut to aspire toward their own "hoop dreams": Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for capping a perfect season by winning the 1995 NCAA Women's Basketball Championship.

NATIONAL ATOMIC VETERANS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 108, a resolution submitted by Senator WELLSTONE and others earlier today designating July 16, 1995 as "National Atomic Veterans Day"; that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements on this measure appear in the RECORD at the appropriate place.

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

So the resolution (S. Res. 108) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas July 16, 1995, is the 50th anniversary of the first detonation of an atomic bomb at Alamagordo, New Mexico;

Whereas the members of the Armed Forces who have been exposed to ionizing radiation as a result of the detonation of a nuclear weapon or device are considered to be America's "atomic veterans";

Whereas atomic veterans are in many ways one of the most neglected groups of United States veterans;

Whereas atomic veterans served their country patriotically and proudly, believing fully that the United States Government would protect them from any serious hazards to their health;

Whereas atomic veterans were not told of the hazards they faced from exposure to ionizing radiation, often were provided with little protection from such exposure even when deployed at or near ground zero immediately after test detonations of nuclear weapons, on occasion were not provided film badges to measure their exposure to radiation during such detonations, and were provided with no follow-up medical care or other monitoring to determine the health consequences of such exposure;

Whereas for 40 years after World War II Federal law contained no provisions specifically providing veterans compensation or health care for atomic veterans for service-connected radiogenic diseases; and

Whereas many of the 250,000 members of the Armed Forces who participated in post-World War II atmospheric nuclear testing were forbidden from publicly revealing such participation for reasons of national security and received no recognition for their important contributions to the United States and the Armed Forces: Now, therefore, be it

Resolved, That—

(1) July 16, 1995, is designated as "National Atomic Veterans Day"; and

(2) the President is authorized and requested to issue a proclamation calling on the departments and agencies of the Federal Government, State and local governments, and the people of the United States to observe that day with appropriate ceremonies and activities.

Mr. WELLSTONE. I was pleased to submit today, along with my colleagues, Senators SIMON, JEFFORDS, DASCHLE, PRYOR, ROCKEFELLER, AKAKA, REID, and LEAHY, a Senate resolution to designate July 16, 1995, the 50th anniversary of the first detonation of an atomic bomb at Alamagordo, NM, as "National Atomic Veterans Day."

Atomic veterans, members of the armed forces who were exposed to ionizing radiation as a result of the detonation of a nuclear weapon or device, for 50 years have been one of the most neglected groups of veterans. While they served their country patriotically, unquestioningly, and proudly, they were not informed of the dangers they faced from exposure to ionizing radiation, often were provided with little or no protection from such exposure, and for many years were provided with no follow-up medical monitoring or care to determine the health effects of their exposure. In fact, for 40 years after World War II, there were no provisions in Federal law specifically providing veterans compensation or health care for atomic veterans for service-connected radiogenic diseases.

Many atomic veterans who participated in atmospheric nuclear testing were forbidden from publicly revealing their participation for reasons of national security. Despite their valuable contributions to the United States and the Armed Forces, they have not received the recognition that is due them.

The National Association of Atomic Veterans, AMVETS, and the Vietnam Veterans of America have expressed their strong and unequivocal support for this resolution.

I urge my colleagues to show their support by cosponsoring National Atomic Veterans Day.

EXECUTIVE CALENDAR

Mr. THOMPSON. Mr. President, as in executive session, I ask unanimous consent that the Senate proceed to the immediate consideration of the following nominations on the Executive Calendar, en bloc: Calendar Nos. 49, 51, 63, 67 through 100, 102, 103, and 104.

I further ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the nomination of Jacquelyn L. Williams-Bridgers to be Inspector General, Department of State; that the Senate proceed to its immediate consideration; further, that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table, en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD; and the President be immediately notified of the Senate's action.

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

So the nominations were considered and confirmed, en bloc, as follows:

FEDERAL TRADE COMMISSION

Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner for the term of seven years from September 26, 1994.

CONSUMER PRODUCT SAFETY COMMISSION

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Products Safety Commission for the remainder of the term expiring October 26, 1996.

