

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 U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT—PM 66

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 Governmental Affairs.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the fourth biennial revision (1996-2000) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 14, 1995.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-220. A resolution adopted by the Society For Conservation Biology relative to late successional forests; to the Committee on Agriculture, Nutrition, and Forestry.

POM-221. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE JOINT RESOLUTION 95-1012

"Whereas, the United States Congress is considering measures to reauthorize the federal 1990 Farm Bill, which includes the 'Conservation Program Improvements Act' ('Act'), a voluntary, incentive-based, non-regulatory land retirement program through which farmers and ranchers have enrolled up to 45 million acres of highly erodible land nationally and just under 2 million acres in Colorado; and

"Whereas, the Act empowers farmers and ranchers to protect the long-term food producing capability of the United States by reducing land and water erosion of crop land; and

"Whereas, the Act enables farmers and ranchers to provide excellent wildlife habitat for game and nongame species and to improve badly silted fisheries habitat; and

"Whereas, the Act has protected and improved water quality by reducing sedimentation and nonpoint source pollution; and

"Whereas, the Act has reduced federal farm program expenditures for deficiency payments, diversion payments, and commodity loan and storage payments; and

"Whereas, the Act has supplemented the incomes of over 6,376 farmers and ranchers in

Colorado in return for setting aside highly erodible lands; and

"Whereas, the United States currently has record surplus crop production and will continue to have such in the foreseeable future; now, therefore,

"Be It Resolved by the House of Representatives of the Sixtieth General Assembly of the State of Colorado, the Senate concurring herein: That the Colorado General Assembly hereby requests the United States Congress to fully reauthorize the federal 'Conservation Program Improvements Act', Public Law 101-624.

"Be It Further Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of the United States Department of Agriculture, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Colorado's Congressional delegation."

POM-222. A resolution adopted by the House of the General Assembly of the State of Indiana; to the Committee on Armed Services.

"HOUSE RESOLUTION No. 75

"Whereas, over 27,619 Hoosiers have given their lives for their country in World War I, World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf Conflict, and over 37,510 Hoosiers remain living with service-connected disabilities from injuries inflicted on them while they were serving their country;

"Whereas, those servicemen and servicewomen who have chosen to make a career of defending their country are integral to the success of our military forces throughout the world;

"Whereas, currently disabled veterans receive compensation proportionate to severity of their injuries; and, military retirees, who have served at least 20 years, accrue retirement pay based on longevity;

"Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to eliminate and antiquated inequity which still exists in the federal law applicable to retired career service personnel who also receive service-related disability benefits;

"Whereas, under the 19th century law, these disabled career service personnel are denied concurrent receipt of full retirement pay and disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation benefits;

"Whereas, this discrimination unfairly denies disabled military retirees the longevity pay they have earned by their years of devoted patriotism and loyalty to their country. It, in effect, requires them to pay for their own disability compensation benefits;

"Whereas, many retirees actually returned to active duty to service in Operation Desert Storm and returned home disabled; but, when these loyal Guardsmen and Reservists arrive back home, they were not eligible to receive both VA disability and retirement pay;

"Whereas, no such inequity applies to retired Congress-persons, Federal civil service job-holders, or other retirees who are receiving service-related disability benefits;

"Whereas, America's career service-personnel's commitment to their country-in pursuit of national and international goals—must be matched by their own county's allegiance to them for those sacrifices; and

"Whereas, a statutory change is required to correct this injustice. Now therefore, be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

"Section 1. That the General Assembly of the State of Indiana urges the United States

Congress to amend the United States Code relating to the computation of retired pay to permit full concurrent receipt of military longevity retired pay and service-connected disability compensation benefits.