NAVY

The following named officer for appointment to the grade of Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Sections 601 and 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

Vice Adm. Joseph W. Prueher, 000–00–0000, United States Navy

DEPARTMENT OF THE INTERIOR

Wilma A. Lewis, of the District of Columbia, to be Inspector General, Department of the Interior.

NATIONAL COUNCIL ON DISABILITY

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

John A. Gannon, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 1995. (Reappointment)

Audrey L. McCrimon, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Lilliam Rangel Pollo, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Debra Robinson, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Rae E. Unzicker, of North Dakota, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Ela Yazzie-King, of Arizona, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Robert G. Breunig, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 1998. (Reappointment)

Kinshasha Holman Conwill, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Charles Hummel, of Delaware, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

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.

Nancy Marsiglia, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Arthur Rosenblatt, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Townsend Wolfe, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 1995.

Phillip Frost, of Florida, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

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.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

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.

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.

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.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

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.

Lieutenant General William W. Quinn, United States 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. (Reappointment)

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.

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.

NATIONAL SCIENCE FOUNDATION

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.

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.

Claudia Mitchell-Kernan, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Diana S. Natialicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000, vice Charles L. Hosler, Jr., term expired.

Robert M. Solow, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

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.

NATIONAL MEDIATION BOARD

Kenneth Byron Hipp, of Hawaii, to be a Member of the National Mediation Board for a term expiring July 1, 1997.

RAILROAD RETIREMENT BOARD

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 1998. (Reappointment)

NATIONAL INSTITUTE FOR LITERACY

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.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Joan 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.

NUCLEAR REGULATORY COMMISSION

Shirley Ann Jackson, of New Jersey, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 1999.

DEPARTMENT OF STATE

Jacquelyn L. Williams-Bridgers, of Maryland, to be Inspector General, Department of State.

NOMINATION OF MR. ROBERT PITOFSKY

Mr. HOLLINGS. Mr. President, I am pleased that the Senate is considering the nomination of Mr. Robert Pitofsky to serve on the Federal Trade Commission [FTC]. The President has indicated his intention to name Mr. Pitofsky as Chairman of the FTC, if he is confirmed.

Having previously served as a Commissioner and staff member, Mr. Pitofsky certainly understands the FTC's goals and duties. The Commission's two primary functions are first, to protect consumers from unfair and deceptive practices, and second, to ensure the operation of an efficient and competitive market-place. The Commission administers a number of Federal statutes, including the Federal Trade Commission Act—which provides the Commission its consumer protection authority—and the Sherman, Clayton, and Robinson-Patman antitrust statutes, as well as the Fair Credit Reporting, Fair Debt Collection Practices, and Truth in Lending Acts. A few of the specific duties include safeguarding the public from false advertisement of goods and services, telemarketing fraud, unfair pricing of products, unfair mergers and acquisitions, illegal boycotts, and other unfair methods of competition.

As we enter the 21st century, and a new era of global trade, the FTC undoubtedly will continue to face many challenges in fulfilling its responsibilities. Mr. Pitofsky will, if confirmed, chair the Commission at a time when Federal agencies are facing the possibility of severe budget reductions.

Mr. Pitofsky is aware of the tremendous challenges confronting the FTC. He is committed to the principles and goals of the Commission, and is prepared to take on the responsibilities of the FTC Chairman. I urge my colleagues to approve his nomination.

NOMINATION OF DR. JACKSON

Mr. LAUTENBERG. Mr. President, I rise to express my unequivocal support for Dr. Shirley Jackson's nomination to the Nuclear Regulatory Commission.

Dr. Jackson is a fellow New Jerseyan, and has spent most of her career teaching and working in our State. But that's only one of the many qualifications that make her so ideal for this position.

Dr. Jackson has devoted her life to the study of science. Over the course of her career, she has gained world-wide renown and she has also broken many societal barriers.

Dr. Jackson was the first African-American woman to receive a PhD from MIT.

She has accumulated more than two decades of research and management experience in high energy physics, nuclear physics and condensed matter physics. She has been a professor and a consultant. And she has also found time for public service, serving for 10 years as founding member of the New Jersey Commission on Science and Technology.

Dr. Jackson is currently a consultant to AT&T Bell Laboratories on Semiconductor Theory, vice chair of Governor Whitman's Economic Master Plan Commission and a member of the

Executive Committee of the M.I.T. Board of Trustees.

And despite her heavy responsibilities, Dr. Jackson puts aside time to help recruit more women and more African-Americans to the sciences.

Dr. Jackson has always blended her advanced scientific research with an eye toward practicality. She has researched subjects as esoteric as the electronic and optical properties of strained layer semiconductor superlattices. But she has also worked toward basic goals that you and I can understand—like economic development in the State of New Jersey.

I understand that President Clinton has said he would like Dr. Jackson to head the NRC after her confirmation and I enthusiastically support that decision.

I am confident that her scientific and management backgrounds have been ideal preparation for that leadership position.

Mr. President, I believe that Dr. Jackson's background has made her a unique, unparalleled nominee for this position. I urge my colleagues to vote for in support of this excellent nomination, and I yield the floor.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. THOMPSON. Mr. President, I ask unanimous consent the committees have between 10 a.m. and 3 p.m. on Tuesday, April 18, to file legislative or executive reported items.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT—CONFERENCE REPORT

Mr. THOMPSON. Mr. President, I submit a report of the committee of conference on H.R. 889 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 6, 1995.)

Mr. STEVENS. Mr. President, I want to strongly urge the Senate to adopt today the conference report on H.R. 889, the emergency Defense supplemental appropriations bill.

On Wednesday, the conferees completed work on this bill, which will ensure that the readiness, quality of life and pay for our Armed Forces will not be impacted by the costs of overseas peacekeeping and humanitarian missions.

As chairman of the Defense Subcommittee, there is no question in my mind that we must act on this bill prior to the recess.

In summary, this bill provides $3.04 billion in new funding for the Department of Defense, and $28.3 million for the Coast Guard, to pay for these contingency operations, and other emergency requirements.

For DOD, in addition to the contingency operations amounts, $258 million is included to meet the increases in overseas personnel costs due to the decline in value of the dollar.

These amounts go directly to the men and women, and their families, stationed overseas, to defray the increased expenses they face because of this devaluation.

All new Defense spending in the bill is offset by rescission to DOD, defense related and foreign aid appropriations.

From available DOD funds, $2.26 billion is rescinded. Also, $200 million from function 050 nuclear facility funds, $100 million from military construction funds, and $120 million from foreign aid appropriations.

The conferees worked to ensure that no significant military program was damaged by these cuts. Most reductions come from savings in programs underway, or from reduced efforts in lower priority programs.

Some of these funds will need to be replaced in 1996, but will not reduce military readiness or capability this year.

The amount rescinded from DOD represents an increase of $300 million over the levels adopted by the Senate.

These reductions were necessary to ensure that these new appropriations did not increase the deficit, thus hampering our ability to provide needed funds for 1996.

All the military services have identified the severe cuts in training and readiness that will result if this bill is not enacted early this month.

Navy fleet steaming days will be reduced. Flight training will be reduced. Ships will not undergo needed overhauls at shipyards, resulting in substantial layoffs.

Air Force flight training will be slashed by 25 percent. Aircraft will be parked on the ramp, because they will not receive necessary depot maintenance.

In short, we face a return to the hollow force that many of us remember from the 1970's. We cannot permit this.

In the 1970's, that hollow force was the result of the Congress not appropriating the funds needed for military readiness. This crisis if the result of the President diverting the funds provided by Congress for the military.

Let me make clear, the 1995 Defense appropriations bill provided the funds needed to maintain military readiness and training for 1995.

During the last quarter of 1994, and the first quarter of 1995, the President used these funds to undertake the overseas missions in Kuwait, Korea, Bosnia, Iraq, Somalia, Cuba, and Haiti.

In no case did the President come to the Congress, to seek approval, and funding, for these missions.

The result was a $2.5 billion diversion of readiness and personnel appropriations.

I want the Senate to know that the appropriations committees of the House and Senate were unanimous in their commitment that this circumstance should not happen again.