"Section 2. That the Principal Clerk of the House of Representatives shall send certified copies of this resolution to the presiding officers and the majority and minority leaders of both houses of the Congress of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the Congress of the United States, to the President of the United States, to the Secretary of Defense, and to each member of the Indiana Congressional delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS ON JULY 13, 1995

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

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. FRIST, Mr. DODD, Mr. JEFFORDS, Ms. MIKULSKI, Mr. GREGG, Mr. WELLSTONE, Mr. GORTON, Mr. PELL, Mr. HATCH, Mr. SIMON, Mr. CHAFEE, and Mr. LIEBERMAN):

S. 1028. A bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMPSON (for himself and Mr. BINGAMAN):

S. 1029. A bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for himself, Mr. SIMPSON, Mr. WELLSTONE, and Ms. MOSELEY-BRAUN):

S. 1030. A bill entitled the "Federal Prohibition of Female Genital Mutilation Act of 1995"; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. SIMPSON, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. KEMPTHORNE, and Mr. HELMS):

S. 1031. A bill to transfer the lands administered by the Bureau of Land Management to the State in which the lands are located; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself and Mr. BAUCUS):

S. 1032. A bill to amend the Internal Revenue Code of 1986 to provide nonrecognition treatment for certain transfers by common trust funds to regulated investment companies; to the Committee on Finance.

By Mr. CHAFEE:

S. 1033. An original bill to amend the Federal Water Pollution Control Act to establish uniform national discharge standards for the control of water pollution from vessels of the Armed Forces, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS ON JULY 14, 1995

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

By Mr. BREAUX (for himself and Mr. CHAFFEE):

S. 1034. A bill to amend the Internal Revenue Code of 1986 to provide for a moratorium for the excise tax on diesel fuel sold for or used in noncommercial diesel-powered motorboats and to require the Secretary of the Treasury to study the effectiveness of procedures to collect excise taxes on sales of diesel fuel for noncommercial motorboat use; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. DOLE, Mr. HARKIN, Mr. HATCH, Mr. GRASSLEY, Mr. PELL, Mr. HATFIELD, Mr. SIMON, and Mr. REID):

S. 1035. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Labor and Human Resources.

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

S. 1036. A bill to provide for the prevention of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. FORD:

S. 1037. A bill to amend title 49, United States Code, to provide that the requirement that United States government travel be on United States carriers excludes travel on any aircraft that is not owned or leased, and operated, by a United States person; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1038. A bill to amend the Internal Revenue Code of 1986 to impose a 15 percent tax only on individual taxable earned income and business taxable income, to repeal the estate and gift taxes, to abolish the Internal Revenue Service, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS ON JULY 13, 1995

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. 150. A resolution to authorize testimony by Senate employees and representation by Senate Legal Counsel; considered and agreed to.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS ON JULY 14, 1995

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

By Mr. STEVENS (for himself, Mr. FORD, Mr. DOLE, Mr. DASCHLE, Mr. HATFIELD, Mr. PELL, Mr. HELMS, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mrs. HUTCHISON, Ms. MIKULSKI, and Mr. D'AMATO):

S. Con. Res. 21. A concurrent resolution directing that the "Portrait Monument" carved in the likeness of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, now in the Crypt of the Capitol, be restored to its original state and be placed in the Capitol Rotunda; ordered held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1034. A bill to amend the Internal Revenue Code of 1986 to provide for a

moratorium for the excise tax on diesel fuel sold for or used in noncommercial diesel-powered motorboats and to require the Secretary of the Treasury to study the effectiveness of procedures to collect excise taxes on sales of diesel fuel for noncommercial motorboat use; to the Committee on Finance.

DIESEL FUEL EXCISE TAXES LEGISLATION

• Mr. BREAUX. Mr. President, today I am introducing a bill to help solve a problem that has made it difficult for recreational boaters to obtain diesel fuel on our Nation's waterways. This bill would correct the significant unintended problems created by the federally mandated diesel fuel dyeing scheme contained in the Omnibus Budget Reconciliation Act of 1993. These problems are national in scope and affect every area of the country with significant boating activity.