Included in the statement of the managers on the conference report is an explicit statement of our objections to the course followed by the administration. This bipartisan, bicameral statement reflects our views. I ask unanimous consent that this statement be inserted in the RECORD.

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

CONTINGENCY AND NONTRADITIONAL MISSIONS

The conferees express their deep concern over the process by which U.S. military forces are being deployed on major, large scale contingency operations. The conferees note that the Administration neither sought nor received advance approval of or funding for military operations from the Congress in support of peacekeeping and humanitarian missions. The missions involving Somalia, Rwanda, Haiti, and refugee relief in the Caribbean all mark significant departures from previous emergency deployments of American forces dealing with valid threats to the national security. The conferees strongly believe that military deployments in support of peacekeeping or humanitarian objectives both merit and require advance approval by the Congress.

This issue is of special concern to the conferees because of the effect these operations have had on the defense budgeting and planning process. There is no question but that the recent spate of ''contingency'' deployments, none of which was approved in advance by Congress nor budgeted for, have wreaked havoc upon the ability of the Department of Defense to maintain military readiness. These operations have led to substantial and repeated diversions of funds intended for training, equipment and property maintenance. From the Secretary of Defense to commanders in the field, there is universal acknowledgment that this practice has led to degradations in readiness.

A related issue involves the rapid increase in Defense Department participation in activities which under both law and tradition are the responsibility of other Federal departments. The principal example of this trend is the use of DoD funds, personnel, and facilities to deal with the issue of Cuban and Haitian refugees. The cost of these operations has been almost entirely borne by the Department of Defense, even though other Federal entities have long had primary responsibility for dealing with refugee and immigration issues and have, in the past, reimbursed the Department of Defense for such support in accordance with the Economy Act. At present, DoD is being forced to bear $1 million per day in costs for these operations, out of funds intended to be used for

military operations, training, and readiness. The conferees believe DoD should not be forced to bear the cost of operations which are not its responsibility, especially when it results in a substantial diversion of funds provided by the Congress expressly for military activities.

These problems underline the need for the Executive Branch to seek congressional approval for unanticipated nontraditional military operations in advance. The conferees intend to address these issues in connection with the fiscal year 1996 appropriations process, in order to avoid the recurrence of situations such as those which created the need for the appropriations contained in this measure. The conferees strongly urge the Administration to provide detailed and timely proposals to assist in resolving these issues.

Mr. STEVENS. Mr. President, there was no reluctance on the part of the conferees to meet the needs of our Armed Forces. This was accomplished in a fashion that is fully offset in new budget authority, and virtually offset in new outlays for 1995 from rescissions.

The Senate-passed version of this bill fully offset all new outlays. This conference agreement results in only $4.3 million in additional outlays for fiscal year 1995, though it provides over $3 billion in new spending.

I want to thank our chairman, Senator HATFIELD, and Senator BYRD for their leadership and commitment to move this bill forward prior to the recess.

In our first conference with the new House team, I want to report the exceptional efforts of the Defense Subcommittee chairman, BILL YOUNG, and the full committee chairman, BOB LIVINGSTON, to work with us to move this bill forward.

They drove a hard bargain of many of the differences between the two bills, but we were united on our commitment to meet the needs of the military services.

As I stated when this bill was presented to the Senate last month, the work of the Defense Subcommittee reflects the longstanding partnership between myself and Senator INOUYE on defense matters.

His efforts were invaluable in seeking compromises with the House on matters of interest to the Senate, and I am indebted to him once again for his hard work and wise counsel.

Mr. President, I hope the Senate will act immediately to pass this conference report, and send this bill to the President.

Mr. BYRD. Mr. President, I support adoption of this supplemental appropriation bill, H.R. 889, and compliment the distinguished chairman, Mr. HATFIELD, for his excellent work in putting together this conference report prior to the April break. It was a difficult task, but it was driven by the need to replenish vital funding for the readiness accounts of our armed services.

The conference agreement includes a total of over $3 billion for these vital defense purposes. These accounts were seriously depleted in fiscal year 1995 because of unanticipated operations, in particular Somalia, Rwanda, and Haiti, as well as elsewhere, and the conference had to balance this need to restore DOD readiness funding with the goal of maintaining our progress toward deficit reduction. The result was to shift defense funding from lower-priority items in the defense budget to replenish these readiness accounts.

Mr. President, I note that the conferees, in the statement of managers, have addressed their deep concern and desire not to repeat the problem of engaging in expensive, non-traditional, humanitarian-oriented military operations without a more careful assessment of the costs. The conference agreement rightly recommends that prior congressional approval should be sought and obtained for such operations. Given the budgetary constraints we are facing in discretionary spending, including defense spending, I do not think that the Congress will easily approve supplementals in the future such as we have before us today, for operations which do not have the advance-approval of the Congress. Certainly it is in the interest of the President to have Congress on board if and when he decides to launch the Nation into these kinds of expensive, non-traditional operations, which are not directly related to the vital interests of the United States.

In addition to over $2 billion in DOD rescissions, the conference agreement includes a number of rescissions of international and domestic funds, including foreign operations, the Departments of Transportation, Commerce-Justice-State, Interior, Education, Veterans Affairs, and a variety of other accounts. The net effect of the bill on Federal spending is a reduction in excess of $700 million.

Again, I compliment the chairman of the committee, as well as the managers of the Defense Chapter, specifically, Mr. STEVENS and Mr. INOUYE, for a particularly workman-like job in rearranging, in a deficit-neutral manner, the department's accounts so as to support the basic readiness of our armed forces.

Mr. MCCAIN. Mr. President, I want to commend my colleagues on the Appropriations Committee for a conference agreement which is, on the whole, an excellent bill.

It is fully paid for.

It contains needed funds to reimburse DOD for the costs of conducting humanitarian and peacekeeping operations.

It provides full funding for authorized military pay raises.

It rescinds $300 million from TRP and places restrictions on the ability to provide grants for projects with little or no military relevance.

It also rescinds $122 million from the Service R&D accounts for general science and technology programs—low-priority programs with little demonstrable relevance to defense requirements.

It puts in place a requirement to notify Congress in advance of large obligations from the Emergency and Extraordinary Expenses account.

It rescinds funding from excess Guard and Reserve equipment which was added by Congress.

It restores much of the funding in the BRAC cleanup and construction accounts that is recommended for rescission in H.R. 1158, the domestic rescission bill currently before the Senate.

I particularly want to thank my colleague from Montana, Senator BURNS, for his successful efforts in negotiating an excellent compromise with the House regarding elimination of military construction at closing bases. I understand the opposition he faced in defending the provision adopted by the Senate, and I appreciate his diligence. The compromise—which prohibits obligation of funds for military construction at closing bases or for realigning functions—is actually an improvement over the Senate position, since it makes these funds available for other high-priority defense needs, rather than returning them to the Treasury.

Mr. President, there are a few rescissions with which I am not in agreement, namely, the rescission of environmental cleanup funds in the Departments of Defense and Energy. I believe it is irresponsible to reduce these accounts at a time when all indications are that the cost of cleaning up Federal facilities is skyrocketing. These funds will likely have to be restored in the fiscal year 1996 appropriations process.

On March 1, I provided a list of more than $6 billion in suggested rescissions of low-priority and non-defense items funded in the fiscal year 1995 defense bill. With a few exceptions, the Senate chose not to rescind these funds, and they were therefore not within the scope of the conference. However, I believe rescinding earmarked funds would have been a much better decision for the conferees than rescinding environmental restoration funds.

In addition, I am disappointed that the conferees chose not to rescind $400 million for construction of two aeronautical wind tunnels, as proposed by the House. Our nation's fiscal crisis requires that we eliminate projects that do not return good value to the American people. I believe half a billion dollars for wind tunnels is one of those projects that should be cut in favor of a higher purpose—deficit reduction.

I also question the necessity to set aside additional funds in this emergency bill to renovate Penn Station in New York, when many other train stations in the country could probably use a portion of this funding to upgrade their facilities. I understand that this requirement arises from safety concerns and recent fires at the station, but I have not seen any official estimates of repair costs or safety modifications. In addition, last year, cost-sharing was an essential element of providing Federal funding for this

project; I trust that will also be the case with these additional funds.