Under the 1993 changes, fuel that is subject to taxation is clear and fuel that is exempt from taxation is dyed. The problem for boaters arises because while most marinas have only one fuel tank, they provide fuel to both recreational and commercial boats. Commercial boat fuel is exempt from any tax and therefore commercial boat operators seek to purchase dyed fuel. Recreational fuel is taxable and recreational boaters want to purchase clear fuel. Diesel fuel retailers have been forced to choose either one, to incur the significant costs and regulatory burdens of having separate fuel storage tanks from which to pump untaxed—dyed—and taxed—undyed—diesel fuel or two, to pump only one type of diesel fuel. Many marina operators can only afford to maintain one storage tank. Most marina operators in my State of Louisiana find that their primary customer base is made up of commercial boaters and they are choosing to sell the dyed fuels. Thus, recreational boaters have no place to purchase the clear fuel.

With diesel fuel unavailable for recreational boaters, there is a serious danger that some of these boaters may run out of fuel and become stranded before they are able to find a marina that sells clear fuel. As a further consequence, many marina operators are finding that their diesel fuel sales have declined significantly because they are not allowed to sell dyed diesel fuel—the only fuel they have—to recreational boaters.

Mr. President, this is a clear case of unintended consequences. The boaters are willing to pay the tax, they simply cannot find a place to buy the fuel and pay the tax. The bill I am introducing today addresses this problem in a practical manner by:

Having the Treasury Department assess the effectiveness of various procedures for collecting excise taxes on diesel fuel sold for use, or used, in recreational boats and report to Congress within 18 months the results of the study, including any recommendations.

Suspending collection of the tax for 2 years while the Treasury Department conducts this study.

Reinstituting the current collection procedure at the end of the 2-year suspension period if Congress has not enacted legislation to create a new collection procedure.

Mr. President, I believe that this legislation is necessary to increase the availability of diesel fuel to recreational boaters across the country. Passage of this legislation will ultimately lead to improved collection of the diesel fuel tax, prevent a potentially dangerous safety hazard to recreational boaters, and improve the economic viability of many marine fuel retailers. I urge my colleagues to join me in moving this bill forward as soon as possible. •

• Mr. CHAFFEE. Mr. President, I am pleased to join my colleague from Louisiana, Senator BREAUX, in introducing legislation imposing a 2-year moratorium on the collection of the boat diesel fuel tax. This tax has caused diesel fuel shortages across this country.

The Omnibus budget Reconciliation Act of 1993 changed the collection point for the excise tax on diesel fuel. Imposition of the tax was moved from the producer or importer to the terminal rack—the place in the distribution chain where fuel retailers, for example, service stations and boat docks, get their fuel. This change made collecting the diesel fuel tax similar to the system used for gasoline taxes. The intent in making this change was to improve taxpayer compliance and assist the Internal Revenue Service with administering the diesel fuel tax.

Mr. President, collection the tax at the terminal rack works well for gasoline because all of the uses of that fuel are taxable. That is not true for diesel fuel. Home heating oil, which is essentially diesel fuel, is not taxable. Also, diesel fuel used by commercial boaters is not subject to the tax.

Together with moving the collection point of the tax, a dyeing scheme was set up to differentiate diesel fuel on which tax has been paid from fuel which has not been taxed. Dyeing is an important enforcement tool because of the variety of uses of diesel fuel.

Mr. President, I fully support efforts to increase compliance with our tax laws. However, in administering our tax laws, we must be aware of the problems we create. Let me give you a real life example of the problem this tax has created.

Diesel fuel powers many types of boats, the vast majority being commercial boats—such as fishing vessels. Diesel fuel sold to commercial boaters is exempt from the tax, but the same fuel used in a recreational boat is taxable. Under the current collection scheme, fuel sold to the recreational boater must be clear because tax has been paid on that fuel. Fuel sold to the commercial boater must be dyed to show that no tax has been paid. Under no circumstances may dyed fuel be sold to