There are a number of other rescissions which were not accepted by the conferees which could have provided additional deficit reduction in this bill. While these projects are a very, very small part of this bill, I feel it is imperative that I bring to the attention of the Senate that certain Members are still able to protect their special interests at the expense of the American taxpayers.

Mr. President, again, I commend my colleagues, Senator HATFIELD and Senator BYRD, for this conference agreement. On the whole, it is a responsible balance between restoring military readiness funds and eliminating unnecessary Federal spending across-the-board. My outlook on the upcoming fiscal year 1996 appropriations season is much improved because of the excellent work in this bill. I hope we can eliminate, or at least minimize, as this bill does, the earmarks and pork barrel projects in the fiscal year 1996 appropriations bills.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 889, the emergency defense supplemental appropriations and rescission bill for the fiscal year 1995.

The bill provides for a net decrease in fiscal year 1995 budget authority and outlays of $4.0 billion and $1.3 billion, respectively. These are real cuts to the deficit.

Title I of the bill provides supplemental appropriations of $3.1 billion in budget authority and $1.2 billion in outlays for the Department of Defense. These funds, largely for unanticipated contingency operations, are necessary to maintain the readiness of our Armed Forces.

This title also rescinds $2.9 billion in budget authority and $1.2 billion in outlays for various defense programs to help offset the cost of this additional military spending.

Title II provides for non-defense rescissions amounting to $1.1 billion in budget authority and $0.1 billion in outlays for fiscal year 1995. Most of these savings are to be devoted to deficit reduction.

The final bill does include the emergency designation for these additional funds as requested by the President and approved by the House.

I must note, however, that the spending in this bill is largely offset by the rescissions in the bill, and I think this is an important achievement by both the Senate and House.

I thank my colleagues for the fine job they have done, and I urge the adoption of this bill.

Mr. President, I ask unanimous consent that tables showing the relationship of the pending bill to the Appropriations Committee 602 allocations and to the overall spending ceilings under the fiscal year 1995 budget resolution be printed in the RECORD.

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

H.R. 889, DEFENSE EMERGENCY SUPPLEMENTAL AND RESCISSIONS CONFERENCE REPORT

[FY 1995, in millions, CBO scoring]

Subcommittee	Current Status [1]	H.R. 889 [2]	Subcommittee total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
Budge Authority	58,117		58,117	58,118	−1
Outlays	50,330		50,330	50,330	−0
Commerce-Justice:					
Budge Authority	26,873	−180	26,693	26,903	−210
Outlays	25,429	−42	25,387	25,429	−42
Defense:					
Budge Authority	243,628	−2,685	240,943	243,630	−2,687
Outlays	250,661	−1,106	249,555	250,713	−1,158
District of Columbia:					
Budge Authority	712		712	720	−8
Outlays	714		714	722	−8
Energy-Water:					
Budge Authority	20,493	−200	20,293	20,493	−200
Outlays	20,884	−100	20,784	20,888	−104
Foreign Operations:					
Budge Authority	13,679	−142	13,537	13,830	−293
Outlays	13,780	−18	13,762	13,816	−54
Interior:					
Budge Authority	13,578	−2	13,577	13,582	−5
Outlays	13,970	−2	13,968	13,970	−2
Labor-HHS [3]:					
Budge Authority	266,170	−300	265,870	266,170	−300
Outlays	265,730	−12	265,718	265,731	−13
Legislative branch:					
Budge Authority	2,459		2,459	2,460	−1
Outlays	2,472		2,472	2,472	−0
Military construction:					
Budge Authority	8,836	−36	8,800	8,837	−37
Outlays	8,525	−2	8,523	8,554	−31
Transportation:					
Budge Authority	14,265	−72	14,193	14,275	−82
Outlays	37,087	−1	37,085	37,087	−2
Treasury-Postal [4]:					
Budge Authority	23,589		23,589	23,757	−168
Outlays	24,221		24,221	24,225	−4
VA–HUD:					
Budge Authority	90,256	−365	89,891	90,257	−366
Outlays	92,438		92,438	92,439	−1
Reserve:					
Budge Authority				2,311	−2,311
Outlays				1	−1
Total appropriations [5]:					
Budge Authority	782,655	−3,981	778,674	785,343	−6,669
Outlays	806,241	−1,283	804,957	806,377	−1,420

[1] In accordance with the Budget Enforcement Act, these totals do not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[2] In accordance with the Budget Enforcement Act, these totals do not include $3,070 million in budget authority and $1,232 million in outlays in funding for emergencies that have been designated as such by the President and the Congress.

[3] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $1.3 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, $1.3 million, in budget authority and $0.1 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[5] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $1.3 million in budget authority and $1.4 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

Note: Details may not add to totals due to rounding.

Prepared by SBC majority staff, Apr. 6, 1995.

FISCAL YEAR 1995 CURRENT LEVEL—H.R. 880, DEFENSE SUPPLEMENTAL AND RESCISSIONS BILL

[Dollars in billions]

	Budget authority	Outlays
Current level (as of Mar. 24, 1995 [1])	1,236.5	1,217.2
H.R. 889, Defense supplemental and rescissions, conference report [2]	−4.0	−1.3
Total current level	1,232.5	1,215.9
Revised on-budget aggregates [3]	1,238.7	1,217.6
Amount over (+) / under (−) budget aggregates	−6.2	−1.7

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[2] In accordance with the Budget Enforcement Act, these totals do not include $3,070 million in budget authority and $1,232 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

[3] Reflects revised allocation under section 9(g) of House Concurrent Resolution 64 for the deficit-neutral reserve fund.

Note: Details may not add to totals due to rounding.

Prepared by SBC majority staff, Apr. 6, 1995.

Mr. MOYNIHAN. Mr. President, I am pleased to note that the conference report for the Department of Defense supplemental appropriations bill includes an appropriation of $21.5 million for capital improvements associated with safety-related emergency repairs to Pennsylvania Station in New York City.

Pennsylvania Station is the busiest intermodal station in the Nation, with almost 40 percent of Amtrak's passengers nationwide passing through every day. Unfortunately, it is also the most decrepit of the Northeast corridor stations, others of which, such as Washington, DC's own Union Station, have been renovated with Federal grants. Today, Pennsylvania Station handles almost 500,000 riders a day in a subterranean complex that demands improvement. According to the New York City Fire Commissioner, there have been nine major fires at the station since 1987. Luckily, these fires have occurred at off-hours; as it stands, the station could not cope with an emergency when it is crowded with the 42,000 souls who pass through every workday between 8 and 9 a.m. In addition, structural steel in the station has shown its age and needs immediate repair. And these are just the most pressing needs.

There is a redevelopment plan to change things for the better, a $315 million project to renovate the existing Pennsylvania Station and extend it partially into the neighboring historic James A. Farley Post Office, almost doubling the emergency access to the station's platforms which lie far below street level beneath both buildings. Moreover, there is a financing plan in place that could do this with $100 million from the Federal Government ($31.5 million has already been appropriated), $100 million from the State and city, and $115 million from a combination of historic tax credits, bonds supported by revenue from the project's retail component, and building shell improvements by the Postal Service, owner of the James A. Farley Building. Governor Pataki of New York and Mayor Giuliani of New York City strongly support the project and have made available funding in their budgets in accordance with a Memorandum of Agreement signed in August, 1994.

Thanks to our colleagues on the Committee on Appropriations, $21.5 million can now be used immediately for pressing safety repairs at the existing station, in the first step of the overall redevelopment effort. These are the first Federal funds into the project that will actually go toward construction, and they will count towards the Federal share of the $315 million project to transform the station into a complex capable of safely handling the crowds that have made Pennsylvania Station the Nation's busiest intermodal facility. For myself and the 75 million other people a year who use the station, I would like to thank all those who have labored hard to make the station safer, in particular our colleagues Senator HATFIELD, Senator BYRD, and Senator LAUTENBERG.

Mr. THOMPSON. Mr. President, I ask unanimous consent the conference report be agreed to and the motion to reconsider be laid upon the table.

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

So the conference report was agreed to.